

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2015 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/9	2/13	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$100.00. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4350			Law Enforcement Officer and E-911 Officer Training and Certification (Re-number and Reorganize)	5/13/15	South Carolina Criminal Justice Academy
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	5/13/15	South Carolina Criminal Justice Academy
4372			Certification	5/13/15	South Carolina Criminal Justice Academy
4466			Procedures for Contested Cases	5/13/15	Department of Health and Envir Control
4461			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/13/15	Department of Health and Envir Control
4464			Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/13/15	Department of Health and Envir Control
4468			Hypodermic Devices; and Drugs and Devices	5/13/15	Department of Health and Envir Control
4454			Commissioners	5/13/15	Public Service Commission
4455			Proceedings	5/13/15	Public Service Commission
4459			Landplaster	5/13/15	Clemson University-State Crop Pest Comm.
4480			Insurance Holding Company Systems	5/13/15	Department of Insurance
4471			Standards for Licensing Ambulatory Surgical Facilities	5/13/15	Department of Health and Envir Control
4490			Plant Pests	5/13/15	Clemson University-State Crop Pest Comm.
4484			Standards for Licensing Community Residential Care Facilities	5/13/15	Department of Health and Envir Control
4485			Standards for Wastewater Facility Construction	5/13/15	Department of Health and Envir Control
4525			Securities	5/13/15	Office of the Attorney General
4482			Particle Accelerators (Title C)	5/13/15	Department of Health and Envir Control
4483			Shellfish	5/13/15	Department of Health and Envir Control
4481			Air Pollution Control Regulations and Standards	5/13/15	Department of Health and Envir Control
4496			Athletic Trainers	5/13/15	Department of Health and Envir Control

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	Judiciary	Judiciary
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4466	Procedures for Contested Cases		
4461	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries		
4464	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence		
4468	Hypodermic Devices; and Drugs and Devices		
4454	Commissioners		
4455	Proceedings		
4459	Landplaster		
4480	Insurance Holding Company Systems		
4471	Standards for Licensing Ambulatory Surgical Facilities		
4490	Plant Pests		
4484	Standards for Licensing Community Residential Care Facilities		
4485	Standards for Wastewater Facility Construction		
4525	Securities		
4482	Particle Accelerators (Title C)		
4483	Shellfish		
4481	Air Pollution Control Regulations and Standards		
4496	Athletic Trainers		

Executive Order No. 2014-34

WHEREAS, James “Jimmy” R. Metts was suspended from the office of Lexington County Sheriff on June 17, 2014 pursuant to Executive Order 2014-29; and

WHEREAS, on December 16, 2014, James “Jimmy” R. Metts resigned from the office of Lexington County Sheriff resulting in a vacancy in this office; and

WHEREAS, the Governor of the State of South Carolina is authorized to appoint a Sheriff in the event of a vacancy pursuant to Section 23-11-40(B) of the South Carolina Code of Laws; and

WHEREAS, Alfred “Lewis” McCarty, residing at 173 Belle Chase Drive in Lexington, South Carolina, is a fit and proper person to serve as Lexington County Sheriff.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State of South Carolina, I hereby appoint Alfred “Lewis” McCarty as Sheriff of Lexington County until a special election is held to elect a sheriff to hold the office and until a sheriff is elected and qualifies.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 19TH DAY OF
DECEMBER, 2014.**

NIKKI R. HALEY

Governor

Executive Order No. 2014-35

WHEREAS, an election was held on November 4, 2014 by the Fairfield County Board of Registration and Elections for the office of Fairfield County Council District 3, the results of which were protested due to voting irregularities; and

WHEREAS, the election was overturned by the Fairfield County Board of Canvassers, and this decision was upheld by the State Board of Canvassers; and

WHEREAS, on December 15, 2014, the State Election Commission submitted to me a request to order a new election for the office of Fairfield County Council District 3 to be held on March 3, 2015; and

WHEREAS, pursuant to Section 7-13-1170 of the South Carolina Code of Laws, “[W]hen any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, [s]he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to h[er] appears adequate to insure the will of the electorate being fairly expressed. To that end, [s]he may designate the existing election official or other person as [s]he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

