



Board of Accountancy  
OIE Status Report  
EOY 2022

<b>Total Complaints Received 1/1/2022-12/31/2022</b>	<b>53</b>
<b>Active Investigations (Average Age—101)</b>	<b>13</b>
<b>Cases Pending Board Action</b>	<b>14</b>
<b>Pending Further Investigation by Another Agency</b>	<b>0</b>
<b>Opened &amp; Closed</b>	<b>2</b>



South Carolina Board of Accountancy  
 ODC Status Report  
 As of January 20, 2023

Open Cases	Pending Hearings & Agreements	Pending Closure	Closed*	Appeals
9	4	0	1	0
		*Closed since last report(10/4/2022):	1	
		Closed since 1/1/22:	2	

Number of Active Credentials by Prefix and  
Subcategory  
Board: ACCOUNTANCY  
as of 1/19/2022

<b>Credential</b>	<b>Description</b>	<b>Count</b>
AFI	ACCOUNTING FIRM IN STATE	1313
AFO	ACCOUNTING FIRM OUT OF STATE	367
AP A	ACCOUNTING PRACTITIONER	62
CPA A	CERTIFIED PUBLIC ACCOUNTANT	6271
PA A	PUBLIC ACCOUNTANT	3
	<b>Subt Total</b>	<b>8016</b>

Number of Active Credentials by Prefix and  
Subcategory  
Board: ACCOUNTANCY  
as of 1/23/2023

<b>Credential</b>	<b>Description</b>	<b>Count</b>
AFI	ACCOUNTING FIRM IN STATE	1306
AFO	ACCOUNTING FIRM OUT OF STATE	358
AP A	ACCOUNTING PRACTITIONER	62
CPA A	CERTIFIED PUBLIC ACCOUNTANT	6270
CPA R	CERTIFIED PUBLIC ACCOUNTANT RETIRED	35
PA A	PUBLIC ACCOUNTANT	3
	<b>Subt Total</b>	<b>8034</b>



# Cash Report

## Board: Accountancy

Updated through: 10/31/22

For Finance Use Only		
Cost Center	Fund	Functional Area
R360DC0018	31350000	R360_0001
R360DC0018	31350000	R360_0009
R360DC0018	31350000	R360_0017

### Cash Summary

Fiscal Year	Cost Center	Beginning Cash Total	Revenue	Direct Expense	Shared Services Expense	Ending Cash Total
2021	Accountancy	616,803.49	623,362.24	309,886.15	290,936.09	639,343.49
2022	Accountancy	639,343.49	628,710	387,612.14	333,206.81	547,234.54
2023	Accountancy	547,234.54	18,585	144,639.81	76,546.67	344,633.06

### Direct Expenditure Summary

Expenditure Groups	Total
Personal Service	87,895.71
Employer Contributions	35,739.95
Contractual Service	4,082.26
Fixed Charges/Rent	10,318.81
MA Assets	
Supplies	3,057.32
Travel	3,545.76
<b>Total:</b>	<b>144,639.81</b>

### Shared Services Summary

Shared Services Summary	Total
Administration Transfers	46,011.71
Immigration Transfers	2,433.7
OIE/Legal Transfers	9,053.24
POL Admin Transfers	19,048.02
<b>Sum:</b>	<b>76,546.67</b>

#### Indirect Expenditure Notes

- 1) Administration Transfers-Include Administrative Services, Director's Office, Advice Counsel and Communications. Percentage of share based on board's previous FY direct expenditure as compared to all boards' total previous FY direct expenditure
- 2) OIE/Legal Transfers-Percentage of share based on previous FY number of investigations conducted for the board compared to OIE's total investigations in the previous FY
- 3) POL Admin Transfers-Percentage of share based on board's previous FY direct expenditure as compared to all POL boards' total previous FY direct expenditure
- 4) Other Transfers-Payment for Immigration and OSHA Provisos (81.7 & 81.8)-Percentage share of total expenses based on board's previous FY direct expenditure as compared to all POL boards' total previous FY direct expenditure; Transfer of 10% of board's FY direct expenditures to the State General Fund per Proviso 81.3



**Expenses by Month-Line Item Detail (KSB1)  
Board: Accountancy**

Cost Center	Cost Center Text	Fund	Functional Area	Data for Month Ending	Posting Month
R360DC0018	Accountancy	31350000	R360_0009	10/31/22	4

GL Category	Posting date	Vendor #	Vendor Text	Fund	GL	GL Text	Cost Center	Cost Center Text	Doc Type	Doc Number	Long Description	Functional Area	Posting Period	Fiscal Year	Amount
PERS SVC	10/26/22	7000059139	JADA MCABEE	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908015	7000059139	R360_0009	4	2023	50
	10/26/22	7000235753	ROBERT P WOOD	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908018	7000235753	R360_0009	4	2023	50
	10/26/22	7000293016	WALDA C WILDMAN	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908013	7000293016	R360_0009	4	2023	50
	10/26/22	7000293026	CHARLES J BROOKS	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908014	7000293026	R360_0009	4	2023	50
	10/26/22	7000293027	DEAN KENNETH WHITENER	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908010	7000293027	R360_0009	4	2023	50
	10/26/22	7000293028	CHRISTOPHER S HUGGINS	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908012	7000293028	R360_0009	4	2023	50
	10/26/22	7000306606	DELTREASE HART-ANDERSON	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908007	7000306606	R360_0009	4	2023	50
	10/26/22	7000306606	DELTREASE HART-ANDERSON	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908009	7000306606	R360_0009	4	2023	50
	10/26/22	7000306606	DELTREASE HART-ANDERSON	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500908011	7000306606	R360_0009	4	2023	50
<b>PERS SVC</b>														<b>Sum</b>	<b>450</b>
CONTRACTUAL SVC	10/6/22	7000247834	TAYLOR COURT REPORT NG LLC	31350000	5021010000	LEGAL SERVICES	R360DC0018	Accountancy	Vendor invoice	3025444921	#	R360_0009	4	2023	343
	10/11/22	7000093035	VERIZON W RELESS	31350000	5020120000	CELLULAR PHONE SVCS	R360DC0018	Accountancy	Invoice - gross	5703594206	#	R360_0009	4	2023	81.47
	10/11/22	7000287356	AHEAD NC	31350000	5020077100	SERVICES- APP SUP	R360DC0018	Accountancy	Invoice - gross	5703594783	#	R360_0009	4	2023	89.19
	10/12/22	7000206241	AT&T	31350000	5020077222	NCV- VOICENET	R360DC0018	Accountancy	Vendor invoice	3025480905	#	R360_0009	4	2023	201.3
	10/13/22	#	Not assigned	31350000	5020077222	NCV- VOICENET	R360DC0018	Accountancy	JV- External	6900027471	#	R360_0009	4	2023	22.17
	10/13/22	7000257430	VITAL RECORDS CONTROL	31350000	5020077210	SERVICES- STORAGE	R360DC0018	Accountancy	Invoice - gross	5703597220	#	R360_0009	4	2023	50.54
	10/17/22	7000200399	NEW AGE PROTECTION INC	31350000	5021599501	SECURITY CONTRACTS	R360DC0018	Accountancy	Invoice - gross	5703599129	#	R360_0009	4	2023	81.6
	10/24/22	7000247834	TAYLOR COURT REPORT NG LLC	31350000	5021010000	LEGAL SERVICES	R360DC0018	Accountancy	Vendor invoice	3025530202	#	R360_0009	4	2023	910
<b>CONTRACTUAL SVC</b>														<b>Sum</b>	<b>1,779.27</b>
SUPPLY AND MATERIAL	10/3/22	7000158077	USPS HASLER	31350000	5030070000	POSTAGE	R360DC0018	Accountancy	Vendor invoice	3025425803	#	R360_0009	4	2023	12.37
	10/4/22	7000178284	SHI NTERNATIONAL CORP	31350000	5030067101	PRGM LIC - APP SUPP	R360DC0018	Accountancy	Invoice - gross	5703587932	#	R360_0009	4	2023	478.27
	10/18/22	7000037018	BANK OF AMERICA-P CARD	31350000	5030010000	OFFICE SUPPLIES	R360DC0018	Accountancy	Vendor invoice	3025500014	#	R360_0009	4	2023	504.45
	10/19/22	000N040000	SC DEPARTMENT OF CORRECTIONS	31350000	5030030000	PR NTED ITEMS	R360DC0018	Accountancy	DT INV Paying Party	3900405526	#	R360_0009	4	2023	62.45
<b>SUPPLY AND MATERIAL</b>														<b>Sum</b>	<b>1,057.54</b>
FIXED CHGS AND CONT	10/3/22	7000246456	T ERPO NT LLC	31350000	5041827000	LEASE SBITA-PRINCIPAL	R360DC0018	Accountancy	Invoice - gross	5703587034	#	R360_0009	4	2023	44.63
	10/3/22	7000246456	T ERPO NT LLC	31350000	5041837000	LEASE SBITA-INTEREST	R360DC0018	Accountancy	Invoice - gross	5703587034	#	R360_0009	4	2023	3.87
	10/10/22	000E550000	SFAA ADM NISTRATION	31350000	5040510000	NSURANCE-STATE	R360DC0018	Accountancy	DT INV Paying Party	3900402576	#	R360_0009	4	2023	1,808.42
	10/12/22	7000053898	XEROX CORPORATION	31350000	5040057000	CONT NGNT RENT - IT	R360DC0018	Accountancy	Invoice - gross	5703595568	#	R360_0009	4	2023	8.34
	10/12/22	7000053898	XEROX CORPORATION	31350000	5041867020	LEASE COP ERS PR N	R360DC0018	Accountancy	Invoice - gross	5703595568	#	R360_0009	4	2023	5.92
	10/12/22	7000053898	XEROX CORPORATION	31350000	5041867030	LEASE COP ERS INT	R360DC0018	Accountancy	Invoice - gross	5703595568	#	R360_0009	4	2023	0.13



**Expenses by Month-Line Item Detail (KSB1)  
Board: Accountancy**

GL Category	Posting date	Vendor #	Vendor Text	Fund	GL	GL Text	Cost Center	Cost Center Text	Doc Type	Doc Number	Long Description	Functional Area	Posting Period	Fiscal Year	Amount
<b>FIXED CHGS AND CONT</b>														<b>Sum</b>	<b>1,871.31</b>
TRAVEL	10/26/22	7000059139	JADA MCABEE	31350000	5050040000	N ST-AUTO M LEAGE	R360DC0018	Accountancy	TRAVEL	3500908015	7000059139	R360_0009	4	2023	117.5
	10/26/22	7000059139	JADA MCABEE	31350000	5051520000	REPORTABLE MEALS	R360DC0018	Accountancy	TRAVEL	3500908015	7000059139	R360_0009	4	2023	10
	10/26/22	7000235753	ROBERT P WOOD	31350000	5050040000	N ST-AUTO M LEAGE	R360DC0018	Accountancy	TRAVEL	3500908018	7000235753	R360_0009	4	2023	10
	10/26/22	7000293016	WALDA C WILDMAN	31350000	5050040000	N ST-AUTO M LEAGE	R360DC0018	Accountancy	TRAVEL	3500908013	7000293016	R360_0009	4	2023	15
	10/26/22	7000293016	WALDA C WILDMAN	31350000	5051520000	REPORTABLE MEALS	R360DC0018	Accountancy	TRAVEL	3500908013	7000293016	R360_0009	4	2023	10
	10/26/22	7000293026	CHARLES J BROOKS	31350000	5050040000	N ST-AUTO M LEAGE	R360DC0018	Accountancy	TRAVEL	3500908014	7000293026	R360_0009	4	2023	15
	10/26/22	7000293026	CHARLES J BROOKS	31350000	5051520000	REPORTABLE MEALS	R360DC0018	Accountancy	TRAVEL	3500908014	7000293026	R360_0009	4	2023	10
	10/26/22	7000293027	DEAN KENNETH WHITENER	31350000	5050040000	N ST-AUTO M LEAGE	R360DC0018	Accountancy	TRAVEL	3500908010	7000293027	R360_0009	4	2023	168.75
	10/26/22	7000293027	DEAN KENNETH WHITENER	31350000	5051520000	REPORTABLE MEALS	R360DC0018	Accountancy	TRAVEL	3500908010	7000293027	R360_0009	4	2023	10
	10/26/22	7000293028	CHRISTOPHER S HUGGINS	31350000	5050040000	N ST-AUTO M LEAGE	R360DC0018	Accountancy	TRAVEL	3500908012	7000293028	R360_0009	4	2023	178.75
	10/26/22	7000293028	CHRISTOPHER S HUGGINS	31350000	5051520000	REPORTABLE MEALS	R360DC0018	Accountancy	TRAVEL	3500908012	7000293028	R360_0009	4	2023	10
<b>TRAVEL</b>														<b>Sum</b>	<b>555</b>
														<b>Sum</b>	<b>5,713.12</b>



## Monthly Expenses by GL Code (ZBD1)

Board: Accountancy

Cost Center	Cost Center Text	Functional Area	Fund	Data current Through	Reporting Month
Accountancy	R360DC0018	R360_0009	31350000	10/31/22	4

GL Category	GL Code	GL Text	MTD Expense	YTD Expense	Open POs
PERS SVC	501058	CLASSIFIED POS			
	5010580000	CLASSIFIED POSITIONS	7,992.9	65,401.99	
	501070	OTH PERS SVC			
	5010710000	TEMPORARY POSITIONS	7,400	21,100	
	5010720000	PER DIEM	450	1,350	0
	5010730000	OT & SHIFT DIFFERENT		43.72	
<b>PERS SVC</b>		<b>Sum:</b>	<b>15,842.9</b>	<b>87,895.71</b>	<b>0</b>

EMPLOYER CONTRIB	513000	EMPLOYER CONTRIB			
	5130010000	RET-SRS	3,323.48	17,928.91	
	5130080000	RET-ORP	318.47	2,547.77	
	5130310000	SOCIAL SEC-ST EMPLOY	1,129.44	6,238.09	
	5130400000	INS WORKERS COMP		2,240.78	0
	5130500000	INS UNEMPLY COMP	43.34	43.34	0
	5130610000	INS HEALTH-ST EMPLOY	720.75	6,375.36	
	5130670000	INS DENTAL- ST EMPLOY	26.96	235.9	
	5130710000	PRE-RET DTH-ST EMP	21.07	113.64	
	5130780000	PRE-RET DTH BEN-ORP	2.02	16.16	
<b>EMPLOYER CONTRIB</b>		<b>Sum:</b>	<b>5,585.53</b>	<b>35,739.95</b>	<b>0</b>

CAPITAL EQUIPMENT	506000	CAPITAL EQUIPMENT			
<b>CAPITAL EQUIPMENT</b>		<b>Sum:</b>			

CONTRACTUAL SVC	502000	CONTRACTUAL SVC			
	5020077100	SERVICES- APP SUP	89.19	89.19	0
	5020077110	SERVICES- DATA NET			15.96
	5020077210	SERVICES- STORAGE	50.54	202.2	404.28
	5020077222	NCV- VOICENET	223.47	873.55	0
	5020120000	CELLULAR PHONE SVCS	81.47	244.78	836.85
	5021010000	LEGAL SERVICES	1,253	2,421.5	0
	5021599501	SECURITY CONTRACTS	81.6	251.04	658.96
<b>CONTRACTUAL SVC</b>		<b>Sum:</b>	<b>1,779.27</b>	<b>4,082.26</b>	<b>1,916.05</b>





## Monthly Expenses by GL Code (ZBD1)

### Board: Accountancy

GL Category	GL Code	GL Text	MTD Expense	YTD Expense	Open POs
FIXED CHGS AND CONT	504000	FIXED CHGS AND CONT			
	5040057000	CONTINGNT RENT - IT	8.34	29.15	65.65
	5040510000	INSURANCE-STATE	1,808.42	2,137.04	0
	5041010000	DUES & MEMBER FEES		5,300	0
	5041827000	LEASE SBITA-PRINCPAL	44.63	133.5	407.47
	5041837000	LEASE SBITA-INTEREST	3.87	12	29.06
	5041840000	LEASE BLDG PRINCIPAL		2,672.88	2,682.52
	5041850000	LEASE BLDG INTEREST		16.08	6.44
	5041867020	LEASE COPIERS PRIN	5.92	17.69	17.92
	5041867030	LEASE COPIERS INT	0.13	0.47	0.24
<b>FIXED CHGS AND CONT</b>		<b>Sum:</b>	<b>1,871.31</b>	<b>10,318.81</b>	<b>3,209.3</b>
SUPPLY AND MATERIAL	503000	SUPPLY AND MATERIAL			
	5030010000	OFFICE SUPPLIES	504.45	596.46	10.26
	5030030000	PRINTED ITEMS	62.45	62.45	0
	5030067101	PRGM LIC - APP SUPP	478.27	2,286.27	0
	5030067150	EQUIP&SUPP- MNFRAME			0
	5030067191	PLM- INFOSEC			0
	5030070000	POSTAGE	12.37	99.2	0
	5033010000	FOOD SUPPLIES - FOOD		12.94	0
<b>SUPPLY AND MATERIAL</b>		<b>Sum:</b>	<b>1,057.54</b>	<b>3,057.32</b>	<b>10.26</b>
TRAVEL	505000	TRAVEL			
	5050040000	IN ST-AUTO MILEAGE	505	1,625.76	0
	5050070000	TRNG-IN-ST REG FEES		1,075	0
	5050510000	OUT ST-MEALS-NON-REP		40	0
	5050570000	TRNG-OUT-ST REG FEE		655	0
	5051520000	REPORTABLE MEALS	50	150	0
<b>TRAVEL</b>		<b>Sum:</b>	<b>555</b>	<b>3,545.76</b>	<b>0</b>
		<b>Sum:</b>	<b>26,691.55</b>	<b>144,639.81</b>	<b>5,135.61</b>