4 EXECUTIVE ORDERS

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby order that a new election be held for the office of Fairfield County Council District 3 on March 3, 2015 and that the Fairfield County Board of Registration and Elections shall perform all necessary official duties pertaining to the election in accordance with applicable constitutional and statutory provisions.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF DECEMBER, 2014.**

**NIKKI R. HALEY
GOVERNOR**

Executive Order No. 2014-36

WHEREAS, an election was held on November 4, 2014 by the Chester County Board of Registration and Elections for the office of Chester County Supervisor, the results of which were protested due to voting irregularities; and

WHEREAS, the election was overturned by the Chester County Board of Canvassers, and this decision was upheld by the State Board of Canvassers; and

WHEREAS, on December 15, 2014, the State Election Commission submitted to me a request to order a new election for the office of Chester County Supervisor to be held on March 3, 2015; and

WHEREAS, pursuant to Section 7-13-1170 of the South Carolina Code of Laws, “[W]hen any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, [s]he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to h[er] appears adequate to insure the will of the electorate being fairly expressed. To that end, [s]he may designate the existing election official or other person as [s]he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby order that a new election be held for the office of Chester County Supervisor on March 3, 2015 and that the Chester County Board of Registration and Elections shall perform all necessary official duties pertaining to the election in accordance with applicable constitutional and statutory provisions.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF DECEMBER, 2014.**

**NIKKI R. HALEY
GOVERNOR**



State of South Carolina Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

TO: Chester County Board of Registration and Elections
FROM: Swati S. Patel, Chief Legal Counsel to the Office of the Governor
DATE: January 2, 2015
RE: Correction of Scrivener's Error in Executive Order 2014-36

Pursuant to Section 7-13-1170 of the South Carolina Code of Laws, the Governor issued Executive Order 2014-36, ordering a new election for the office of Chester County Supervisor. Be advised that the second clause of the Order contained a scrivener's error, which is hereby corrected as follows, emphasis added:

WHEREAS, the election was *upheld* by the Chester County Board of Canvassers, and this decision was *reversed* by the State Board of Canvassers; and

Nothing in the correction of this error changes or modifies the intent or effect of the Order.

6 NOTICES

DEPARTMENT OF CONSUMER AFFAIRS

ERRATA

28-800. Preneed Funeral Contracts (Doc. 4550)

Preneed Funeral Contracts appear in the December 26, 2014 *State Register* on pages 11-13. The public hearing date has been changed from February 3, 2015 to February 2, 2015 at 2:00 p.m. The public hearing location has been changed from the Conference Room, 2221 Devine Street, Suite 200, Columbia, S.C. 29205 to the Columbia Metropolitan Convention Center, 1101 Lincoln Street, Columbia, S.C. 29201.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication January 23, 2015 for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

Affecting Colleton County

Addition of fifteen (15) psychiatric beds for a total of nineteen (19) psychiatric beds.

Walterboro Community Hospital, Inc. d/b/a Colleton Medical Center

Walterboro, South Carolina

Project Cost: \$10,552.50

Affecting Greenville County

Construction to an existing facility to add eight (8) psychiatric beds for a total of fifty-two (52) psychiatric beds.

Chestnut Hill Mental Health Center, Inc. d/b/a Springbrook Behavioral Health System

Travelers Rest, South Carolina

Project cost: \$400,000

Affecting Greenwood County

Establishment of a new outpatient Narcotic Treatment Program (NTP) in Greenwood County.

Brent Brady d/b/a Greenwood Treatment Specialists

Greenwood, South Carolina

Project cost: \$285,000

Establishment of a new outpatient Narcotic Treatment Program (NTP) in Greenwood County.

Recovery Concepts of Greenwood Abbeville, LLC

Greenwood, South Carolina

Project cost: \$54,640

Affecting Horry County

Construction of an addition to an existing facility to accommodate the transfer (under the same Licensee) of fifty-five (55) acute care beds from McLeod Loris to McLeod Seacoast Hospital for a total of one hundred twenty eight (128) acute care beds at McLeod Seacoast Hospital and a total of sixty (60) acute care beds at McLeod Loris.

McLeod Loris Seacoast Hospital d/b/a McLeod Seacoast Hospital

Little River, South Carolina

Project Cost: \$73,285,878

Affecting Jasper County

Acquisition of a Da Vinci SI Firefly System.

Carolina Medical Center, Inc. d/b/a Coastal Carolina Hospital

Hardeeville, South Carolina

Project Cost: \$3,138,317

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from January 23, 2015. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Robert B. "Sam" Phillips, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Beaufort County

Construction of a new forty (40) bed rehabilitation hospital through the relinquishment of all ten (10) rehab beds from PACE Healthcare, the delicensing of all fourteen (14) rehab beds from Beaufort Memorial Hospital, and the addition of fourteen (14) new rehab beds.

Reliant Bluffton, LLC d/b/a Reliant Bluffton Rehabilitation Hospital

Bluffton, South Carolina

Project Cost: \$19,750,296

Affecting Charleston County

Renovation of existing facility for the addition of fifty-two (52) acute hospital beds for a total of six hundred fifty-six (656) acute hospital beds, purchase of a Siemens Artis Q Biplane; and renovation of the existing inpatient pharmacy.

Medical University Hospital Authority d/b/a Medical University of South Carolina Children's Hospital and Women's Pavilion and Medical University of South Carolina Ashley River Tower

Charleston, South Carolina

Project cost: \$9,178,112

Purchase of Siemens Ysio Max digital radiography imaging machine.

Roper St. Francis Physicians Network d/b/a Roper St. Francis Physician Partners Multispecialty Clinic

Charleston, South Carolina

Project Cost: \$798,743

8 NOTICES

Affecting Cherokee County

Establishment of a new outpatient Narcotic Treatment Program (NTP) to provide methadone treatment at a total project cost of \$375,000.

Brent Brady d/b/a Gaffney Treatment Specialist, Inc.

Gaffney, South Carolina

Project Cost: \$375,000

Affecting Colleton County

Addition of fifteen (15) psychiatric beds for a total of nineteen (19) psychiatric beds.

Walterboro Community Hospital, Inc. d/b/a Colleton Medical Center

Walterboro, South Carolina

Project Cost: \$10,552.50

Affecting Horry County

Construction of a new, freestanding Emergency Department (ED).

Grand Strand Regional Medical Center, LLC d/b/a North Strand Medical Center

North Myrtle Beach, South Carolina

Project Cost: \$9,227,955

Affecting Pickens County

Construction of an addition to an existing facility to add sixteen (16) non-institutional nursing home beds for a total of sixty-eight (68) skilled nursing home beds (22 institutional & 46 non-institutional).

CARC, Inc. d/b/a Clemson Area Retirement Center - Health Care Center

Clemson, South Carolina

Project Cost: \$2,497,936

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4540

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the State Register on November 28, 2014, identified as Document 4540, to promulgate amendments of Regulation 61-7, Emergency Medical Services. The aforementioned Notice scheduled a write-in public comment period that closed December 29, 2014, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for February 12, 2015.

The Public Hearing originally scheduled for February 12, 2015, has been cancelled and rescheduled before the Department's Board for March 12, 2015. The hearing will be held at the regularly-scheduled Board meeting on March 12, 2015, in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department twenty-four (24) hours in advance of the meeting at <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, are asked to provide written copies of their presentations for the record.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4543

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the State Register on November 28, 2014, identified as Document 4543, to promulgate amendments of Regulation 61-17, Standards for Licensing Nursing Homes. The aforementioned Notice scheduled a write-in public comment period that closed December 29, 2014, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for February 12, 2015.

The Public Hearing originally scheduled for February 12, 2015, has been cancelled and rescheduled before the Department's Board for March 12, 2015. The hearing will be held at the regularly-scheduled Board meeting on March 12, 2015, in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department twenty-four (24) hours in advance of the meeting at <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, are asked to provide written copies of their presentations for the record.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation hereby adopts the latest edition of the following nationally recognized code as set forth herein below:

1. Safety Standards for Elevators and Escalators, (ASME) A17.1-2013/CSA B44-13, 2013 edition. This latest version of the code was originally published on October 21, 2013 and became effective on April 21, 2014, with the exceptions of Requirements 8.10.1.1.3 and 8.11.1.1, which became effective immediately.