# Cash Report

## Board: Accountancy

Updated through: 11/30/22

For Finance Use Only		
Cost Center	Fund	Functional Area
R360DC0018	31350000	R360_0001
R360DC0018	31350000	R360_0009
R360DC0018	31350000	R360_0017

### Cash Summary

Fiscal Year	Cost Center	Beginning Cash Total	Revenue	Direct Expense	Shared Services Expense	Ending Cash Total
2021	Accountancy	616,803.49	623,362.24	309,886.15	290,936.09	639,343.49
2022	Accountancy	639,343.49	628,710	387,612.14	333,206.81	547,234.54
2023	Accountancy	547,234.54	34,317	196,687.26	90,337.13	294,527.15

### Direct Expenditure Summary

Expenditure Groups	Total
Personal Service	123,782.69
Employer Contributions	44,681.81
Contractual Service	4,945.05
Fixed Charges/Rent	12,169.36
MA Assets	
Supplies	3,079.17
Travel	8,029.18
<b>Total:</b>	<b>196,687.26</b>

### Shared Services Summary

Shared Services Summary	Total
Administration Transfers	54,560.74
Immigration Transfers	2,830.18
OIE/Legal Transfers	10,519.83
POL Admin Transfers	22,426.38
<b>Sum:</b>	<b>90,337.13</b>

#### Indirect Expenditure Notes

- 1) Administration Transfers-Include Administrative Services, Director's Office, Advice Counsel and Communications. Percentage of share based on board's previous FY direct expenditure as compared to all boards' total previous FY direct expenditure
- 2) OIE/Legal Transfers-Percentage of share based on previous FY number of investigations conducted for the board compared to OIE's total investigations in the previous FY
- 3) POL Admin Transfers-Percentage of share based on board's previous FY direct expenditure as compared to all POL boards' total previous FY direct expenditure
- 4) Other Transfers-Payment for Immigration and OSHA Provisos (81.7 & 81.8)-Percentage share of total expenses based on board's previous FY direct expenditure as compared to all POL boards' total previous FY direct expenditure; Transfer of 10% of board's FY direct expenditures to the State General Fund per Proviso 81.3



**Expenses by Month-Line Item Detail (KSB1)  
Board: Accountancy**

Cost Center	Cost Center Text	Fund	Functional Area	Data for Month Ending	Posting Month
R360DC0018	Accountancy	31350000	R360_0009	11/30/22	5

GL Category	Posting date	Vendor #	Vendor Text	Fund	GL	GL Text	Cost Center	Cost Center Text	Doc Type	Doc Number	Long Description	Functional Area	Posting Period	Fiscal Year	Amount	
PERS SVC	11/15/22	7000059139	JADA MCABEE	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500911583	7000059139	R360_0009	5	2023	200	
	11/15/22	7000302626	LORA W PREVATTE	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500911479	7000302626	R360_0009	5	2023	50	
	11/23/22	7000293028	CHRISTOPHER S HUGGINS	31350000	5010720000	PER DIEM	R360DC0018	Accountancy	TRAVEL	3500913243	7000293028	R360_0009	5	2023	50	
<b>PERS SVC</b>															<b>Sum</b>	<b>300</b>
CONTRACTUAL SVC	11/10/22	7000200399	NEW AGE PROTECTION INC	31350000	5021599501	SECURITY CONTRACTS	R360DC0018	Accountancy	Invoice - gross	5703620437	#	R360_0009	5	2023	81.59	
	11/14/22	7000093035	VERIZON W RELESS	31350000	5020120000	CELLULAR PHONE SVCS	R360DC0018	Accountancy	Invoice - gross	5703621695	#	R360_0009	5	2023	81.36	
	11/14/22	7000093035	VERIZON W RELESS	31350000	5020120000	CELLULAR PHONE SVCS	R360DC0018	Accountancy	Invoice - gross	5703621896	#	R360_0009	5	2023	-81.36	
	11/14/22	7000093035	VERIZON W RELESS	31350000	5020120000	CELLULAR PHONE SVCS	R360DC0018	Accountancy	Invoice - gross	5703621960	#	R360_0009	5	2023	81.36	
	11/14/22	7000137071	CAPITAL CITY REPORTING	31350000	5021010000	LEGAL SERVICES	R360DC0018	Accountancy	Vendor invoice	3026144438	#	R360_0009	5	2023	0	
	11/14/22	7000137071	CAPITAL CITY REPORTING	31350000	5021010000	LEGAL SERVICES	R360DC0018	Accountancy	Vendor invoice	3026157360	#	R360_0009	5	2023	448	
	11/14/22	7000206241	AT&T	31350000	5020077222	NCV- VOICENET	R360DC0018	Accountancy	Vendor invoice	3026138900	#	R360_0009	5	2023	201.3	
	11/15/22	7000257430	VITAL RECORDS CONTROL	31350000	5020077210	SERVICES- STORAGE	R360DC0018	Accountancy	Invoice - gross	5703622934	#	R360_0009	5	2023	50.54	
	11/22/22	7000253517	COLA CITY REPORTING	31350000	5021010000	LEGAL SERVICES	R360DC0018	Accountancy	Vendor invoice	3027006687	#	R360_0009	5	2023	0	
<b>CONTRACTUAL SVC</b>															<b>Sum</b>	<b>862.79</b>
SUPPLY AND MATERIAL	11/1/22	7000158077	USPS HASLER	31350000	5030070000	POSTAGE	R360DC0018	Accountancy	Vendor invoice	3025577860	#	R360_0009	5	2023	10.56	
	11/1/22	7000158077	USPS HASLER	31350000	5030070000	POSTAGE	R360DC0018	Accountancy	Vendor invoice	3025580391	#	R360_0009	5	2023	11.29	
	11/1/22	7000158077	USPS HASLER	31350000	5030070000	POSTAGE	R360DC0018	Accountancy	Vendor document	3200325070	#	R360_0009	5	2023	-10.56	
	11/2/22	7000158077	USPS HASLER	31350000	5030070000	POSTAGE	R360DC0018	Accountancy	Vendor invoice	3025583664	#	R360_0009	5	2023	10.56	
<b>SUPPLY AND MATERIAL</b>															<b>Sum</b>	<b>21.85</b>
FIXED CHGS AND CONT	11/1/22	7000246456	TIERPOINT LLC	31350000	5041827000	LEASE SBITA-PRINCPAL	R360DC0018	Accountancy	Invoice - gross	5703611166	#	R360_0009	5	2023	44.76	
	11/1/22	7000246456	TIERPOINT LLC	31350000	5041837000	LEASE SBITA- NTEREST	R360DC0018	Accountancy	Invoice - gross	5703611166	#	R360_0009	5	2023	3.75	
	11/16/22	7000053898	XEROX CORPORATION	31350000	5040057000	CONTINGNT RENT - IT	R360DC0018	Accountancy	Invoice - gross	5703623571	#	R360_0009	5	2023	3 34	
	11/16/22	7000053898	XEROX CORPORATION	31350000	5041867020	LEASE COPIERS PRIN	R360DC0018	Accountancy	Invoice - gross	5703623571	#	R360_0009	5	2023	5 95	
	11/16/22	7000053898	XEROX CORPORATION	31350000	5041867030	LEASE COPIERS INT	R360DC0018	Accountancy	Invoice - gross	5703623571	#	R360_0009	5	2023	0.11	
	11/29/22	7000277296	BV DRP SYNERGY II OWNER LLC	31350000	5041840000	LEASE BLDG PR NCIPAL	R360DC0018	Accountancy	Invoice - gross	5703631644	#	R360_0009	5	2023	893.1	
	11/29/22	7000277296	BV DRP SYNERGY II OWNER LLC	31350000	5041850000	LEASE BLDG INTEREST	R360DC0018	Accountancy	Invoice - gross	5703631644	#	R360_0009	5	2023	3 22	



**Expenses by Month-Line Item Detail (KSB1)  
Board: Accountancy**

GL Category	Posting date	Vendor #	Vendor Text	Fund	GL	GL Text	Cost Center	Cost Center Text	Doc Type	Doc Number	Long Description	Functional Area	Posting Period	Fiscal Year	Amount	
	11/30/22	7000277296	BV DRP SYNERGY II OWNER LLC	31350000	5041840000	LEASE BLDG PR NCIPAL	R360DC0018	Accountancy	Invoice - gross	5703632398	#	R360_0009	5	2023	894.17	
	11/30/22	7000277296	BV DRP SYNERGY II OWNER LLC	31350000	5041850000	LEASE BLDG INTEREST	R360DC0018	Accountancy	Invoice - gross	5703632398	#	R360_0009	5	2023	2.15	
<b>FIXED CHGS AND CONT</b>															<b>Sum</b>	<b>1,850.55</b>
TRAVEL	11/10/22	30153509	SUSANNA	31350000	5050510000	OUT ST-MEALS-NON-REP	R360DC0018	Accountancy	TRAVEL	3500911190	0030153509	R360_0009	5	2023	100	
	11/10/22	30153509	SUSANNA	31350000	5050520000	OUT ST-LODGING	R360DC0018	Accountancy	TRAVEL	3500911190	0030153509	R360_0009	5	2023	1,027.98	
	11/10/22	30153509	SUSANNA	31350000	5050541000	HR TRV-OUT ST MILE	R360DC0018	Accountancy	TRAVEL	3500911190	0030153509	R360_0009	5	2023	80.73	
	11/10/22	30153509	SUSANNA	31350000	5050550000	OUT ST-OTHER TRANS	R360DC0018	Accountancy	TRAVEL	3500911190	0030153509	R360_0009	5	2023	37.89	
	11/10/22	30153509	SUSANNA	31350000	5050560000	OUT ST-MISC TR EXPEN	R360DC0018	Accountancy	TRAVEL	3500911190	0030153509	R360_0009	5	2023	60	
	11/15/22	7000059139	JADA MCABEE	31350000	5050510000	OUT ST-MEALS-NON-REP	R360DC0018	Accountancy	TRAVEL	3500911583	7000059139	R360_0009	5	2023	200	
	11/15/22	7000059139	JADA MCABEE	31350000	5050520000	OUT ST-LODGING	R360DC0018	Accountancy	TRAVEL	3500911583	7000059139	R360_0009	5	2023	1,027.98	
	11/15/22	7000059139	JADA MCABEE	31350000	5050530000	OUT ST-AIR TRANS	R360DC0018	Accountancy	TRAVEL	3500911583	7000059139	R360_0009	5	2023	802.69	
	11/15/22	7000059139	JADA MCABEE	31350000	5050540000	OUT ST-AUTO M LEAGE	R360DC0018	Accountancy	TRAVEL	3500911583	7000059139	R360_0009	5	2023	31.25	
	11/15/22	7000059139	JADA MCABEE	31350000	5050550000	OUT ST-OTHER TRANS	R360DC0018	Accountancy	TRAVEL	3500911583	7000059139	R360_0009	5	2023	51.15	
	11/15/22	7000059139	JADA MCABEE	31350000	5050560000	OUT ST-MISC TR EXPEN	R360DC0018	Accountancy	TRAVEL	3500911583	7000059139	R360_0009	5	2023	80	
	11/15/22	7000059139	JADA MCABEE	31350000	5050570000	TRNG-OUT-ST REG FEE	R360DC0018	Accountancy	TRAVEL	3500911583	7000059139	R360_0009	5	2023	635	
	11/15/22	7000302626	LORA W PREVATTE	31350000	5050040000	IN ST-AUTO MILEAGE	R360DC0018	Accountancy	TRAVEL	3500911479	7000302626	R360_0009	5	2023	158.75	
	11/15/22	7000302626	LORA W PREVATTE	31350000	5051520000	REPORTABLE MEALS	R360DC0018	Accountancy	TRAVEL	3500911479	7000302626	R360_0009	5	2023	10	
	11/23/22	7000293028	CHRISTOPHER S HUGGINS	31350000	5050040000	IN ST-AUTO MILEAGE	R360DC0018	Accountancy	TRAVEL	3500913243	7000293028	R360_0009	5	2023	180	
<b>TRAVEL</b>															<b>Sum</b>	<b>4,483.42</b>
															<b>Sum</b>	<b>7,518.61</b>



## Monthly Expenses by GL Code (ZBD1)

Board: Accountancy

Cost Center	Cost Center Text	Functional Area	Fund	Data current Through	Reporting Month
Accountancy	R360DC0018	R360_0009	31350000	11/30/22	5

GL Category	GL Code	GL Text	MTD Expense	YTD Expense	Open POs
PERS SVC	501058	CLASSIFIED POS			
	5010580000	CLASSIFIED POSITIONS	16,241.98	81,643.97	
	501070	OTH PERS SVC			
	5010710000	TEMPORARY POSITIONS	11,800	32,900	
	5010720000	PER DIEM	300	1,650	0
	5010730000	OT & SHIFT DIFFERENT	1,545	1,588.72	
	5011000000	ONE TIME BONUS-PROV	6,000	6,000	
<b>PERS SVC</b>		<b>Sum:</b>	<b>35,886.98</b>	<b>123,782.69</b>	<b>0</b>

EMPLOYER CONTRIB	513000	EMPLOYER CONTRIB			
	5130010000	RET-SRS	4,139.01	22,067.92	
	5130080000	RET-ORP	636.94	3,184.71	
	5130310000	SOCIAL SEC-ST EMPLY	2,626.11	8,864.2	
	5130400000	INS WORKERS COMP		2,240.78	0
	5130500000	INS UNEMPLY COMP		43.34	0
	5130610000	INS HEALTH-ST EMPLY	1,441.5	7,816.86	
	5130670000	INS DENTAL- ST EMPLY	53.92	289.82	
	5130710000	PRE-RET DTH-ST EMP	40.34	153.98	
	5130780000	PRE-RET DTH BEN-ORP	4.04	20.2	
<b>EMPLOYER CONTRIB</b>		<b>Sum:</b>	<b>8,941.86</b>	<b>44,681.81</b>	<b>0</b>

CAPITAL EQUIPMENT	506000	CAPITAL EQUIPMENT			
<b>CAPITAL EQUIPMENT</b>		<b>Sum:</b>			

CONTRACTUAL SVC	502000	CONTRACTUAL SVC			
	5020077100	SERVICES- APP SUP		89.19	0
	5020077110	SERVICES- DATA NET			15.96
	5020077210	SERVICES- STORAGE	50.54	252.74	353.74
	5020077222	NCV- VOICENET	201.3	1,074.85	0
	5020120000	CELLULAR PHONE SVCS	81.36	326.14	750.41
	5021010000	LEGAL SERVICES	448	2,869.5	0
	5021599501	SECURITY CONTRACTS	81.59	332.63	577.37



## Monthly Expenses by GL Code (ZBD1)

### Board: Accountancy

GL Category	GL Code	GL Text	MTD Expense	YTD Expense	Open POs
<b>CONTRACTUAL SVC</b>		<b>Sum:</b>	<b>862.79</b>	<b>4,945.05</b>	<b>1,697.48</b>
FIXED CHGS AND CONT	504000	FIXED CHGS AND CONT			
	5040057000	CONTINGNT RENT - IT	3.34	32.49	62.32
	5040510000	INSURANCE-STATE		2,137.04	0
	5041010000	DUES & MEMBER FEES		5,300	0
	5041827000	LEASE SBITA-PRINCPAL	44.76	178.26	362.71
	5041837000	LEASE SBITA-INTEREST	3.75	15.75	25.31
	5041840000	LEASE BLDG PRINCIPAL	1,787.27	4,460.15	895.25
	5041850000	LEASE BLDG INTEREST	5.37	21.45	1.07
	5041867020	LEASE COPIERS PRIN	5.95	23.64	11.97
	5041867030	LEASE COPIERS INT	0.11	0.58	0.13
<b>FIXED CHGS AND CONT</b>		<b>Sum:</b>	<b>1,850.55</b>	<b>12,169.36</b>	<b>1,358.76</b>
SUPPLY AND MATERIAL	503000	SUPPLY AND MATERIAL			
	5030010000	OFFICE SUPPLIES		596.46	10.26
	5030030000	PRINTED ITEMS		62.45	0
	5030067101	PRGM LIC - APP SUPP		2,286.27	0
	5030067150	EQUIP&SUPP- MNFRAME			0
	5030067191	PLM- INFOSEC			357.28
	5030067201	PLM- SERVERS			36.28
	5030070000	POSTAGE	21.85	121.05	0
	5033010000	FOOD SUPPLIES - FOOD		12.94	0
<b>SUPPLY AND MATERIAL</b>		<b>Sum:</b>	<b>21.85</b>	<b>3,079.17</b>	<b>403.82</b>
TRAVEL	505000	TRAVEL			
	5050010000	IN ST-MEALS-NON-REP			0
	5050020000	IN ST-LODGING			0
	5050040000	IN ST-AUTO MILEAGE	338.75	1,964.51	0
	5050041000	HR-IN ST-AUTO MILES			0
	5050050000	IN ST-OTHER TRANS			0
	5050060000	IN ST-MISC TR EXP			0
	5050070000	TRNG-IN-ST REG FEES		1,075	0
	5050510000	OUT ST-MEALS-NON-REP	300	340	0
	5050520000	OUT ST-LODGING	2,055.96	2,055.96	0
	5050530000	OUT ST-AIR TRANS	802.69	802.69	0



LABOR  
LICENSING  
REGULATION

## Monthly Expenses by GL Code (ZBD1)

### Board: Accountancy

GL Category	GL Code	GL Text	MTD Expense	YTD Expense	Open POs
	5050540000	OUT ST-AUTO MILEAGE	31.25	31.25	0
	5050541000	HR-OUT ST-AUTO MILES	80.73	80.73	0
	5050550000	OUT ST-OTHER TRANS	89.04	89.04	0
	5050560000	OUT ST-MISC TR EXPEN	140	140	0
	5050570000	TRNG-OUT-ST REG FEE	635	1,290	0
	5051520000	REPORTABLE MEALS	10	160	0
<b>TRAVEL</b>		<b>Sum:</b>	<b>4,483.42</b>	<b>8,029.18</b>	<b>0</b>
		<b>Sum:</b>	<b>52,047.45</b>	<b>196,687.26</b>	<b>3,460.06</b>

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# ***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.

## **2022 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

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## **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.

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South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

<b>DOC. NO.</b>	<b>RAT. NO.</b>	<b>FINAL ISSUE</b>	<b>SUBJECT</b>	<b>EXP. DATE</b>	<b>AGENCY</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
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## 2 EXECUTIVE ORDERS

### Executive Order No. 2022-28

**WHEREAS**, the National Hurricane Center has determined from the latest forecast models that Hurricane Ian, which is currently a category 4 hurricane, is anticipated to make landfall along the coast of the State of Florida today, and is thereafter expected to impact the State of South Carolina and other areas in the southeastern region of the United States; and

**WHEREAS**, according to preliminary forecasts, Hurricane Ian and the severe weather conditions associated therewith have the potential to cause significant damage to public and private property and to disrupt essential utility services and other critical systems throughout the State of South Carolina; and

**WHEREAS**, the undersigned has been advised that Hurricane Ian, including the anticipated strong winds, heavy rain, flash flooding, dangerous storm surge, and other hazardous weather conditions, represents a significant threat to the State of South Carolina, which requires that the State proactively prepare for the potential impacts and take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

**WHEREAS**, in light of the foregoing circumstances, the undersigned has determined that it is necessary and appropriate to take additional proactive action to expedite ongoing preparations and to facilitate future emergency management, response, recovery, and relief efforts in connection with Hurricane Ian and the forecasted severe weather conditions and anticipated impacts associated with the same; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, in accordance with section 56-5-70(A) of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet, and requirements relating to time of service suspensions for commercial and utility vehicles travelling on interstate and non-interstate routes are suspended for up to thirty (30) days, unless extended for additional periods pursuant to the Federal Motor Carrier Safety Regulations; and

**WHEREAS**, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*, and federal law prescribes certain weight limitations for vehicles on interstate highways, 23 U.S.C. § 127; and

**WHEREAS**, pursuant to 49 C.F.R. § 390.23, the governor of a state may suspend certain federal rules and regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; and

**WHEREAS**, the undersigned has determined that the prompt restoration of utility services and the uninterrupted transportation of essential goods, equipment, and products to or from the impacted areas are critical to the safety and welfare of the people of South Carolina and neighboring States, such that it is necessary and appropriate for the State of South Carolina to expedite ongoing preparations and support further emergency management, response, recovery, and relief efforts by facilitating the operation of critical transportation services; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, after conferring with the relevant state and federal agencies, officials, and experts, the undersigned has determined that Hurricane Ian and the forecasted severe weather conditions and anticipated impacts associated therewith constitute an actual or imminent emergency for the State of South Carolina and that extraordinary measures are necessary to cope with the existing or anticipated situation.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

**Section 1. Emergency Measures**

A. I hereby activate the South Carolina Emergency Operations Plan ("Plan") and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to prepare for and respond to the forecasted severe weather related to Hurricane Ian and the potential impacts associated with the same. I further direct the utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

B. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment, in the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division ("EMD"), to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

C. I hereby order that all licensing and registration requirements regarding private security personnel or companies contracting with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division ("SLED") to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

D. I hereby authorize and direct any agency within the undersigned's Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as

## 4 EXECUTIVE ORDERS

amended, through its respective director or secretary, to waive or “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,” in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

E. I hereby authorize and direct state agencies and departments to utilize the emergency procurement procedures set forth in section 11-35-1570 of the South Carolina Code of Laws, as amended, and any regulations issued pursuant thereto, as necessary and appropriate, to facilitate and expedite the acquisition of any critical materials, resources, or services during the State of Emergency.

F. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of the State of Emergency.

G. I hereby waive the requirement of a written mutual aid agreement for law enforcement services authorized by the Law Enforcement Assistance and Support Act, codified as amended in Title 23, Chapter 20 of the South Carolina Code of Laws, during the State of Emergency in accordance with section 23-20-60 of the South Carolina Code of Laws, as amended.

H. I hereby authorize and direct state agencies and departments, including state-supported colleges, universities, and technical colleges, to follow county government closure determinations, consistent with the normal state procedure associated with hazardous weather conditions, for purposes of closing state government offices in any such counties or operating the same on an abbreviated schedule to ensure the safety of state employees and the general public. Emergency or other critical personnel designated and determined by, and in the sole discretion of, the corresponding Agency Head, or their designee, as essential or mission-critical to the State’s preparation for or response to emergency conditions related to Hurricane Ian, or otherwise necessary to serve the State of South Carolina or to ensure the continuity of critical operations of state government, may still be required to report to work. State agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for non-essential employees. Notwithstanding the foregoing, pursuant to section 25-1-440 of the South Carolina Code of Laws, as well as other applicable law, I hereby prohibit any county, municipality, or other political subdivision of the State of South Carolina from restricting access by essential state employees to any location or facility that is occupied or utilized, in whole or in part, by any state agency or department. Accordingly, I hereby direct that any such county, municipality, or other political subdivision of the State shall authorize, allow, and provide access to said locations or facilities by any state agency or department, and the officials and employees thereof, as deemed necessary and appropriate and in the manner prescribed by the state agency or department so as to ensure the uninterrupted performance and provision emergency, essential, or otherwise mission-critical government functions and services during the State of Emergency.

### **Section 2. Transportation Waivers**

A. I hereby determine and declare that the existing and anticipated threats, circumstances, or conditions described herein associated with Hurricane Ian and the potential impacts related to the same constitute an emergency pursuant to 49 C.F.R. § 390.23 for purposes of suspending certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration’s (“FMCSA”) September 28, 2022 Regional Emergency Declaration No. 2022-013 Under 49

C.F.R. § 390.23, or any future amendments or supplements thereto; providing direct assistance, as defined by 49 C.F.R. § 390.5, to the declared emergency in this State or to any declared emergency in the State of Georgia or the State of North Carolina in connection with the forecasted severe weather associated with Hurricane Ian or the anticipated impacts thereof; or otherwise providing direct assistance to supplement state and local efforts and capabilities related to the same, to include commercial vehicles and operators of commercial vehicles transporting equipment, materials, or persons necessary for the restoration of utility services or debris removal and those transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips).

C. I hereby authorize DOT and DPS, as applicable, to apply for or request any additional federal regulatory relief, waivers, permits, or other appropriate flexibility deemed necessary, whether pertaining to the transportation of overweight loads on interstate highways or otherwise, on behalf of the State of South Carolina and to promptly implement the same without the need for further Orders.

D. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein or addressed in any additional or supplemental guidance, rules, regulations, restrictions, or clarifications issued, provided, or promulgated by DOT or DPS.

E. Subject to any guidance, rules, regulations, restrictions, or clarification issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law, and notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle with five (5) weight bearing axles on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width (except as provided below), thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Except as provided below, any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

5. In accordance with federal law, vehicles traveling on non-interstate routes within the National Network may not exceed a width of 102 inches or 8.6 feet without a special permit. Information regarding special permits for width on the National Network are available on DOT’s website, and a list of routes on the National Network is set forth in Appendix A to 23 C.F.R. Part 658.

6. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

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F. I hereby authorize DOT and DPS to issue, provide, or promulgate any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application, implementation, or enforcement of this Section, or to otherwise provide clarification regarding the same, without the need for further Orders.

G. I hereby authorize and direct DPS, including the South Carolina Highway Patrol, as needed, to waive or suspend, in whole or in part, operation of the requisite rules and regulations, to include Regulation 38–600 of the South Carolina Code of Regulations, pertaining to the use of the South Carolina Highway Patrol Wrecker Rotation List.

H. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70 of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

### **Section 3. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 28th DAY OF SEPTEMBER, 2022.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2022-29**

**WHEREAS**, the undersigned has been notified of the passing of Master Police Officer Tyrell Owens-Riley of the Columbia Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

**WHEREAS**, Officer Owens-Riley dedicated his life to protecting and serving the people of the United States and the State of South Carolina, both in the United States Marine Corps and as a decorated law enforcement officer with the Columbia Police Department, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

**WHEREAS**, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

**WHEREAS**, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Thursday, October 6, 2022, in tribute to Officer Owens-Riley and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 5th DAY OF OCTOBER, 2022.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2022-30**

**WHEREAS**, on September 28, 2022, the undersigned issued Executive Order No. 2022-28, declaring a State of Emergency due to the significant threats posed by Hurricane Ian, which made landfall along the coast of the State of South Carolina on October 1, 2022, as a category 1 hurricane, and waiving or suspending certain transportation-related regulations to facilitate emergency preparations and response operations in connection with the same, as well as the prompt restoration of utility services, removal of debris, and delivery of essential goods and materials; and

**WHEREAS**, due to the aforementioned State of Emergency and the forecasted hazardous weather conditions and resulting impacts associated with Hurricane Ian, and in accordance with the directive set forth in Section 1(H) of Executive Order No. 2022-28 for state government offices to follow county government closure determinations, state government offices in numerous counties throughout the State were closed or operated on an abbreviated schedule on one or more days during the period from September 29, 2022, through September 30, 2022, to ensure the safety of state employees and the general public; and

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**WHEREAS**, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

### **Section 1. Authorizing Leave with Pay Due to Hurricane Ian**

A. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work during the State of Emergency and due to the aforementioned hazardous weather conditions, and in accordance with the directive set forth in Section 1(H) of Executive Order No. 2022-28 for state government offices to follow county government closure determinations, in the following counties and on the following dates:

#### **September 29, 2022:**

Closed: Beaufort County, Charleston County

Abbreviated Schedule: Allendale County (closed at 1:00 p.m.), Barnwell County (closed at 1:00 p.m.), Berkeley County (closed at 12:00 p.m.), Colleton County (closed at 12:00 p.m.), Hampton County (closed at 12:00 p.m.), Jasper County (closed at 12:00 p.m.)

#### **September 30, 2022:**

Closed: Allendale County, Bamberg County, Barnwell County, Beaufort County, Berkeley County, Calhoun County, Charleston County, Cherokee County, Chesterfield County, Clarendon County, Colleton County, Darlington County, Dillon County, Dorchester County, Fairfield County, Florence County, Georgetown County, Hampton County, Horry County, Jasper County, Kershaw County, Lee County, Marion County, Marlboro County, Orangeburg County, Richland County, Sumter County, Williamsburg County

Abbreviated Schedule: Chester County (closed at 12:00 p.m.), Laurens County (closed at 2:00 p.m.), York County (closed at 3:30 p.m.)

B. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule during the State of Emergency and due to the aforementioned hazardous weather conditions, I hereby authorize the South Carolina Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures without the need for further Orders.

### **Section 2. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

C. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 10th DAY OF OCTOBER, 2022.

HENRY MCMASTER  
Governor

**Executive Order No. 2022-31**

**WHEREAS**, the State of South Carolina has significant interests in recognizing and advancing innovative strategies to support the electric vehicle (“EV”) industry, facilitating and encouraging further investment and economic development in this critical sector, and enhancing the availability and reliability of EV-related infrastructure to account for existing and anticipated needs and to accommodate additional commercial activity; and

**WHEREAS**, in recent years, South Carolina has experienced and cultivated tremendous growth in the automotive sector, which has an annual economic impact of more than \$27 billion and presently includes over 500 companies and over 74,000 professionals in this State; and

**WHEREAS**, by proactively utilizing and capitalizing on the State’s recent achievements and existing assets in the automotive sector and corresponding workforce, South Carolina is uniquely positioned to attract additional investment in the EV and electric-mobility ecosystem and to foster further EV-related innovation and economic development; and

**WHEREAS**, the EV and automotive sectors have recently experienced significant innovation and produced a variety of important technological advancements, which have, in turn, increased consumer demand for EVs and expedited further EV-related research, development, and investment; and

**WHEREAS**, in addition to facilitating further EV-related investment, simultaneously expanding South Carolina’s EV charging network will enhance mobility options for the significant number of South Carolinians who own or operate EVs and increase consumer and industry confidence in South Carolina’s charging infrastructure as additional EVs enter the market; and

**WHEREAS**, South Carolina’s economy and environment will benefit from a comprehensive strategy to account for existing and anticipated increases in the numbers of, and demand for, EVs, EV charging infrastructure, and electric transportation logistics; and

**WHEREAS**, in light of the aforementioned considerations, while simultaneously encouraging further EV-related investment and economic activity, the undersigned has determined that it is necessary and appropriate for the State of South Carolina to develop a comprehensive strategic plan regarding the deployment of EV-related resources and infrastructure, which should identify and ignite new opportunities for the State’s automotive, logistics, and technology industries and workforce and serve as an outline and engine for further action; and

**WHEREAS**, in addition to the foregoing, the Infrastructure Investment and Jobs Act (“IIJA”), Public Law No. 117-58, signed into law on November 15, 2021, established certain federal grant programs pertaining to the development of a national network of EV charging and other alternative fuel infrastructure, which provide an opportunity for the State to accelerate the ongoing efforts to enhance South Carolina’s existing EV-related infrastructure and electric transportation system; and

**WHEREAS**, in accordance with the IIJA, the United States Department of Transportation and the United States Department of Energy have promulgated the National Electric Vehicle Initiative (“NEVI”)



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Formula Program Guidance, which provides that States shall develop comprehensive plans regarding the deployment of EV-related infrastructure; and

**WHEREAS**, the South Carolina Department of Transportation (“SCDOT”), as the lead agency responsible for adoption and implementation of the NEVI Formula Program in South Carolina, has produced a preliminary multi-year plan, in consultation with the South Carolina Office of Regulatory Staff and the South Carolina Energy Office (collectively, “ORS”), designed to support a convenient, affordable, reliable, and equitable statewide and national EV network in compliance with the NEVI Formula Program standards and requirements; and

**WHEREAS**, the undersigned has determined that it is necessary and appropriate to facilitate interagency cooperation, collaboration, and coordination and to encourage public engagement in connection with the further development and refinement of the aforementioned strategic plan regarding the deployment of EV-related resources and infrastructure in South Carolina; and

**WHEREAS**, as a result of the foregoing, and because South Carolina is uniquely positioned to develop and deploy EV-related products, the undersigned has determined that additional proactive action is warranted to prioritize South Carolina’s EV-related economic development activities, enhance the competitive standing of South Carolina’s EV ecosystem relative to other States, and expand the State’s existing EV-related infrastructure, which will simultaneously reduce the State’s current and future transportation energy burden and reliance on foreign-based fuels, while also encouraging and accelerating further EV-related innovation, investment, research, development, manufacturing, and employment opportunities in this State.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

### **Section 1. Establishing SC EV Economic Development Initiative**

A. I hereby authorize and direct the South Carolina Department of Commerce (“Department of Commerce”) to undertake the following actions and initiatives:

1. Designate an EV coordinator to serve as a resource and point of contact for the business community and industry stakeholders, as well as federal, state, and local government entities and members of the general public, on EV-related issues or inquiries—including economic investment, workforce development, emerging technologies, and infrastructure—for purposes of connecting interested parties with the relevant state agency or agencies, facilitating coordination and collaboration related to the same, and establishing an informational webpage to serve as a resource repository and directory in furtherance of the foregoing;

2. Coordinate implementation of a strategic initiative designed to prioritize and enhance ongoing economic development and recruitment efforts by identifying, encouraging, or incentivizing EV and automotive manufacturers and related suppliers and industries, both domestic and international, to locate or expand research, development, and production facilities in the State of South Carolina; and

3. Collaborate with and assist the Interagency EV Working Group established in Section 3 of this Order in developing a comprehensive statewide plan regarding the strategic deployment of EV-related resources and infrastructure in South Carolina.

B. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, as amended, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by the Department of Commerce to cooperate with, accommodate, and assist the Department of Commerce in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative established herein and to provide the Department of Commerce with any

and all data, information, documents, or materials requested by the Department of Commerce in connection with the same.