10 NOTICES

Since publication in October of 2013, the following revisions and editorial changes were made. The Department intends to incorporate these changes as stated:

<u>Page</u>	<u>Location</u>	<u>Change</u>
vii-xii	ASME Foreword	Revised
xxi-xxii	ASME Preface	Revised
xxiv	CSA Preface	Revised
1	1.1.1 In subpara. (c),	last sentence revised
2	1.1.4	Revised

Title editorially revised

2, 5, 6-8,

10, 13-18 Section 1.3 (1) Definition of *accredited certifying organization; accrediting body; base, building; control, mechanical-hydraulic; conveyor, vertical reciprocating (VRC); driving machine, traction climbing; elevator, outside emergency; elevator discharge level; elevator, wind turbine tower; guide rope fixes; guiding means, ladder; hard, copy; maintenance control program (MCP); maintenance interval; maintenance procedure; maintenance task; Occupant Evacuation Operation; operation, automatic call; operation, automatic send; pallet band; platform, landing; records, electronic; seal, adjustment; SIL rated; step band; sway control guide, sway control guide suspension means; tail line; and travel path* added.

2. The original promulgating authority for this code is:

The American Society of Mechanical Engineers (ASME)

22 Law Drive/Box 2300

Fairfield, New Jersey 07007-2300

3. This code is referenced by:

South Carolina Code of Laws, Sections 41-16-10 et seq., and specifically in South Carolina Code of Laws, Section 41-16-40(2).

Elevator Safety Regulations 71-5100(1.).

The South Carolina Department of Labor, Licensing and Regulation specifically requested comments concerning sections of this edition which may be unsuitable for enforcement in South Carolina and received none. Therefore, the South Carolina Department of Labor, Licensing and Regulation will promulgate this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the State of South Carolina.

Mandatory codes include the:

- 2015 Edition of the International Building Code;
- 2015 Edition of the International Residential Code;
- 2015 Edition of the International Fire Code;
- 2015 Edition of the International Plumbing Code;
- 2015 Edition of the International Mechanical Code;
- 2015 Edition of the International Fuel Gas Code;
- 2014 Edition of the National Electrical Code.

Permissive codes include the:

- 2015 Edition of the International Property Maintenance Code;
- 2015 Edition of the International Existing Building Code;
- 2015 Edition of the International Swimming Pool and Spa Code
- 2015 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Roger K. Lowe, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before April 1, 2015.

12 PROPOSED REGULATIONS

Document No. 4560

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-15-20(A), 50-15-60, and 50-15-430(A)

123-151. Regulations for Species or Subspecies of Non-game Wildlife

Preamble:

The South Carolina Department of Natural Resources proposes to amend Regulation 123-151, Regulations for Species or Subspecies of Non-game Wildlife. The following is a section-by-section summary of the proposed changes and additions.

123-151. Regulations for Species or Subspecies of Non-game Wildlife

A. Alligator Harvest

4. wording added to also allow labels on packages of alligator meat.
6. wording added to also allow labels on alligator parts.

B. Depredation Program

- 3.b. wording added for clarification and to allow a label on packages of meat.

C. Private Lands Program

1. Changes the season dates to conform to the statute. Allows the tagging of incidentally taken alligators smaller than four feet, but prohibits commercialization.
2. Rewords section to specify when applications are due for the upcoming season, allows the Department discretion to restrict or deny late applications based on remaining available tags, and adds a requirement to report previous seasons' harvest before a new application will be processed.
5. Specifies set snares to be a legal means of capture under this program.
7. Changes wording to allow possession of tags from more than one property and to change the reporting deadline to conform to changes in statute.
8. Reworded to clarify that the Department may allow the sale or possession of parts by permit.

D. Alligator Hunting Season

1. Changes the wording for Game Zone numbering to conform to changes in statute going from six to four Game Zones beginning this year.
3. Changes the reporting deadline to one month earlier.

E. Sale of Alligator Meat

- 2.b. Adds wording to allow alligator meat from other states to be labeled with any agency charged with food inspection, instead of only the state wildlife agency, when meeting the requirement to officially mark packages of meat.

F. Sale, Barter or Transfer of Alligator Hides or Other Parts

1. Rewords section to allow for temporary marking of alligator parts until processing is completed and allows the sale of parts, other than hides or skulls, without individual pieces being marked.
2. Specifies other parts may be sold if documented with harvester's name, until such time as the item is finished or discarded.
3. Removes the prohibition against possessing an untagged or unmarked alligator part, other than a skull or a hide.

G. Sale of Finished Alligator Products

1. Rewords section for clarity for the sale of legally acquired crocodylian parts.
2. This section is added to state end user of finished products do not have to maintain labeling requirements.

H. This new section is added for Alligator Propagation.

1. This section and subsections are added detailing the permit application process.
2. This section and subsections are added describing facilities locations, construction, and operation.
3. This section and subsections are added detailing alligator harvest and processing at an alligator propagation facility to also include tagging and labeling requirements.

4. This section and subsections are added to specify reporting and record keeping as well as requirements for following permit conditions for all alligator propagation facilities.

A Notice of Drafting was published in the *State Register* on December 26, 2014.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on Tuesday, February 24, 2015 at 10:00 a.m. in Room 335, Third Floor, Rembert C. Dennis Building, Columbia. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than 5:00 p.m. on February 23, 2015.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-151 will result in allowing individuals to enter into the business of alligator propagation. This will generate additional State revenue through propagation permit sales as well as potentially result in opportunities for local economies to benefit through the cost of construction and maintenance of these facilities, and any potential hiring of employees to work at these operations. In addition, changes to current regulations will relax the current marking requirements related to selling small alligator parts, thus reducing the burden on individuals selling small alligator items. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-151 to specify the construction, placement, operation and maintenance of an alligator propagation facility as established by Act No. 159 passed during the 2014 session of the South Carolina General Assembly. The regulation will describe provisions for housing live alligators, as well as the processing of alligators at the facility. The Department also intends to describe the application process and record-keeping requirements of all alligator propagation facilities. In addition, this regulation will correct discrepancies between existing regulations and changes made to 50-15-500 B(3) in 2013 by Act No. 3 passed during the 2013 session of the South Carolina General Assembly. The amendment will also make minor changes to simplify alligator marking requirements.

Legal Authority: Under Section 50-15-20(A) and Section 50-15-60 of the S.C. Code of Laws, the Department of Natural Resources is given authority to develop regulations and management programs to ensure the sustainability of nongame wildlife and to promulgate regulations for nongame and endangered species. In addition, section 50-15-430(A), authorizes the Department of Natural Resources to promulgate regulations for the placement, construction, operation, and maintenance of alligator propagation facilities.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate the regulations in alligator hunting brochures or documents and in alligator propagation brochures or documents. The public will be notified of these publications through news releases and other Department media outlets and its website. In addition, copies of the regulations can be requested from the Department.

14 PROPOSED REGULATIONS

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Since existing regulations do not address alligator propagation facilities, also commonly known as alligator farms, new regulations must be filed to establish placement, construction, operation, and maintenance of alligator propagation facilities. Also, reporting and tagging requirements of alligators taken from these facilities must be established to meet the obligations of the Convention on International Trade in Endangered Species (CITES), as required by the United States Fish and Wildlife Service to ensure continued sale and trade of legally acquired alligator skins from South Carolina.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state. Any needed inspections and reports will be completed by current staff. The statutes governing these regulations describes any application and permit fees. The statute also provides that a performance bond be maintained by an alligator propagation facility in the event the facility closes or is abandoned, and can be used by the Department to clean up and close an alligator propagation facility, if necessary. This amendment of these regulations will result in the ability to establish and operate an alligator propagation facility providing opportunities for local economies to benefit through the cost of construction and maintenance of these facilities, and any potential hiring of employees to work at these operations.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent the public from being able to establish alligator propagation facilities.

Statement of Rationale:

Regulation 123-151 is amended to reflect statutory changes, to establish a means to construct and operate an alligator propagation facility, to clarify conditions for reporting alligator harvest, and to remove the marking requirements of individual small alligator parts.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Filed: December 29, 2014 11:43am

Document No. 4559
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 1-23-130 and 44-7-110 et seq.

61-15. Certification of Need for Health Facilities and Services.

Emergency Situation:

Between July 1, 2013, and April 14, 2014, the South Carolina Department of Health and Environmental Control ("the Department") did not administer the Certificate of Need ("CON") program. As a result, multiple CON-granted projects were not afforded the opportunity to obtain extensions.