## **Section 2. Enhancing the EV Workforce**

A. I hereby authorize and direct the South Carolina Department of Employment and Workforce (“DEW”) to undertake the following actions and initiatives:

1. Evaluate the State’s existing and anticipated EV-related workforce availability and capacity needs and explore opportunities to enhance the State’s existing workforce development policies or mechanisms so as to advance the competitive standing of South Carolina’s EV ecosystem and automotive sector relative to other States and position the South Carolina as a center of growth and global leader with respect to EV-related research, development, and production;

2. Conduct a comprehensive and detailed supply-gap analysis of the EV ecosystem, in consultation with the business community, industry stakeholders, education providers, and other state agencies and departments, to evaluate EV-specific occupations and the projected demand for any relevant training, credentials, or certifications; and

3. Identify and report to the undersigned and the General Assembly any recommended statutory or regulatory changes or enhancements related to the State’s existing workforce development mechanisms that may be necessary or appropriate to facilitate new business and industry investment or expansion in the EV sector.

B. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by DEW to cooperate with, accommodate, and assist DEW in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative formalized herein and to provide DEW with any and all data, information, documents, or materials requested by DEW in connection with the same.

## **Section 3. Creating Interagency EV Working Group**

A. I hereby authorize and direct SCDOT to convene, and to coordinate the activities of, an Interagency EV Working Group (“Working Group”), which shall develop a comprehensive plan regarding the strategic deployment of EV-related resources and infrastructure in the State of South Carolina. In developing the aforementioned plan and providing any corresponding recommendations, to the greatest extent practicable, the Working Group shall:

1. Prioritize the placement of passenger car EV charging equipment along the interstate highway system to complement completion of the national network, placing initial emphasis on rural portions of the State where the lack of urban facilities makes it less feasible for private-sector investments;

2. Provide recommendations and prioritized locations regarding the deployment of EV charging infrastructure in South Carolina, accounting for, *inter alia*, any applicable state or federal laws, regulations, rules, restrictions, standards, or guidelines; opportunities to realize and maximize the public benefit; present conditions and the location of existing EV infrastructure; current and future commercial considerations; existing and anticipated land use and travel patterns; underserved or unserved communities; preferred alternate fuel corridors; infrastructure capacity adjoining current and proposed alternate fuel corridors; and broader goals related to the deployment of EV infrastructure;

3. Collaborate and confer with the Joint Committee on the Electrification of Transportation and other similar entities to arrive at the best possible outcome for the State;

4. Identify loans, grants, and other funding streams available to the State, or political subdivisions thereof, or to private parties pertaining to EV-related resources, technology, and infrastructure; and

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5. Evaluate potential methods for implementation of the plan, including the use of public-private partnerships and the utilization of federal, state, or other available funds, and provide recommendations regarding the same.

B. In addition to SCDOT, the Working Group shall include representatives from the following agencies and entities:

1. ORS;
2. Department of Commerce;
3. DEW;
4. South Carolina Department of Motor Vehicles;
5. South Carolina Department of Health and Environmental Control; and
6. State Fiscal Accountability Authority.

In consultation with the Office of the Governor, SCDOT may designate additional agencies or entities, or representatives thereof, to participate in the Working Group, or components thereof, as necessary and appropriate.

C. SCDOT and ORS shall provide staff resources and administrative support to the Working Group. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by the Working Group to cooperate with, accommodate, and assist the Working Group in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative formalized herein and to provide the Working Group with any and all data, information, documents, or materials requested by the Working Group in connection with the same.

D. In addition to considering the South Carolina Elective Vehicle Stakeholder Initiative Report regarding the electrification of transportation, which ORS published on September 21, 2022, in accordance with section 58-27-270 of the South Carolina Code of Laws, as amended, the Working Group shall proactively engage with, and solicit input from, the public to ensure that the Working Group's recommendations and proposals are made in consideration of, and for the benefit of, public needs and purposes. The Working Group should invite participation, comments, or presentations from members of the public and relevant stakeholders or interested parties, including business and industry representatives, state- and investor-owned utilities, electric cooperatives, public power providers, and federal, state, and local government entities or officials, and should consider and incorporate any resulting input as appropriate.

### **Section 4. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted,

applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 12th DAY OF OCTOBER, 2022.**

**HENRY MCMASTER  
Governor**

### **Executive Order No. 2022-32**

**WHEREAS**, on October 12, 2022, a Grand Jury convened in Allendale County returned an Indictment charging Earl Morell, a member of the Town Council of the Town of Allendale, with Criminal Sexual Conduct with a Minor, Second Degree, in violation of section 16-3-655(B)(1) of the South Carolina Code of Laws, as amended, and on October 14, 2022, the undersigned was notified of the aforementioned Indictment; and

**WHEREAS**, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

**WHEREAS**, Earl Morell, as a member of the Town Council of the Town of Allendale, is an officer of the State or its political subdivisions; and

**WHEREAS**, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

**WHEREAS**, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictment and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Earl Morell with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see State v. McFarlane*, 279 S.C. 327, 332, 306 S.E.2d 611, 614 (1983) (“criminal sexual conduct with a minor in any degree is a crime of moral turpitude”); and

**WHEREAS**, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Earl Morell from office as a member of the Town Council of the Town of Allendale until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

## **14 EXECUTIVE ORDERS**

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Earl Morell from office as a member of the Town Council of the Town of Allendale until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Earl Morell and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 14th DAY OF OCTOBER, 2022.**

**HENRY MCMASTER**  
**Governor**

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

**Notice of Cancellation and Rescheduling of Public Hearing  
State Register Document No. 5117**

October 28, 2022

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the State Register on August 26, 2022, identified as Document No. 5117, to propose new regulation R.61-107.20, Solar Energy Systems. The aforementioned Notice scheduled a write-in public comment period that closed September 26, 2022, and gave notice of a public hearing scheduled before the Board of Health and Environmental Control (Board) for November 10, 2022.

Due to a desire by the Department to receive additional feedback from stakeholders, the public hearing originally scheduled before the Board for November 10, 2022, has been cancelled and will be rescheduled for a later date.

## 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 on **October 28, 2022**, 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 Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

**Affecting Berkeley County****Roper St. Francis Hospital-Berkeley, Inc. d/b/a Roper St. Francis Berkeley Hospital**

Purchase of a mobile CT unit at a total project cost of \$1,865,209.

**Affecting Florence County****Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center**

Expansion of MRI services including renovation of 1480 sf for the addition of a MRI with a 3.0T Magnet at a total project cost of \$3,460,809.

**Affecting Georgetown County****Georgetown Hospital System d/b/a Tidelands Health d/b/a/ Tidelands Health Waccamaw Community Hospital**

Renovation of existing 1,858 sf for the addition of a hybrid operating room at a total project cost of \$5,065,912.

**Affecting Lexington County****Lexington Health, Inc. d/b/a Lexington Medical Center Cayce**

Purchase of a GE 1.5T MRI Scanner at a total project cost of \$2,484,316.

**Lexington Health Inc. d/b/a Lexington Medical Center**

Purchase of a da Vinci XI robotic surgical system at a total project cost of \$2,328,654.84.

**Lexington Health, Inc. d/b/a Lexington Medical Center Saluda Pointe**

Purchase of a GE Discovery IQ PET/ CT scanner to be installed at LMC Saluda Pointe at a total project cost of \$2,498,315.

## 16 NOTICES

### Affecting Richland County

#### **Lexington Health, Inc. d/b/a Forest Acres Medical Office Building**

Purchase of a GE 1.5T MRI Scanner at a total project cost of \$2,611,159.

### Affecting Spartanburg County

#### **Carolina Orthopaedic & Neurosurgical Associates**

Purchase of equipment to include an EOSedge Stereoradiographic unit with room modifications at a total project cost of \$877,328.

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 **October 28, 2022**. “Affected persons” have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 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 or email [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

### Affecting Florence County

#### **Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center**

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,652,572.

#### **Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center**

Relocation of an existing outpatient infusion center from the day hospital to a suite in an adjacent medical office building at MUSC Health Florence Medical Center at a total project cost of \$247,100.

### Affecting Lexington County

#### **Lexington Health, Inc. d/b/a Lexington Medical Center Cayce**

Purchase of a GE 1.5T MRI Scanner at a total project cost of \$2,484,316.

### Affecting Richland County

#### **Lexington Health, Inc. d/b/a Forest Acres Medical Office Building**

Purchase of a GE 1.5T MRI Scanner at a total project cost of \$2,611,159.

**CLEMSON UNIVERSITY**

**CHAPTER 27**

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

**Notice of Drafting:**

Clemson University is considering the deletion, clarification and/or changes to regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 9, certain plant pests in South Carolina to include the Tropical Soda Apple (*Solanum viarum*), Sweet Potato Weevil (*Cylas formicarius*), Bengal Dayflower (*Commelina benghalensis*), and the Emerald Ash Borer (*Agrilus planipennis*).

Interested parties should submit written comments to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than November 30, 2022, the close of the comment period.

**Synopsis:**

The proposed amendments will remove quarantine requirements for Tropical Soda Apple, Emerald Ash Borer and Benghal Dayflower, while expanding the quarantine area for the Sweet Potato Weevil.

These proposed regulations will require legislative action.

**STATE ELECTION COMMISSION**

**CHAPTER 45**

Statutory Authority: 1976 Code Sections 7-13-1490 and 7-13-1655

**Notice of Drafting:**

The State Election Commission is proposing to repeal Regulations 45-1 through 45-10 in their entirety to remove definitions and instructions no longer relevant to the current voting system used in South Carolina. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, 1122 Lady Street, Suite 500, Post Office Box 5987, Columbia, South Carolina 29250-5987. To be considered, all comments must be received no later than 5:00 p.m. on Monday, November 7, 2022.

**Synopsis:**

The State Election Commission has determined that Regulations 45-1 through 45-10 are obsolete and cannot be amended to conform to the current voting system. Therefore, the Commission intends to repeal the existing regulations in their entirety.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**BOARD OF COSMETOLOGY**

**CHAPTER 35**

Statutory Authority: 1976 Code Section 40-13-70

**Notice of Drafting:**

The South Carolina Board of Cosmetology proposes to amend its regulations following a review of the same conducted pursuant to S.C. Code Section 1-23-120(J). Specifically, the Board intends to amend, revise or clarify,



## 18 DRAFTING NOTICES

or possibly repeal the following regulations: R.35-8 regarding instructor reciprocity; R.35-9 regarding renewal of the instructor's license; R.35-10(C)(5) regarding absence of an instructor; R.35-10(E)(7) regarding testing within a prescribed period of time following completion of coursework; and R.35-15(A)(3) regarding the party responsible for a salon. The Board may also add a regulation regarding distance learning during an emergency. Interested persons may submit comments to Theresa Brown, Administrator, Board of Cosmetology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

### **Synopsis:**

The South Carolina Board of Cosmetology proposes to amend its regulations following a review of the same conducted pursuant to S.C. Code Section 1-23-120(J). Specifically, the Board intends to amend, revise or clarify, or possibly repeal the following regulations: R.35-8 regarding instructor reciprocity; R.35-9 regarding renewal of the instructor's license; R.35-10(C)(5) regarding absence of an instructor; R.35-10(E)(7) regarding testing within a prescribed period of time following completion of coursework; and R.35-15(A)(3) regarding the party responsible for a salon. The Board may also add a regulation regarding distance learning during an emergency.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE  
AND FAMILY THERAPISTS, ADDICTION COUNSELORS AND PSYCHO-EDUCATIONAL  
SPECIALISTS**

**CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-75-60

### **Notice of Drafting:**

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform the language to statute. Interested parties may submit comments to Pam Dunkin, Interim Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

### **Synopsis:**

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform requirements for reinstatement of a license with the parameters established in S.C. Code Section 40-75-250(D).

Legislative review of this amendment is required

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF EXAMINERS IN OPTICIANRY**

**CHAPTER 96**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

### **Notice of Drafting:**

The Board of Examiners in Opticianry proposes to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further proposes to amend R.96-108 to clarify the requirements for continuing education

(CE) courses for licenses and the approval process for those courses, and to amend R.96-109 to delete the reference to a Board web address that is no longer active. Interested persons may submit comments to Meredith Buttler, Administrator, Board of Examiners in Opticianry South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The Board of Examiners in Opticianry proposes to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further proposes to amend R.96-108 to clarify the requirements for CE courses for licenses and the approval process for those courses, and to amend R.96-109 to delete the reference to a Board web address that is no longer active.

Legislative review of this amendment is required.

**DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

**Notice of Drafting:**

The Department of Natural Resources proposes to amend Regulation 123-203 “General Regulation” and 123-204 “Additional Regulations Applicable to Specific Properties.” The subject of the proposed action is to amend the regulations to allow the use of electric-assisted bicycles (e-bikes) in certain areas on SCDNR-owned lands and on SCDNR-managed lands with consent of landowners. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife and Freshwater Fisheries Division, South Carolina Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

**Synopsis:**

These amendments to existing regulations will allow the use of electric-assisted bicycles (e-bikes) on WMA properties and will establish conditions of their use. Since 50-11-2200 prohibits many uses on DNR lands, regulations are required to allow use and set restrictions and conditions.

Legislative review is of this amendment is required.

## 20 PROPOSED REGULATIONS

Document No. 5144  
**CLEMSON UNIVERSITY**  
**STATE LIVESTOCK-POULTRY HEALTH COMMISSION**  
CHAPTER 27  
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

### **Preamble:**

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

### **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 held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 7, 2022, at 9:00 a.m. If no request is received by December 1, 2022, the hearing will be canceled. Written comments may be directed to James Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 1, 2022.

### **Preliminary Fiscal Impact Statement:**

No additional state funding is requested.

### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30 and 47-17-130.

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

**Statement of Rationale:**

None.

**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.

Document No. 5143  
**CLEMSON UNIVERSITY**  
**STATE POULTRY-LIVESTOCK HEALTH COMMISSION**  
CHAPTER 27  
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation.

**Preamble:**

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

**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 held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 7, 2022, at 9:00 a.m. If no request is received by December 1, 2022, the hearing will be canceled.

## 22 PROPOSED REGULATIONS

Written comments may be directed to Dr. James Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 1, 2022.

### **Preliminary Fiscal Impact Statement:**

No additional state funding is requested.

### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170.

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

### **Statement of Rationale:**

None.

### **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.

Document No. 5146  
**DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
CHAPTER 47  
Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

47-6. Benefit Ratio for Zero Taxable Wages.

**Preamble:**

R.47-6 instructs the Department on setting an employer's tax class when that employer has zero taxable wages. The Department proposes deleting obsolete sections that provide for assignment of employers to a tax class in the year 2011 only. The proposed amendment also removes references to the "2012 and subsequent" tax years for clarity, readability, and overall improvement of the text of the regulation.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

47-6. Benefit Ratio for Zero Taxable Wages.

- A. Deletion of text describing employers to be assigned tax class twelve for the 2011 computation period.
- B. Deletion of text assigning employers to be assigned tax class thirteen for the 2011 computation period.
- C. Renumbered from C to A with language referring to "2012 and subsequent" years removed.
- D. Renumbered from D to B with language referring to "2012 and subsequent" years removed.

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing [RegulationComments@dew.sc.gov](mailto:RegulationComments@dew.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 47-6. Benefit Ratio for Zero Taxable Wages.

Purpose: R.47-6 instructs the Department on setting an employer's tax class when that employer has zero taxable wages. The Department proposes deleting obsolete sections that provide for assignment of employers to a tax class in the year 2011 only.

## 24 PROPOSED REGULATIONS

Legal Authority: 1976 Code Sections 41-29-110 and 41-29-230.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

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

The proposed amendments are necessary to remove obsolete provisions and outdated text. The regulated community benefits from regulations that reflect current practices and standards, and there is no cost associated with removing outdated text from the regulation.

### DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. These amendments remove outdated references and do not impose any new requirements or burdens on the regulated community.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

The proposed regulation would remove obsolete provisions that are only applicable to a tax class in the year 2011. These provisions are no longer needed, and removal of these outdated provisions serves to streamline the regulation for the regulated community.

### 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.

Document No. 5147

## DEPARTMENT OF EMPLOYMENT AND WORKFORCE

### CHAPTER 47

Statutory Authority: 1976 Code Sections 41-31-380, 41-31-390, 41-31-400, and 41-41-40

47-16. Contributions: Interest.

### Preamble:

Section 41-31-400 of the Code of Laws of South Carolina, 1976, confers upon the Department of Employment and Workforce all powers for collection of unpaid unemployment taxes, interest, and penalties that are conferred upon the Department of Revenue by Title 12 for the collection of unpaid income taxes. However, R.47-16, as currently written, provides the Department of Employment and Workforce with only the collection remedies set forth in Chapter 54 of Title 12 rather than the entire title. The Department proposes amending this regulation, removing the reference to “Chapter 54,” to allow the Department to exercise all powers and collection remedies conferred by statute. In addition, because Section 41-41-40 of the Code of Laws of South Carolina, 1976, provides for collection of overpaid unemployment insurance benefits in the same manner provided in Sections 41-31-380 through 41-31-400 for the collection of past due employer contributions, the proposed regulation incorporates collection of overpaid unemployment insurance benefits into the text of this regulation.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

47-16. Contributions: Interest.

A. No change.

B. Addition of a comma for grammatical accuracy and clarity.

C. No change.

D. Addition of “or claimant,” reference to “Chapter 54” of Title 12 amended to refer to Title 12 in its entirety as authorized by Section 41-31-400 of the 1976 Code, and “would” stricken in favor of “may.”

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 47-16. Contributions: Interest.

Purpose: The proposed regulation would align the collection remedies authorized in regulation with those conferred to the Department in statute. The proposed amendments delete the reference to “Chapter 54” of Title 12 to align the regulation with Section 41-31-400 of the Code of Laws of South Carolina, 1976, which confers upon the Department all collection powers conferred upon the Department of Revenue in Title 12, not just Chapter 54. In addition, the proposed amendments would align the regulation with Section 41-41-40 of the Code of Laws of South Carolina, 1976, which provides for collection of overpaid unemployment insurance benefits in the same manner as the collection of past due employer contributions.

Legal Authority: 1976 Code Sections 41-31-380, 41-31-390, 41-31-400, and 41-41-40.



## 26 PROPOSED REGULATIONS

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

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

The proposed regulation is necessary for the Department to exercise all collection remedies conferred upon the Department in statute to preserve the integrity of the Unemployment Insurance program and the Unemployment Trust Fund. The proposed amendments align the authorities within the regulation with those already provided in statute, there are no increased costs to the state to implement the proposed regulation, and the recovery of improper payments and unpaid contributions decreases the amount needed to be raised from employers to maintain the fund.

### DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the state or its political subdivisions in complying with these proposed amendments. In addition, there are no anticipated cost increases for the business community associated with implementation of these amendments, and recovery of improper payments and unpaid contributions ultimately decreases the amount needed to be raised from employers to maintain the Unemployment Trust Fund.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

Section 41-31-400 of the Code of Laws of South Carolina, 1976, confers upon the Department of Employment and Workforce all powers for collection of unpaid unemployment taxes, interest, and penalties that are conferred upon the Department of Revenue by Title 12 for the collection of unpaid income taxes. However, R.47-16, as currently written, provides the Department of Employment and Workforce with only the collection remedies set forth in Chapter 54 of Title 12 rather than the entire title. The proposed amendments to this regulation would allow the Department to exercise all powers and collection remedies conferred by statute. The proposed amendments also incorporate collection of overpaid unemployment insurance benefits consistent with Section 41-41-40 of the Code of Laws of South Carolina, 1976, which provides for collection of overpaid unemployment insurance benefits in the same manner provided in Sections 41-31-380 through 41-31-400 for the collection of past due employer contributions.

### 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.

Document No. 5162  
**DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
 CHAPTER 47  
 Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

47-21. Filing Claims for Benefits and Registration for Work.

**Preamble:**

R.47-21 provides information and instructions on filing an initial claim for benefits and continuous claims. The Department proposes updating this regulation to be consistent with current practices and procedures and with upgrades in the Department’s technology. The proposed amendments remove references to local, physical offices and incorporate modern usage of the Department’s online benefits system and the SC Works Online Services (SCWOS) system. The amendment also clarifies the procedural differences and claimant obligations when a job attached claim is filed by an employer compared to an individual claimant. Finally, the amendment seeks to resolve questions about a claim’s effective date when it is filed on a Sunday. The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

47-21. Filing Claims for Benefits and Registration for Work.

- A.1. Revision: Revises for clearer terminology related to filing a claim for benefits, to reflect modern practice by replacing references to local offices with online systems, and to clarify “services”.
- A.2. Revision: Removes references to local offices.
- B.1. Addition: Clarifies the procedure and claimant obligations when a job attached claim is filed by a claimant rather than an employer.
- B.2. Revision: Renumbers to reflect addition of B.1. and to specify “employer filed” initial claims.
- B.3. Technical Correction: Renumbers to reflect addition of B.1.
- B.4. Revision: Adds text relating to notification of ineligibility through the online benefits portal and renumbers to reflect addition of B.1.
- B.5. Revision: Revises provisions related to reporting of earnings and renumbers to reflect addition of B.1.
- B.6. Revision: Specifies “employer filed” claim.
- C.1. Removes references to local offices and replaces with “public employment office”.
- D.1. Technical Correction: Corrects a typographical error.
- D.2. No change.
- D.3. No change.
- D.4. Technical Correction: Corrects a typographical error.
- D.5. No change.
- D.6. No change.
- D.7. No change.
- D.8. No change.
- D.9. No change.
- E.1. Revision: Clarifies effective date for a claim filed on a Sunday.
- E.2. No change.
- F.1. Deletion/Revision: Deletes provision related to local offices, renumbers to reflect that deletion, revises language related to notification of change of address to remove references to local offices and replace with the online benefits system.

**Notice of Public Hearing and Opportunity for Public Comment:**

## **28 PROPOSED REGULATIONS**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 47-21. Filing Claims for Benefits and Registration for Work.

Purpose: The purpose of the proposed amendments is to update this regulation to be consistent with current practices and procedures, clarify the procedural differences and claimant obligations when a job attached claim is filed by an employer compared to an individual claimant, and resolve questions about the effective date of a claim filed on a Sunday.

Legal Authority: 1976 Code Sections 41-29-110 and 41-29-230.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

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

These amendments will benefit the regulation by modernizing its text to reflect the use of online systems, clarify procedures and responsibilities of claimants, and resolve questions about claims filed on Sunday. There are no significant costs anticipated for implementation of the regulation by the state or regulated community.

### **DETERMINATION OF COSTS AND BENEFITS:**

Implementation of these amendments will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. There are no anticipated significant costs to the public or the business community to implement these amendments.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates relative to the cost to the state.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

R.47-21 provides information and instructions on filing an initial claim for benefits and continuous claims. The Department proposes updating this regulation to be consistent with current practices and procedures, such as referring to initial claims in place of requests for determination, and with upgrades in the Department’s technology. The amendment also clarifies the procedural differences and claimant obligations when a job attached claim is filed by an employer compared to an individual claimant. Finally, the amendment seeks to resolve questions about a claim’s effective date when it is filed on a Sunday.

**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.

Document No. 5163  
**DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
 CHAPTER 47  
 Statutory Authority: 1976 Code Sections 41-29-110, 41-29-230, and 41-35-130

47-23. Offers of Work.

**Preamble:**

The Department of Employment and Workforce proposes amendments to R.47-23, Offers of Work, to clarify that offers of work may be made electronically and to replace a certification requirement with submission of competent evidence that an offer of work was communicated to the claimant by reasonable methods. The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

- A. No change.
- B. The certification requirement is removed and replaced with submission of competent evidence that an offer was communicated to the claimant by reasonable methods.
- C. No change.
- D. No change.

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing [RegulationComments@dew.sc.gov](mailto:RegulationComments@dew.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

### **30 PROPOSED REGULATIONS**

DESCRIPTION OF REGULATION: 47-23. Offers of Work.

Purpose: The purpose of the proposed amendments to this regulation is to clarify that offers of work may be made electronically and replace the certification requirement with a provision allowing the Department to instead evaluate competent evidence that an offer of available, suitable work was made to a claimant.

Legal Authority: 1976 Code Sections 41-29-110, 41-29-230, and 41-35-130.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

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

The proposed amendments are necessary to modernize the regulation and clarify that that an offer of work may be made electronically, and do not need to be made by registered or certified mail, which are methods of communication no longer common to the hiring process in the modern business community. The proposed amendments also remove the certification requirement, which will ease the burden of the process on employers by reducing confusion and allowing them to present competent evidence that the offer was made. There are no anticipated costs to the state or the business community to implement these amendments.

#### **DETERMINATION OF COSTS AND BENEFITS:**

Implementation of these amendments will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. There are no anticipated additional costs to the regulated community to implement these amendments, and these amendments are expected to make the process easier for the business community by eliminating potentially confusing certification requirements and clarifying that offers of work can be made electronically.

#### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates relative to the cost to the state.

#### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

#### **Statement of Rationale:**

Pursuant to R.47-23 and under authority of S.C. Code Section 41-35-120(5), claimants may be disqualified from receiving benefits if the claimant refuses to accept available suitable work offered to them by the Department or an employer. The Department proposes updating this regulation to be consistent with modern operations and practices by clarifying its text to specifically mention offers made electronically. The amendment also seeks to allow the agency to evaluate all relevant, competent evidence that an offer of available suitable work was made to a claimant in place of the current requirement of a certification that may not readily be understood by the employer community.

**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.

Document No. 5148  
**DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
 CHAPTER 47  
 Statutory Authority: 1976 Code Sections 41-29-110 and 41-29-230

47-31. Public Employment Office.

**Preamble:**

The Department proposes an amendment to R.47-31, which defines and describes the term “public employment office,” to provide that a public employment office may be a virtual office, a physical office, or some combination of virtual and physical. In addition, the proposed amendment updates outdated references to the “South Carolina Employment Security Law.”

The Notice of Drafting was published in the *State Register* on August 26, 2022.

Section-by-Section Discussion:

47-31. Public Employment Office.

A sentence is added to provide that the public employment office may be virtual or a combination of physical and virtual; outdated references to the “South Carolina Employment Security Law” are updated.

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing [RegulationComments@dew.sc.gov](mailto:RegulationComments@dew.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 47-31. Public Employment Office.

Purpose: R.47-31 defines the term "public employment office" as used in statutes and regulations related to the Department. The proposed amendment to the regulation is intended to reflect modern operations by providing that a public employment office may be virtual or be some combination of physical and virtual. In addition, the proposed amendment updates outdated references to the “South Carolina Employment Security Law.”

Legal Authority: 1976 Code Sections 41-29-110 and 41-29-230.

## 32 PROPOSED REGULATIONS

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.

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

The proposed amendments are necessary to update provisions in accordance with current practices and standards reflecting the availability of virtual platforms and modern technology. There are no costs associated with implementation of the proposed amendment.

### DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments to modernize the regulation will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. There are no anticipated increased costs for claimants or employers associated with the implementation of the proposed amendment.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

The Department proposes updating R.47-31, which defines the term "public employment office" as used in statutes and regulations related to the Department, to reflect modern operations and, specifically, that a public employment office may be virtual. In addition, a technical change is proposed to conform with Act No. 146 of 2010, which amended the short title for Chapters 27 through 41 of Title 41 of the Code of Laws of South Carolina, 1976, substituting "Department of Employment and Workforce" for "Employment Security Law." The proposed amendment updates the language of R.47-31 for consistency with the amended statute, but to ensure clarity, the reference in R.47-31 to the "South Carolina Employment Security Law" is proposed to be replaced by "Chapters 27 through 41 of Title 41."

### 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.

Document No. 5164  
**DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
 CHAPTER 47  
 Statutory Authority: 1976 Code Sections 41-27-510, 41-35-720, and 41-35-760

47-55. Representation before Appeal Tribunal and the Appellate Panel.

**Preamble:**

R.47-55 describes how a party may be represented before an Appeal Tribunal or the Appellate Panel. The Department proposes amending this regulation to clarify who can represent individuals, businesses, and other entities before the Appeal Tribunal and Appellate Panel, and to distinguish, for the purposes of representation, between unemployment insurance benefit proceedings and unemployment insurance tax proceedings. The Notice of Drafting was published in the *State Register* on September 23, 2022.

Section-by-Section Discussion:

- A.1. Revision to establish scope of self-representation before Tribunal and Panel.
- A.2. Addition to clarify that Department employees can represent the Department.
- B.1. Revision to clarify business units may be represented by employees or attorneys in benefit hearings.
- B.2. Renumbered (previously part of section A).
- C.1. Addition to expressly require business units to be represented by attorneys in tax hearings.
- D. Renumbered (previously section B).

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 1, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled. Interested persons may submit written comments to Ellen Andrews-Morgan, Director of Governmental Affairs, SC Department of Employment and Workforce, P.O. Box 995, Columbia, SC 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 28, 2022, the close of the drafting comment period.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 47-55. Representation before Appeal Tribunal and the Appellate Panel.

Purpose: The purpose of the proposed amendments is to clarify who can represent individuals, businesses, and other entities before the Appeal Tribunal and Appellate Panel, and to distinguish, for the purposes of representation, between unemployment insurance benefit proceedings and unemployment insurance tax proceedings.

Legal Authority: 1976 Code Sections 41-27-510, 41-35-720, and 41-35-760.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments to include notice on the Department's website.



## 34 PROPOSED REGULATIONS

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

The amendments are reasonable and necessary to provide the required legal authority to permit a business entity to represent itself in a hearing before the Appeal Tribunal and the Appellate Panel in proceedings related to eligibility for unemployment benefits and to clarify that a business entity must still be represented by an attorney in proceedings related to unemployment taxes.

### DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources or result in additional costs to the Department, the State, or its political subdivisions. Implementation of the proposed regulation would benefit the business community by clarifying that a business entity may represent itself before the Appeal Tribunal and the Appellate Panel in proceedings related to eligibility for unemployment benefits.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

R.47-55 describes how a party may be represented before an Appeal Tribunal or the Appellate Panel. The Department proposes amending this regulation to clarify who can represent individuals, businesses, and other entities before the Appeal Tribunal and Appellate Panel. The amendment is also needed to distinguish, for the purposes of representation, between unemployment insurance benefit proceedings and unemployment insurance tax proceedings. The amendment recognizes that unemployment insurance tax proceedings are complex and touch on corporate acquisitions, mergers, and employee misclassification. Because agency proceedings are the only opportunity for a party to present testimony and evidence, constituents would be disadvantaged in representing themselves in these proceedings and potentially waive or harm their positions on appeal, where an attorney would be required.

### 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.

Document No. 5140  
STATE BOARD OF FINANCIAL INSTITUTIONS  
CONSUMER FINANCE DIVISION  
CHAPTER 15

Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

15-65. Check Cashing.

15-66. Check Cashing – Use of the Nationwide Multistate Licensing System. (New)

**Preamble:**

The State Board of Financial Institutions (Board) seeks to amend R.15-65 and add R.15-66 regarding the use of the Nationwide Multistate Licensing System (NMLS) for check-cashing applications, renewals, and other filings and to pay all fees and costs.

Section-by-Section Discussion:

R.15-65B(2) is amended to clarify that renewal fees must be paid through the NMLS and that such renewal fees must be paid by December 31 immediately before the beginning of the calendar year for which a renewed license is sought.

R.15-66A is added to require all check-cashing licensees and applicants to use the NMLS to submit all applications, renewals, and other filings

R.15-66B is added to clarify that the Board has adopted as its own the forms and content requirements, including any South Carolina-specific requirements, set forth in NMLS.

R.15-66C is added to state that the Consumer Finance Division may request additional information or documentation, if reasonable, after receiving and reviewing a filing.

R.15-66D is added to clarify that applicants and licensees shall pay all fees and costs through NMLS.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

**Notice of Public Hearing and Opportunity for Public Comment:**

Written comments must be sent to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on November 28, 2022.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted in the Governor's Conference Room on the first floor of the Wade Hampton Building at 1200 Senate Street, Columbia, S.C. 29201 on December 7, 2022 at 10:00 A.M.

**Preliminary Fiscal Impact Statement:**

To implement these regulations, the Consumer Finance Division estimates that no costs will be incurred by the State or any of its political subdivisions.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

## 36 PROPOSED REGULATIONS

Purpose: Chapter 41 of Title 34 of the 1976 Code gives the Board the authority to license and regulate persons who engage in check-cashing activity in this State. Specifically, Section 34-41-40 states that the Board prescribes the form of the application and that the required fees must accompany the application. The purpose of amending R.15-65B(2) is to clarify the means by which licensees shall pay their license renewal fees and the deadline to pay the renewal fees. The purpose of adding R.15-66 is to clarify that all applicants and licenses shall use NMLS for all filings with the Board and pay all fees and costs in NMLS, that the Board has adopted the forms and content requirements posted in NMLS, and that the Consumer Finance Division may ask for additional information after reviewing a filing.

Legal Authority: 1976 Code Sections 34-41-10 to 34-41-130 give authority to the Board to license and regulate persons who engage in check-cashing services in this State and to promulgate necessary regulations. Section 34-41-130 specifically gives the Board the authority to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41.

Plan for Implementation: The amendment to R.15-65B(2) and the addition of R.15-66 are consistent with current operating policies. Implementation is expected to align easily with current operations for both the State agency and the applicants and licensees. The regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*.

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

To gain efficiencies by using technology and to significantly reduce a paper-intensive process, in 2019 the Board approved a motion to require check-cashing applicants and licensees to use of NMLS for all filings and adopted the forms and content requirements set forth in NMLS as the forms and information that applicants and licensees must submit to the Board. In 2020, the Board adopted a policy to implement the use of NMLS for all renewals of applications for 2021 and for all initial applications submitted after December 31, 2020. Therefore, all applicants and licensees are already using NMLS. By amending R.15-65 and adding R.15-66, the Board is setting forth in these regulations activities approved by existing policy and clarifying technical issues.

### DETERMINATION OF COSTS AND BENEFITS:

No significant costs have been incurred by the State agency or imposed on applicants and licensees by requiring NMLS. The Consumer Finance Division continues to charge applicants and licensees statutory examination, application, and renewal fees, which continue to cover its costs. Applicants and licensees must pay \$15 per necessary credit report. The efficiencies achieved from using technology to process applications, renewals, and other regulatory matters and to store application materials and other documents has been significant.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulations will have no detrimental effects on the environment or public health.

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

The regulations will not have a detrimental effect on the environment or public health if they are not implemented.