Current regulation requires that any entity seeking a staff extension must notify the Department at least 30 days before the CON expires, and any entity seeking a Board extension must notify the Board at least three months before the CON expires. R.61-15, Sections 601 and 602. Due to the suspension of CON for the above timeframe, complying with this notice requirement was an impossibility for some CON holders.

The Department promulgates this emergency regulation to enable CON holders deprived of extension opportunities to request an extension as intended by the governing statute. The Department has previously determined these projects will fulfill an existing need for health services. Absent the opportunity to obtain extensions and move forward with their projects, holders of multiple CONs will be unable to fulfill that need. The Department finds this emergency regulation is required to avoid any imminent peril to public health and welfare that might result from the public's deprivation of these needed health services.

Text:

1. Sections 601, 602, and 603 of R.61-15 are suspended for the period of time in which this emergency regulation is in effect. All requests for Certificate of Need extensions pending as of the effective date of this emergency regulation and all requests for Certificate of Need extensions submitted to the Department during the period of time this emergency regulation is in effect will be processed pursuant to the procedures contained herein.

2. Holders of Certificates of Need with original or extended expiration dates falling on or after July 1, 2013, may request an extension of the Certificate of Need pursuant to the procedures contained herein.

3. Requests for extensions of Certificates of Need shall be submitted to the Department to the attention of the Director of the Certificate of Need Program and shall contain the following information: (a) a copy of the Certificate of Need that is the subject of the request; (b) a brief history of any previous requests for an extension of the Certificate of Need, including copies of any correspondence between the holder of the Certificate of Need and the Department related to such requests; (c) a statement as to the amount of time for which the extension is requested; (d) a description of any changes to the cost, location, services, or scope of the project; (e) a description of any progress on the project; and (f) an estimated timetable for commencement and completion of all remaining components of the project. Based upon the date the Certificate of Need was originally set to expire, the number and length of any previously granted extensions, and the amount of additional time sought in the extension request, the Department will determine whether the extension request requires review by the Board pursuant to Section 44-7-230(D) of the South Carolina Code of Laws. If the extension request requires review by the Board, the Department will forward the information provided by the applicant to the Board for consideration.

16 EMERGENCY REGULATIONS

4. Requests for extensions may be granted by the Department or the Board, as appropriate pursuant to Section 44-7-230(D), upon evidence that substantial progress has been made on the project. Consideration may be given to any evidence presented by the requestor indicating that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause of the delay.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11) (2005):

DESCRIPTION OF REGULATION:

Purpose: Allow current holders of Certificates of Need with an efficient process for requesting extensions of those Certificates when the holders were unable to request such extensions in the normal course due to the suspension of CON Program.

Legal Authority: 1976 Code Sections 1-23-130 and 44-7-110 et seq.

Plan for Implementation: This emergency regulation will be directly enforceable upon filing with the Legislative Council.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT:

This emergency regulation enables CON holders who were deprived of extension opportunities while the CON Program was not administered to request an extension as intended by the governing statute. The Department has previously determined these projects will fulfill an existing need for health services. Absent the opportunity to obtain extensions and move forward with their projects, holders of multiple CONs will be unable to fulfill that public health need.

DETERMINATION OF COSTS AND BENEFITS:

There are no costs associated with this Emergency Regulation.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The public's health will be enhanced by the full implementation of the projects that are associated with these pending Certificates of Need.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION-IS NOT IMPLEMENTED:

The public's health will be negatively impacted if the projects that are associated with these pending Certificates of Need are not implemented because the Department has already determined that the Projects are needed by their respective communities.

Document No. 4561

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticles 6, 7, and 8
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgate the following changes to South Carolina Regulations:

In Subarticle 6 (General Industry):

Revisions to Sections: 1910.36, 1910.141, 1910.269, Table R-3- AC Live-line Work Minimum Approach Distance, Appendix A-2 to Subpart V of Part 1910.269--Application of 1910.269 and Subpart S of this Part to Electrical Safety-Related Work Practices

In Subarticle 7 (Construction):

Revisions to Sections: 1926.51, 1926.960, 1926.968, 1926.1427, Appendix B to Subpart V of Part 1926

In Subarticle 8 (Agriculture):

Revision to Section: 1928.110

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or on the OSHA website at www.OSHA.gov.