**Statement of Rationale:**

Section 34-41-130 authorizes the Board to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41. The amendment to R.15-65 and the addition of R.15.66 are intended to carry out the purposes of Chapter 41 and to assist applicants and licensees in understanding and complying with the application, renewal, and other processes for licensure.

**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.

Document No. 5141  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
**CONSUMER FINANCE DIVISION**  
 CHAPTER 15  
 Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

15-68. Check Cashing – Other Consideration. (New)

**Preamble:**

The State Board of Financial Institutions (Board) seeks to add R.15-68 to state the Board’s interpretation that “other consideration” in Sections 34-41-10 and 34-41-30 includes the mandatory purchase of goods or services, to clarify that a person accepting such other consideration to cash a check is required to have a check-cashing license in this State, and to require a person who accepts other consideration only in the form of a mandatory purchase of goods or services must notify the Consumer Finance Division of this activity by filing affidavits in NMLS.

Section-by-Section Discussion:

Section 15-68A is added to state the Board’s interpretation that “other consideration” in Sections 34-41-10 and 34-41-30 includes the mandatory purchase of goods or services.

Section 15-68B is added to clarify that a person who does not charge a check-cashing fee or service charge but accepts other consideration only in the form of a mandatory purchase of goods or services to cash a check is required to have a check-cashing license in this State.

Section 15-68C is added to require a person, who does not charge a fee or a service charge but accepts other consideration only in the form of a mandatory purchase of goods or services, to file affidavits of such activity in NMLS.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

**Notice of Public Hearing and Opportunity for Public Comment:**

Written comments must be sent to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on November 28, 2022.

## 38 PROPOSED REGULATIONS

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted in the Governor's Conference Room on the first floor of the Wade Hampton Building at 1200 Senate Street, Columbia, S.C. 29201 on December 7, 2022, at 10:00 A.M.

### **Preliminary Fiscal Impact Statement:**

To implement this regulation, the Consumer Finance Division estimates that no costs will be incurred by the State or any of its political subdivisions.

### **Statement of Need and Reasonableness:**

#### DESCRIPTION OF REGULATION:

Purpose: Chapter 41 of Title 34 of the 1976 Code gives the Board the authority to license and regulate persons who engage in check-cashing activity in this State. Pursuant to Section 34-41-10, a required element of check-cashing service in this State is cashing a check "for a fee, service charge, or other consideration." "Other consideration" is not defined in Chapter 41, but the Board recently adopted a policy and the Consumer Finance Division has held a longstanding position that "other consideration" includes the mandatory purchase of goods or services. The purpose of adding R.15-68 is to establish this interpretation of "other consideration" in a regulation, to clarify that a person who accepts only a mandatory purchase of goods or services needs to have a check-cashing license in this State, and to require the check casher to notify the Consumer Finance Division through NMLS that it does not charge a fee or service charge for cashing a check and that the only form of "other consideration" that it receives is a mandatory purchase of goods and services.

Legal Authority: 1976 Code Sections 34-41-10 to 34-41-130 give authority to the Board to license and regulate persons who engage in check-cashing services in this State and to promulgate necessary regulations. Section 34-41-130 specifically gives the Board the authority to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41.

Plan for Implementation: The addition of R.15-68 is consistent with current operating policies. Implementation is expected to align easily with current operations for both the State agency and the applicants and licensees. The regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*.

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

"Other consideration" is an important term in Chapter 41, but it is not defined in statute. The Consumer Finance Division has held a longstanding position that "other consideration" includes the mandatory purchase of goods and services. The Board has adopted a policy that agrees with the Consumer Finance Division's position on "other consideration." R.15-68 is needed to establish the Board's interpretation of "other consideration" in the law. It is also appropriate and reasonable for R.15-68 to clearly establish that a check casher who does not charge a fee or a service charge for cashing a check but receives other consideration only in the form of a mandatory purchase of goods and services needs to have a South Carolina check-cashing license and needs to inform the Consumer Finance Division by filing an affidavit in NMLS that the only form of "other consideration" it receives is a mandatory purchase of goods or services.

#### DETERMINATION OF COSTS AND BENEFITS:

No significant costs have been incurred by the State agency or imposed on applicants and licensees by adding R.15-68.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulation will have no detrimental effects on the environment or public health.

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

The regulation will not have a detrimental effect on the environment or public health if it is not implemented.

**Statement of Rationale:**

Section 34-41-130 authorizes the Board to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41. The addition of R.15-68 is intended to carry out the purposes of Chapter 41 and to assist applicants and licensees in interpreting and complying with Chapter 41's licensure requirements.

**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.

Document No. 5142  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
**CONSUMER FINANCE DIVISION**  
CHAPTER 15  
Statutory Authority: 1976 Code Sections 34-41-10 to 34-41-130

15-67. Check Cashing – Required Records and Retention Period. (New)

**Preamble:**

The State Board of Financial Institutions (Board) seeks to add R.15-67 to establish by regulation the records that a person required to be licensed under Chapter 41 must keep and maintain and the corresponding records retention period.

Section-by-Section Discussion:

Section 15-67A is added to establish by regulation the ten types of records that most persons required to be licensed under Chapter 41 must keep and maintain.

Section 15-67B is added to establish by regulation the five types of records that persons required to be licensed under Chapter 41, because they cash checks in exchange for only a mandatory purchase of goods or services, must keep and maintain

Section 15-67C is added to establish by regulation that a licensee must keep and maintain the required records for two-years.

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The Notice of Drafting was published in the *State Register* on August 26, 2022.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Written comments must be sent to Ronald R. Bodvake, Commissioner, State Board of Financial Institutions, Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on November 28, 2022.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted in the Governor's Conference Room on the first floor of the Wade Hampton Building at 1200 Senate Street, Columbia, S.C. 29201 on December 7, 2022, at 10:00 A.M.

### **Preliminary Fiscal Impact Statement:**

To implement this regulation, the Consumer Finance Division estimates that no costs will be incurred by the State or any of its political subdivisions.

### **Statement of Need and Reasonableness:**

#### DESCRIPTION OF REGULATION:

**Purpose:** Chapter 41 of Title 34 of the 1976 Code gives the Board the authority to license and regulate persons who engage in check-cashing activity in this State. Section 34-41-70(A) specifically gives the authority to the Board to identify the books, accounts, and records that a person required to be licensed under Chapter 41 must keep and maintain and to establish the length of time that a person must keep and maintain these required books, accounts, and records. The purpose of adding R.15-67 is to set forth by regulation the Board's decisions concerning required records and the corresponding retention period.

**Legal Authority:** 1976 Code Sections 34-41-10 to 34-41-130 give authority to the Board to license and regulate persons who engage in check-cashing services in this State and to promulgate necessary regulations. Section 34-41-70(A) gives the authority to the Board to establish what records must be kept and maintained and the corresponding records retention period for the required records. Section 34-41-130 specifically gives the Board the authority to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41.

**Plan for Implementation:** The addition of R.15-67 is generally consistent with current Board policies. Implementation is expected to align easily with current operations for both the State agency and the applicants and licensees. The regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*.

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

By statute, only the Board has the authority to establish what records a person must keep and maintain under Chapter 41 and the retention period for such records. The Board has a written policy concerning required records but has not previously established a records retention period. It is proper to codify both into law by regulation. Further, examiners of the Consumer Finance Division, who perform exams of licensees, state that licensees often ask about required records and the retention period. It is also reasonable to require fewer records to be kept and maintained by persons who cash checks only in exchange for a mandatory purchase of goods and services. Licensees who cash checks only in exchange for a mandatory purchase of goods and services do not collect a fee or service charge from a customer; hence, the records concerning the amount of the fee and information necessary to refund any unlawful or excessive fee are not needed.

DETERMINATION OF COSTS AND BENEFITS:

No significant costs have been incurred by the State agency or imposed on applicants and licensees by the addition of R.15-67. The required records are consistent with the compliance requirements imposed on licensees by Chapter 41. Further, without these records, the Consumer Finance Division would be unable fulfill its duties by examining the licensees and determining compliance with Chapter 41.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulation will have no detrimental effects on the environment or public health.

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

The regulation will not have a detrimental effect on the environment or public health if it is not implemented.

**Statement of Rationale:**

Section 34-41-130 authorizes the Board to promulgate regulations necessary to carry out the purposes of Chapter 41, to provide for the protection of the public, and to assist licensees in interpreting and complying with Chapter 41. The addition of R.15-67 is intended to satisfy each of these three reasons to promulgate a regulation. First, Chapter 41 gives the Board the authority to identify required records and the corresponding retention period. Further, Chapter 41 requires the person required to be licensed to process, review, or otherwise handle some of these records. Second, keeping these records protects the public because, for example, some of the required records provide a means to verify that the person did not charge an unlawful or excessive check-cashing fee and because the person will be able to refund any such unlawful or excessive fees. Third, the records allow the person required to be licensed to comply with Chapter 41 and for the Consumer Finance Division to test such compliance with Chapter 41.

**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.

Document No. 5152  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
CHAPTER 10  
Statutory Authority: 1976 Code Section 40-1-50

10-50. Representation before Department Boards and Commissions. (New)

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation proposes to add a regulation for corporate self-representation at hearings before the Department's professional and occupational licensing boards.

Section-by-Section Discussion:



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10-50. New Section. Representation before Department Boards and Commissions.

The Notice of Drafting was published in the *State Register* on September 23, 2022.

### **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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 20, 2022. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of this regulation.

### **Statement of Need and Reasonableness:**

The proposed regulation is reasonable and necessary to provide the required legal authority to permit a party who is not a natural person, such as a business, to represent itself in a hearing before a licensing board without an attorney admitted to practice in the state by way of an officer or employee, including in-house attorneys possessing Limited Certificates of Admission pursuant to Rule 405, SCACR.

#### DESCRIPTION OF REGULATION:

Purpose: The purpose of the regulation is to add legal authority for corporate self-representation at hearings before the Department's professional and occupational licensing boards.

Legal Authority: 1976 Code Section 40-1-50.

Plan for Implementation: The new regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the new regulation through its Office of Disciplinary Counsel when corporate representation is needed in disciplinary hearings or through the licensing boards when corporate representation is needed in application hearings.

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

The proposed regulation is reasonable and necessary to provide the required legal authority to permit a party who is not a natural person, such as a business, to represent itself in a hearing before a licensing board without an attorney admitted to practice in the state by way of an officer or employee, including in-house attorneys possessing Limited Certificates of Admission pursuant to Rule 405, SCACR.

#### DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning the promulgation of these regulations.

#### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no detrimental effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The regulation will provide the required legal authority to permit a party who is not a natural person, such as a business, to represent itself in a hearing before a licensing board without an attorney admitted to practice in the state by way of an officer or employee, including in-house attorneys possessing Limited Certificates of Admission pursuant to Rule 405, SCACR.

**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.

Document No. 5157  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
 CHAPTER 10  
 Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

- 10-3. Board of Architectural Examiners.
- 10-14. Board of Registration for Professional Engineers and Surveyors.
- 10-30. Board of Physical Therapy Examiners.
- 10-33. Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.
- 10-40. Soil Classifiers Advisory Council.
- 10-41. Board of Examiners in Speech-Language Pathology and Audiology.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. The affected sections will be Regulations 10-3, 10-14, 10-30, 10-33, 10-40, and 10-41.

Section-by-Section Discussion:

- 10-3(1)(a). Strike \$105 and replace with \$90.
- 10-3(1)(b). Strike \$85 and replace with \$75.
- 10-3(1)(c) Strike \$115 and replace with \$100.
- 10-3(1)(d-f). No change.
- 10-3(2)-(3). No change.
- 10-14(1)(a). No change.
- 10-14(1)(b). Strike \$75 and replace with \$60.

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- 10-14(1)(c). Strike \$65 and replace with \$55.
- 10-14(1)(d). Strike \$100 and replace with \$80.
- 10-14(1)(e). No change.
- 10-14(1)(f). Strike \$65 and replace with \$55.
- 10-14(1)(g). Strike \$75 and replace with \$60. Capitalize “c” in Comity.
- 10-14(1)(h). Strike \$75 and replace with \$60.
- 10-14(2). No change.
- 10-14(3). Strike all.
- 10-14(4). Renumber as (3). Strike \$85 and replace with \$70.
- 10-14(4)(a). Strike \$170 and replace with \$135.
- 10-14(5). Renumber as (4).
- 10-14(6). Renumber as (5).
- 10-14(7). Renumber as (6).
- 10-14(8). Renumber as (7).
- 10-30(1). Strike \$120 and replace with \$110.
- 10-30(2). No change.
- 10-30(2)(a). Strike \$90 and replace with \$80.
- 10-30(2)(b). Strike \$80 and replace with \$70.
- 10-30(3) No change.
- 10-30(4) No change.
- 10-30(5) No change.
- 10-30(6) No change.
- 10-30(7). New section entitled Miscellaneous Fees.
- 10-30(7)(a). Name Change and New License. \$10.
- 10-30(7)(b). Duplicate License. \$10.
- 10-30(7)(c). Duplicate Certificate. \$10.
- 10-33A. No change.
- 10-33B. No change.
- 10-33B(1). No change.
- 10-33B(2). No change.
- 10-33B(3). No change.
- 10-33B(4). No change.
- 10-33B(5). No change.
- 10-33B(6). No change.
- 10-33B(7). No change.
- 10-33B(8). New section. Addiction Counselor Supervisors fees, \$100.
- 10-33C. No change.
- 10-33C(1). No change.
- 10-33C(2). No change.
- 10-33C(3). New section. Addiction Counselors renewal fee, \$150. Prior section (3) is re-numbered as (4).
- 10-33C(4). Renumber as 5.
- 10-33C(5). Renumber as 6.
- 10-33C(6). Renumber as 7.
- 10-33C(7). New section. Addiction Counselor Supervisors renewal fee, \$100.
- 10-33D. Strike language.
- 10-33E. Re-letter as D.
- 10-33F. Re-letter as E.
- 10-33F(1). Strike exam provider name and replace with “provider”.
- 10-33F(2). Strike exam provider name and replace with “provider”.
- 10-33G. Re-letter as F.
- 10-33H. Re-letter as G.
- 10-33I. Re-letter as H.
- 10-33J. Re-letter as I.

- 10-33J(1) No change.
- 10-33J(2) No change.
- 10-33K. Re-letter as J.
- 10-33L. Re-letter as K.
- 10-37. No change.
- 10-40(A). Strike \$25 and replace with \$40.
- 10-40(B). No change.
- 10-40(B)(1). Strike \$25 and replace with \$40.
- 10-40(B)(2). Strike \$200 and replace with \$300.
- 10-40(C). Strike \$200 and replace with \$300.
- 10-40(D). Strike \$40 and replace with \$60.
- 10-40(E). Strike \$250 and replace with \$375
- 10-41(A). No change.
- 10-41(A)(1). Strike \$220 and replace with \$200.
- 10-41(A)(2). Strike \$110 and replace with \$100.
- 10-41(A)(3). Strike \$100 and replace with \$90.
- 10-41(A)(4). Strike \$50 and replace with \$40.
- 10-41(B). No change.
- 10-41(B)(1). Strike \$160 and replace with \$140.
- 10-41(B)(2). Strike \$110 and replace with \$100.
- 10-41(B)(3). Strike \$100 and replace with \$90.
- 10-41(B)(4). Strike \$40 and replace with \$30.
- 10-41(C)-(F). No change.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

#### **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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 19, 2022. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

#### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

#### **Statement of Need and Reasonableness:**

South Carolina Code Section 40-1-50(D) requires that the Agency assess, collect, and adjust fees on behalf of each board biennially to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Following a comprehensive review of the budgets of all boards and commissions at the end of the fiscal year 2021-22, the Director concluded that fees for certain boards included hereinabove must be adjusted to comport with Section 40-1-50(D).

Specifically, fees for the Soil Classifiers Advisory Council must be increased in order to ensure sufficient revenue is collected to cover the costs to the State to operate the board. Fees for the following boards must be decreased in order to ensure revenue in excess of that which is needed to operate the boards is not collected: the

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Board of Architectural Examiners, Board of Registration for Professional Engineers and Surveyors, the Board of Physical Therapy Examiners, and the Board of Speech-Language Pathology and Audiology. Other fee corrections are also included in this proposed regulation.

### DESCRIPTION OF REGULATION:

**Purpose:** The proposed regulation is offered to comply with the statutory requirement that the Agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

**Legal Authority:** 1976 Code Sections 40-1-50 and 40-1-70.

**Plan for Implementation:** The new regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the new regulations and post the regulations on the agency's web site.

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

The proposed regulation is necessary to carry out the requirements of statute which establish that the Agency director shall assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

### DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning the promulgation of these regulations.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

The updated regulation will comport with the statutory requirement that the Agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Agency fees are also consolidated and scrivener's errors are corrected.

**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.

Document No. 5160  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
 CHAPTER 10  
 Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

- 10-17. Board of Funeral Service.
- 10-20. Liquefied Petroleum Gas Board.
- 10-24. Board of Medical Examiners.
- 10-27. Board of Examiners in Opticianry.
- 10-32. Board of Podiatry Examiners.
- 10-34. Board of Examiners in Psychology.
- 10-42. Board of Veterinary Medical Examiners.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. The affected sections will be Regulations 10-17, 10-20, 10-24, 10-27, 10-32, 10-34, and 10-42.

Section-by-Section Discussion:

- 10-17(1)-(5). No change.
- 10-17(6). Add “National and State” and add “Actual fee charged by examination provider.”
- 10-17(6)(a)-(c). Strike all.
- 10-17(7). New section for Miscellaneous Fees, including Duplicate License/Certificate - \$10 and Change of Manager applications for Funeral Establishment - \$100.
- 10-20. Strike “Reserved” and add LP Gas fee schedule.
- 10-24(A)-(C). No change.
- 10-24(D)(1)-(2). No change.
- 10-24(D)(3). Strike “Limited License Renewal and \$25 fee.
- 10-24(D)(4). Renumber as (3).
- 10-24(D)(4). New section. Fee for Reactivation Application - \$160.
- 10-24(E)(1)-(6). No change.
- 10-24(E)(7). New section. Exemption for Ventilation by Non-RCP - \$50.
- 10-24(F). New section. Registered Cardiovascular Invasive Specialist.
- 10-24(F)(1). New section. Registered Cardiovascular Invasive Specialist application fee, \$160.
- 10-24(F)(2). New section. Registered Cardiovascular Invasive Specialist renewal fee, \$80.
- 10-24(F). Re-letter as (G).
- 10-24(F)(1). Section is re-lettered as G. No change.
- 10-24(F)(2). Section is re-lettered as G. Reduce fee for Wall Certificate, duplicate – from \$50 to \$25.
- 10-24(F)(3). Section is re-lettered as G. New section and fee. Duplicate wallet cards, \$10.
- 10-24(F)(3). Section is re-lettered as G. Renumber as (4). No change.
- 10-24(F)(4). Section is re-lettered as G. Renumber as (5).
- 10-24(F)(5). Section and fee are stricken.
- 10-27(A)-(B). No change.

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- 10-27(C). No change.
- 10-27(C)(1). Strike “Resident.”
- 10-27(C)(2). Strike “Nonresident or.”
- 10-27(C)(3). Strike “Resident.”
- 10-27(C)(4). Strike “Nonresident or.”
- 10-27(D)-(E). No change.
- 10-32(A). New section. Initial application, \$500.
- 10-32(A). Re-letter prior section (A) as (B). No change.
- 10-32(B). Re-letter prior section (B) as (C). No change.
- 10-32(C). Re-letter prior section (C) as (D). Strike “plus a \$5 per day penalty to be assessed starting three months form the date of notification by the Secretary that said fee is due.”
- 10-32(E)-(F). New section for duplicate wall certificate and duplicate wallet card fees, \$25 and \$10, respectively.
- 10-34(A). No change.
- 10-34(B). Strike “Not to exceed \$500.” Add “Paid to the Examination Provider.”
- 10-34(C). Strike all.
- 10-34(D). Re-letter as (C). No change except moving \$75 to the appropriate box, separate from the narrative explanation.
- 10-34(E). Re-letter as (D). No change.
- 10-34(F). Re-letter as (E). No change.
- 10-34(F)(1). Section is re-lettered as (E). No change.
- 10-34(F)(2). Section is re-lettered as (E). Strike all.
- 10-34(F)(3). Section is re-lettered as (E). Strike all.
- 10-34(F)(4). Section is re-lettered as (E). Sub-section is re-numbered as (2). No change.
- 10-34(F)(5). Section is re-lettered as (E). Strike all.
- 10-34(F)(6). Section is re-lettered as (E). Strike all.
- 10-34(F)(7). Section is re-lettered as (E). Sub-section is re-numbered as (3). Strike \$25, replace with \$30.
- 10-34(F)(8). Section is re-lettered as (E). Sub-section is re-numbered as (4). Add “and new pocket license.”
- 10-34(F)(9). Section is re-lettered as (E). Sub-section is re-numbered as (5). No change.
- 10-42(A). No change.
- 10-42(A)(1)-(2). No change.
- 10-42(A)(3). Strike all.
- 10-42(A)(4). Section is renumbered as (3). Strike “by March 31.”
- 10-42(A)(5). Section is renumbered as (4). Strike “after April 1.”
- 10-42(A)(6). Section is renumbered as (5). Strike “after April 30.”
- 10-42(B). No change.
- 10-42(B)(1)-(2). No change.
- 10-42(B)(3). Strike “by March 31.”
- 10-42(B)(4). Strike “after April 1.”
- 10-42(B)(5). Strike “after April 30.”
- 10-42(C). No change.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

### **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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 19, 2022. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for the promulgation of these regulations.

**Statement of Need and Reasonableness:**

The proposed regulation is necessary and reasonable as it will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees that have been traditionally charged and appear on the website, but were missing from the fee schedules.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation is offered to correct errors in the boards' and commissions' fee schedules that were discovered during a comprehensive review of all fee schedules during the 2022 legislative session. The proposed regulation will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees that have been traditionally charged and appear on the website, but were missing from the fee schedules.

Legal Authority: 1976 Code Sections 40-1-50 and 40-1-70.

Plan for Implementation: The new regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the new regulations and post the regulations on the agency's web site.

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

The proposed regulation is necessary and reasonable as it will eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees that have been traditionally charged and appear on the website, but were missing from the fee schedules.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The updated regulation will correct errors in the boards' and commissions' fee schedules that were discovered during a comprehensive review of all fee schedules during the 2022 legislative session. Specifically, it will



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eliminate fees that are no longer charged, correct errors in the fee schedules, and add fees that have been traditionally charged and appear on the website, but were missing from the fee schedules.

### 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.

Document No. 5149  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF ACCOUNTANCY**

CHAPTER 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

- 1-01. General Requirements for Licensure as a CPA.
- 1-02. Examinations.
- 1-05. Firm registration, resident managers, firm names.
- 1-06. Reinstatement.
- 1-07. Return of Certificate.
- 1-08. Continuing Professional Education.
- 1-09. Peer Review.
- 1-10. Professional Standards.
- 1-11. Application for Licensure as an Accounting Practitioner.
- 1-12. Safeguarding Client Records When a Licensee is Incapacitated, Disappears, or Dies.
- 1-13. CPA Retired. (New)

### Preamble:

The South Carolina Board of Accountancy proposes to amend Chapter 1 of the Code of Regulations following the enactment of S.812, Act No. 174 of the 2022 legislative session, and in accordance with the review of regulations as required by S.C. Code Section 1-23-120(J).

### Section-by-Section Discussion:

- 1-01(A). No change.
- 1-01(B). No change.
- 1-01(C). Strike all. Add that a candidate who applies for a license more than three (3) years after the date upon which the candidate passed the last section of the Uniform CPA Exam must complete the required 120 hours of CPE within the previous three years.
- 1-01(D). New section. Add that the licensee verifying qualifying experience must have been actively licensed in some state or territory of the US or District of Columbia for the duration of the qualifying experience.
- 1-02(A). No change.
- 1-02(B). Strike all.
- 1-02(C). Strike all.
- 1-05(A)(1). Add to the list of uses “electronic file, metadata tag or other” devices.
- 1-05(A)(2). Strike all.
- 1-05(A)(3). Strike all.
- 1-05(A)(4). Strike all.
- 1-05(B). No change.
- 1-05(C). No change.
- 1-05(C)(1). Remove numbering. No other change.
- 1-05(C)(2). Strike all.

- 1-05(C)(3). Strike all.
- 1-06. No change.
- 1-06(A). Remove lettering. Strike 18 months and replace with 3 years.
- 1-06(B). Strike all.
- 1-07. Strike title. Replace with “Display of Certificate”. Strike “return of his or her certificate to the Board” and replace with “not publicly display their certificate”.
- 1-08. No change.
- 1-08A. No change.
- 1-08A(1). Replace “his or her” with “the licensee’s”.
- 1-08A(1)(a). Strike all.
- 1-08A(1)(b). Remove lettering. No other change.
- 1-08A(1)(c). Strike all.
- 1-08A(1)(d). No change.
- 1-08A(2). No change.
- 1-08A(2)(a). Replace one-half credit hour with one-fifth. Replace twenty-five minutes with ten.
- 1-08A(2)(b). No change.
- 1-08A(2)(c). Add that licensees participating in only part of a CPE program must claim hours for only the they portion they attend or complete and only if the credit hours claimed are greater than the minimum required credit hours for the course.
- 1-08(A)(2)(d). No change.
- 1-08(A)(2)(e). Replace ten credit hours with twelve.
- 1-08(A)(2)(f). Strike all.
- 1-08(A)(3)(a)-(d). No change.
- 1-08(A)(3)(e). Strike “may” and replace with “will”.
- 1-08(B). Strike all.
- 1-08(C). Re-letter as (B).
- 1-08(C)(1). No change.
- 1-08(C)(1)(a). No change.
- 1-08(C)(1)(a)(1)-(3). No change.
- 1-08(C)(1)(a)(4). New section. Add that online instruction programs must include adequate participation markers.
- 1-08(C)(1)(a)(4). Renumber as 5. No other change.
- 1-08(C)(1)(b). No change.
- 1-08(C)(1)(b)(1). No change.
- 1-08(C)(1)(b)(2). Strike all.
- 1-08(C)(1)(b)(3). Strike all.
- 1-08(C)(1)(b)(4). Renumber as (2).
- 1-08(C)(1)(b)(5). Renumber as (3).
- 1-08(C)(1)(b)(6). Strike all.
- 1-08(C)(1)(c). No change
- 1-08(C)(1)(c)(1)-(2). No change.
- 1-08(C)(1)(c)(3). Strike 5 percent and replace with 10 percent. Strike 4 hours and replace with 2 hours.
- 1-08(C)(1)(c)(4). Strike all.
- 1-08(C)(1)(c)(5). Renumber as (4). No other change.
- 1-08(C)(2). No change.
- 1-08(C)(2)(a). No change.
- 1-08(C)(2)(a)(1). Strike all.
- 1-08(C)(2)(a)(2). Renumber as (1).
- 1-08(C)(2)(a)(2)(a). Renumber as (1). No change.
- 1-08(C)(2)(a)(2)(i)-(ii). No change.
- 1-08(C)(2)(a)(2)(iii). Strike all.
- 1-08(C)(2)(a)(2)(b). Strike all.

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- 1-08(C)(2)(a)(3). Renumber as (2). No change.
- 1-08(C)(2)(a)(3)(a)-(b). No change.
- 1-08(C)(2)(a)(3)(c). Add comma and “ten”.
- 1-08(C)(2)(a)(3)(d)-(e). No change.
- 1-08(C)(2)(b). No change.
- 1-08(C)(2)(b)(1). No change.
- 1-08(C)(2)(b)(1)(a)-(b). No change.
- 1-08(C)(2)(b)(1)(c)-(d). Strike all.
- 1-08(C)(2)(c). Add “Service on a” and add “acceptance body”.
- 1-08(C)(2)(c)(1). Strike all.
- 1-08(C)(2)(c)(2). Renumber as (1). Strike “participation in QVR” and capitalize “s” in Service. Strike qualify and replace with qualifies.
- 1-08(C)(2)(c)(3). Renumber as (2).
- 1-08(C)(2)(d). Strike “Staff Meetings” in the title.
- 1-08(C)(2)(d)(1). Strike explanation that CPE credit can only be given for portions of staff meetings designed as a program of learning and complying with the requirements of CPE credit hours in regulation. Add that employer provided in-house CPE must comply with the requirements in this regulation to qualify for CPE credit hours.
- 1-08(C)(2)(e). No change.
- 1-08(C)(2)(e)(1). Strike language prohibiting carryover of CPE hours for participation in technical sessions at meetings of recognized national and state accounting organizations.
- 1-08(C)(2)(f). No change.
- 1-08(D). No change.
- 1-08(D)(1). No change.
- 1-08(D)(2). No change.
- 1-08(D)(2)(a). No change.
- 1-08(D)(2)(a)(1)-(2). No change.
- 1-08(D)(2)(a)(3)-(4). Strike all.
- 1-08(D)(2)(a)(5)-(6). Renumber. No change.
- 1-08(D)(2)(a)(7). Renumber. Remove passage that must be read at the beginning of Live Instruction program. Replace with reminder to participants that should subtract time from overall CPE total if they engage in activities that would denigrate the learning objective of the course.
- 1-08(D)(3). Strike 1-08(C)(1)(b)(5) and replace with (B)(1)(b)(3).
- 1-09(A)-(C). No change.
- 1-09(D). Strike “in order to cover costs of program administration”.
- 1-09(E). No change.
- 1-09(F)-(G). No change.
- 1-10. No change.
- 1-10(A)-(B). No change.
- 1-10(C). Strike all.
- 1-10(D). Re-letter. Add “knowingly” to employing a person whose license is revoked or suspended by the Board or a board in another jurisdiction.
- 1-11(A). No change.
- 1-11(A)(1). No change.
- 1-11(A)(2). Strike semi-colon and “and”. Add period.
- 1-11(A)(3). Strike all.
- 1-11(B). No change.
- 1-11(B)(1). No change.
- 1-11(B)(2). Add “Taxation and” before “Regulations” and “formerly known as Regulations (REG)” after “Regulations”.
- 1-12. No change.
- 1-12(A). Add a comma and “CPA-prepared records, CPA workpapers, and CPA work products”. Replace “client records” with “them”.

- 1-12(B). No change.
- 1-12(C). No change.
- 1-12(C)(1). Add “client” before “records.” Add a comma and “CPA-prepared records, CPA workpapers, and CPA work products”.
- 1-12(C)(2). No change.
- 1-12(C)(3). No change.
- 1-12(C)(4). No change.
- 1-12(C)(5). No change.
- 1-12(C)(6). No change.
- 1-13. New Section, CPA Retired.

The Notice of Drafting was published in the *State Register* on May 27, 2022.

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 12, 2022. Written comments may be directed to Susanna Sharpe, Administrator, Board of Accountancy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

The board is amending its regulations following the enactment of S.812, Act No. 174 of the 2022 legislative session, and in accordance with the five-year review of its regulations as required by S.C. Code Section 1-23-120(J).

**DESCRIPTION OF REGULATION:**

**Purpose:** The board proposes to amend its regulations following the enactment of S.812, Act No. 174 of the legislative session, and in accordance with the review of regulations as required by S.C. Code Section 1-23-120(J).

**Legal Authority:** 1976 Code Sections 40-1-70 and 40-2-70.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

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

The proposed regulations will conform to the requirements of S.812, Act No. 174 of the 2022 legislative session, and will amend and repeal existing regulations as required by S.C. Code Section 1-23-120(J) following the Board’s five-year regulatory review.

**DETERMINATION OF COSTS AND BENEFITS:**

## 54 PROPOSED REGULATIONS

There is no cost incurred by the state for the promulgation of these regulations.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

The updated regulations will conform the existing regulations to the requirements of S.812, Act No. 174 of the 2022 legislative session, and will amend and repeal existing regulations as required by S.C. Code Section 1-23-120(J) following the Board's five-year regulatory review.

### 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.

Document No. 5153  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE ATHLETIC COMMISSION**  
CHAPTER 20  
Statutory Authority: 1976 Code Section 40-81-70(A)(3), (6)

20-28.01. Code of Ethics.

### Preamble:

The South Carolina Athletic Commission proposes to amend R.20-28.01, the code of ethics, to clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters.

### Section-by-Section Discussion:

20-28.01(A). No change.

20-28.01(B)(1)-(2). No change.

20-28.01(B)(3). Add that "Significant monetary value" will be defined as \$10 or more.

20-28.01(B)(4) - (7). No change.

20-28.01(B)(8). Strike "with" and replace with "via."

20-28.01(B)(9)-(14). No change.

20-28.01(B)(15). Strike "will" and replace with "could."

The Notice of Drafting was published in the *State Register* on August 26, 2022.

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 19, 2022. Written comments may be directed to Bob Horner, Counsel, State Athletic Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) of the 1976 Code are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

The South Carolina Athletic Commission promulgated into regulation a code of ethics applicable to contestants and to officials during the 2022 legislative session. The Commission now seeks to amend R.20-28.01 to provide a more definite statement for officials on what is meant by the section prohibiting them from accepting or soliciting gifts of “significant monetary value” from promoters, managers, trainers or fighters. “Significant monetary value” will be defined as \$10 or more, which is the threshold amount state employees are allowed to receive from promotional, informational or education items given to them as a result of their state employment. Scrivener’s errors will also be corrected.

**DESCRIPTION OF REGULATION:**

**Purpose:** The purpose of the regulation is to clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters.

**Legal Authority:** 1976 Code Section 40-81-70(A)(3), (6).

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website. The code of ethics is currently posted on the website and will be updated if the proposed regulations are approved.

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

The proposed regulations are necessary to clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters. The proposed regulations are reasonable in that “Significant monetary value” will be defined as \$10 or more, which is the threshold amount state employees are allowed to receive from promotional, informational or education items given to them as a result of their state employment.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

## 56 PROPOSED REGULATIONS

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

The updated regulations will clarify the guidance provided to officials regarding the allowable value of gifts received or solicited from promoters. "Significant monetary value" will be defined as \$10 or more, which is the threshold amount state employees are allowed to receive from promotional, informational or education items given to them as a result of their state employment. Scrivener's errors will also be corrected.

### 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.

Document No. 5154  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF BARBER EXAMINERS**  
CHAPTER 17

Statutory Authority: 1976 Code Sections 40-7-50 and 40-7-60

17-3. Barber Schools, Teachers and Instructors; Teachers and Instructors to Devote Full Time.

### Preamble:

The South Carolina Board of Barber Examiners proposes to amend R.17-3 to clarify that teachers and instructors in barber schools or colleges may not provide professional services to clients during the time they are working in school settings.

### Section-by-Section Discussion:

17-3. Add "while they are working in the school setting" to existing language.

The Notice of Drafting was published in the *State Register* on August 26, 2022.

### 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 a hearing will be conducted at the Administrative Law Court at 3:00 p.m. on December 19, 2022. Written comments may be directed to Theresa Brown, Administrator, Board of Barber Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

The proposed regulation is necessary in that it clarifies language approved by the General Assembly during the 2022 legislative session. The current language states that teachers and instructors in barber schools or colleges cannot perform any professional work during school hours, and the Board wishes to clarify that this is meant only to apply while the teacher or instructor is in the school setting. In other words, if instructors are not scheduled to be working in a school setting during certain hours of the day typically considered to be school hours, then they may work in their professional capacity. The regulation is reasonable in that the clarification ensures instructors are able to earn income during periods when they are not scheduled to work in school settings.

DESCRIPTION OF REGULATION:

**Purpose:** The South Carolina Board of Barber Examiners proposes to amend R.17-3 to clarify that teachers and instructors in barber schools or colleges may not provide professional services to clients during the time they are working in school settings.

**Legal Authority:** 1976 Code Sections 40-7-50 and 40-7-60.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

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

The proposed regulation is necessary in that it clarifies language approved by the General Assembly during the 2022 legislative session. The current language states that teachers and instructors in barber schools or colleges cannot perform any professional work during school hours, and the Board wishes to clarify that this is meant only to apply while the teacher or instructor is in the school setting. In other words, if instructors are not scheduled to be working in a school setting during certain hours of the day typically considered to be school hours, then they may work in their professional capacity. The regulation is reasonable in that the clarification ensures instructors are able to earn income during periods when they are not scheduled to work in school settings.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**



## 58 PROPOSED REGULATIONS

The updated regulations will clarify that teachers and instructors in barber schools or colleges may not provide professional services to clients during the time they are working in school settings.

### 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.

Document No. 5155  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**PANEL FOR DIETETICS**  
CHAPTER 40  
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-20-50

- 40-1. Definitions.
- 40-5. Licensing Provisions.
  - 40-5.1. Licensure by Examination.
  - 40-5.2. Licensure by Registration.
  - 40-5.3. Licensure by Endorsement.
  - 40-5.4. Foreign Educated Applicants.
  - 40-5.5. Change of Address or Name.
  - 40-5.6. Applications Property of Panel.
- 40-6. Requirements for Renewal.
- 40-7. Reinstatement/Reactivation of Expired, Lapsed Licenses.
- 40-8. Continuing Competency; Continuing Education Credits.
- 40-9. Fees.
- 40-10. Misconduct Defined.
- 40-16. Licensure Timeframes.

### Preamble:

The Panel for Dietetics proposes to amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement.

### Section-by-Section Discussion:

- 40-1. No change.
- 40-1(A)-(B). No change.
- 40-1(C). Strike “Professional” from, strike “hour” from, and add “Unit” to “Continuing Professional Education (CPE) hour” so that it now reads, “Continuing Education Unit (CEU).”
- 40-1(D)-(N). No change.
- 40-5. Replace capital “E” in “Examination” and “R” in “Registration” and strike “or Endorsement”.
- 40-5.1. Replace “the” with “an” before “examination”. Replace “based on” with “by” in the second reference to the “examination”.
- 40-5.1(1). No change.
- 40-5.1(2). Strike language.
- 40-5.1(3). Renumber as (2). Add “passage of” before “examination”. Strike “eligibility by the Commission of Dietetic Registration” and add “from a Panel-approved examination provider”.
- 40-5.1(3). New section regarding transcripts to be sent directly to the Panel.
- 40-5.1(4). New section requiring license verifications to be sent directly to the Panel from states where applicant holds licenses.
- 40-5.1(4). Renumber as (5).

- 40-5.1(5). Strike language.
- 40-5.2. No change.
- 40-5.2(1). No change.
- 40-5.2(2). Strike language.
- 40-5.2(3). Renumber as (2).
- 40-5.2(3). New section requiring license verifications to be sent directly to the Panel from states where applicant holds licenses.
- 40-5.2(4). No change.
- 40-5.3. Strike all and repeal section.
- 40-5.4. Add hyphen in title, “Foreign-educated”. No other change.
- 40-5.5. Add, in two places, that the Panel must be notified of a request for change of name or address within 30 days of the change occurring.
- 40-5.6. Strike all and repeal.
- 40-6. No change.
- 40-6(1). Strike “professional” from, strike “hour” from, and add “units” to “continuing professional education (CPE) hour” so that it now reads, “continuing education units (CEUs)”.
- 40-6(2). No change.
- 40-6(3). Strike “lapsed or expired” and replace with “inactive”.
- 40-7. Add “of Inactive” to title and strike “/Reactivation of Expired, Lapsed”.
- 40-7(A). Replace “An” with “A”. Strike “expired” and add “that has not been timely renewed”. Strike “lapse” and replace with “be placed in inactive status”. Strike “the” before June 30. Add a period after “year” and strike and “is subject to reinstatement at the discretion of the panel”. Strike colon.
- 40-7(1). Re-letter as (B). Replace “a lapsed” with “an inactive”.
- 40-7(2). Strike all.
- 40-7(B). Re-letter as (C). Strike “lapsed” and replace with “been inactive.” Add “including but not limited to complying with S.C. Code Section 40-2-60’s requirements”. Remove colon, add period.
- 40-7(B)(1)-(3). Strike all.
- 40-7(C). Re-letter as (D).
- 40-8. Strike “Credits” in title and replace with “Units”.
- 40-8(A). Add “proof of”, strike “a,” strike “report” and add “units” regarding continuing education requirements. Strike “on a form approved by the panel”. Strike period, add colon and “by” at the end of the sentence.
- 40-8(A)(1) and (2). New section adding requirements for demonstrating continuing professional competency, a condition of renewal, by an active CDR registration or completion of thirty hours of CE.
- 40-8(B). Strike all – section encompassed in 40-8(A).
- 40-8(C). Re-letter as (B). Strike “professional”.
- 40-9. Add “The Panel may charge fees as shown in South Carolina Code of Regulations Chapter 10-13”.
- 40-10(1). No change.
- 40-10(2). Strike “principles of dietetic.” Add “Code of”. Replace “e” with “E” in “Ethics.”
- 40-16. Strike all and Repeal.

The Notice of Drafting was published in the *State Register* on March 25, 2022.

**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 a hearing will be conducted at the Administrative Law Court on December 13, 2022, at 10:00 a.m. Written comments may be directed to Meredith Buttler, Administrator, Panel for Dietetics, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

## **60 PROPOSED REGULATIONS**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

### **Statement of Need and Reasonableness:**

The proposed regulations are both reasonable and necessary in that they eliminate redundancies and more closely align the regulations with the South Carolina Dietetics Licensure Act regarding initial licensing, renewal, reinstatement and continuing education.

### **DESCRIPTION OF REGULATION:**

**Purpose:** The proposed regulation will amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement.

**Legal Authority:** 1976 Code Sections 40-1-50, 40-1-70, and 40-20-50.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations are both reasonable and necessary in that they eliminate redundancies and more closely align the regulations with the South Carolina Dietetics Licensure Act regarding initial licensing, renewal, reinstatement and continuing education.

### **DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### **Statement of Rationale:**

The Panel for Dietetics proposes to amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement.

### **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.

Document No. 5161  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**OFFICE OF STATE FIRE MARSHAL**  
 CHAPTER 71

Statutory Authority: 1976 Code Section 23-9-20

- 71-8300. Fire Prevention and Life Safety.
- 71-8301. Fire Prevention and Life Safety for Special Occupancies.
- 71-8302. Explosives.
- 71-8303. Portable Fire Extinguishers and Fixed Fire Extinguishing Systems.
- 71-8304. Liquefied Petroleum (LP) Gas.
- 71-8305. Fireworks and Pyrotechnics.
- 71-8306. Hydrogen Facilities.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal, proposes to add to, amend and repeal certain regulations appearing in R.71-8300 through R.71-8306.

Section-by-Section Discussion.

- 71-8300. Add sections 23-9-20 and 23-9-30 before existing code sections under Statutory Authority. Strike “23-9-60” as it was repealed by Act No. 170 of 2022.
- 71-8300.1. No change.
- 71-8300.1(A)–(B). No change.
- 71-8300.1(C)(1). No change.
- 71-8300.1(C)(2). Add “and all equipment or systems therein” after “premises” and “with the latest adopted codes promulgated by the South Carolina Building Codes Council and” after “conformance.” Add commas after “premises” and after “therein.” Strike “with” before “these regulations.”
- 71-8300.1(C)(3). Strike all and replace with new language specifying that all buildings must be maintained in accordance with current South Carolina Building Codes Council regulations and that existing buildings may continue to operate under the code applicable at the time of construction.
- 71-8300.1(C)(4). No change.
- 71-8300.1(C)(5). Strike period after “et.”
- 71-8300.1(C)(6). Strike first “or” and replace with “and.”
- 71-8300.1(D). Strike all.
- 71-8300.1(E). Re-letter as (D).
- 71-8300.1(E)(1)–(4). No change.
- 71-8300.1(E)(5). Strike all and replace with new language defining “Community Fireworks Display.”
- 71-8300.1(E)(6)–(9). No change.
- 71-8300.1(E)(10). Add new section defining “Engineered Special Hazard Fire Suppression System.”
- 71-8300.1(E)(10). Renumber as (11).
- 71-8300.1(E)(11). Renumber as (12).
- 71-8300.1(E)(12). Renumber as (13).
- 71-8300.1(E)(13). Renumber as (14).
- 71-8300.1(E)(14). Strike all.
- 71-8300.1(E)(15). Add language further defining “Fixed Fire Extinguishing System” and noting exceptions to the definition.
- 71-8300.1(E)(16). Add new section defining “Flame Effects.”
- 71-8300.1(E)(16). Renumber as (17).
- 71-8300.1(E)(17). Renumber as (18).
- 71-8300.1(E)(18). Renumber as (19).

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- 71-8300.1(E)(19). Renumber as (35). Strike all and replace with new language defining the South Carolina Building Code.
- 71-8300.1(E)(20). No change.
- 71-8300.1(E)(21). Renumber as (36). Strike all and replace with new language defining the South Carolina Fire Code.
- 71-8300.1(E)(22). Renumber as (37). Strike all and replace with new language defining the South Carolina Fuel Gas Code.
- 71-8300.1(E)(23). Renumber as (38). Strike all and replace with new language defining the South Carolina Residential Code.
- 71-8300.1(E)(24). Renumber as (21). Add “S.C. Code Ann. Section.”
- 71-8300.1(E)(25). Renumber as (22).
- 71-8300.1(E)(26). Renumber as (23). Strike “MS” from “MSDS(s)” and strike “Material.”
- 71-8300.1(E)(27). Renumber as (24).
- 71-8300.1(E)(28). Renumber as (25). Add “also known as SC State Fire,” preceded by a comma, after “Regulation.”
- 71-8300.1(E)(29). Renumber as (26).
- 71-8300.1(E)(30). Renumber as (27).
- 71-8300.1(E)(31). Renumber as (28).
- 71-8300.1(E)(29). Add new section defining “Primary Qualifying Party.”
- 71-8300.1(E)(32). Renumber as (30).
- 71-8300.1(E)(33). Renumber as (31).
- 71-8300.1(E)(34). Renumber as (32).
- 71-8300.1(E)(33). Add new section defining “Qualifying Party.”
- 71-8300.1(E)(35). Renumber as (34).
- 71-8300.1(E)(36). Renumber as (39).
- 71-8300.1(E)(37). Renumber as (40).
- 71-8300.1(E)(38). Renumber as (41).
- 71-8300.1(E)(39). Renumber as (42).
- 71-8300.2. No change.
- 71-8300.2(A). Strike “I” from “IFC” and replace with “SC” so that it reads “SCFC.”
- 71-8300.2(B). New sentence before existing first sentence adopting latest edition of nationally recognized codes. Strike comma after “6-9-5” and strike period after “et.” Add “2021 edition of the” before “IFC” at end of final sentence of the paragraph.
- 71-8300.2(B)(1)–(2). No change.
- 71-8300.2(B)(3). Strike “103.4” and replace with “104.7.”
- 71-8300.2(B)(4). Strike all.
- 71-8300.2(B)(5). Renumber as (4).
- 71-8300.2(B)(5). Add new section: “Service Utilities (Section 110).”
- 71-8300.2(B)(6). Add new section: “Stop Work Orders (Section 113).”
- 71-8300.2(B)(6). Renumber as (7). Strike “Buildings” and replace with “Structures or Equipment.” Strike “110” and replace with “114.”
- 71-8300.2(C). Strike all and replace with new language stating that codes adopted in S.C. Code § 6-9-5 shall be enforced as applicable.
- 71-8300.2(D)–(V). Strike all.
- 71-8300.2(W). Re-letter as (D). Strike “as referenced within the adopted ICC codes.”
- 71-8300.2(X). Strike all.
- 71-8300.2(Y). Re-letter as (E). Strike “as referenced within the adopted ICC codes.”
- 71-8300.2(Z)–(CC). Strike all.
- 71-8300.3. No change.
- 71-8300.4. Strike all and replace with “Submittals for Plan Review.”
- 71-8300.4(A). No change.

- 71-8300.4(B). Strike initial “construction documents” as title for subsection. Strike first “and.” Add “and supporting documentation for plan review” after “shop drawings.” Add commas between “documents” and “shop” and after “drawings.”
- 71-8300.4(B)(1). Strike “Submittals” and “Construction.” Capitalize “documents.”
- 71-8300.4(B)(2). No change.
- 71-8300.4(B)(2)(a)–(c). Strike all.
- 71-8300.4(B)(3). No change.
- 71-8300.4(B)(4). Strike “Examination of documents.”
- 71-8300.4(B)(5). Strike “Information on construction documents” as title for subsection. Strike first instance of “construction documents” thereafter and replace with “Drawings.” Strike “upon suitable material.” Strike “Electronic media [...] OSFM” and replace with new sentence specifying acceptable electronic media formats and requirement for approval of non-electronic media documents by OSFM. Strike “Construction” at beginning of next sentence and capitalize “documents.”
- 71-8300.4(B)(5)(a). Strike “Fire protection system shop drawings.” Strike “Shop” at beginning of next sentence and capitalize “drawings.” Add “and other documents” after “drawings.” Strike “for fire protection system(s).” Add “applicable statutes” followed by a comma between “with” and “these regulations.” Add new sentence after “installation” and before “Shop drawings” regarding automatic revocation of requests for OSFM review if a permitting authority authorizes installation prior to written approval of OSFM.
- 71-8300.4(B)(5)(b). Add “and shop drawings” after “construction documents.”
- 71-8300.4(B)(5)(c). No change.
- 71-8300.4(B)(6). Strike “Applicant responsibility.” Strike “construction” and replace with “submitted.”
- 71-8300.4(B)(7). Strike “Approved documents.” Strike initial “Construction” and replace with “Submitted.”
- 71-8300.4(B)(7)(a). Strike “Phased approval.”
- 71-8300.4(B)(7)(b). Strike “Compliance with code.”
- 71-8300.4(B)(8). Strike “Corrected documents.”
- 71-8300.4(B)(9). Strike “Revocation.” Strike “or shop” between “documents” and drawings.” Add commas after “construction documents” and “drawings.” Add “or other submitted documentation” after “drawings.”
- 71-8300.4(B)(9)(a)–(c). No change.
- 71-8300.4(B)(9)(d). Strike “plans.” Add “plans and other documents,” followed by a comma, after “submitted.”
- 71-8300.4(B)(9)(e)–(g). No change.
- 71-8300.5. Strike all. Add “Repealed.”
- 71-8300.6. Strike all. Add “Repealed.”
- 71-8301. Strike “23-9-60” and replace with “23-9-20(A)(5)” as 23-9-60 was repealed in Act 170.
- 71-8301.1. No change.
- 71-8301.1(A). No change.
- 71-8301.1(B). Strike terminal comma and replace with period. Add “new and existing foster homes” after “to.”
- 71-8301.1(B)(1). Strike all.
- 71-8301.1(B)(2). Strike all.
- 71-8301.1(C). Strike all.
- 71-8301.2. No change.
- 71-8301.3. No change.
- 71-8301.3(A). No change.
- 71-8301.3(B). Strike all.
- 71-8302. Strike “23-9-40” and replace with “23-9-20,” and strike “23-9-60” as it was repealed by Act No. 170 of 2022 and replace with “23-9-50” under Statutory Authority.
- 71-8302.1. No change.
- 71-8302.2. Add “Definitions,” followed by a comma, before “Codes.”
- 71-8302.2(A). Add “definitions and” after “All.” Strike “refer to the editions adopted” and replace with “are promulgated.” Strike “and are” and replace with “unless.”
- 71-8302.2(B). Strike all.
- 71-8302.3. No change.
- 71-8302.3(A). Strike all and replace with fee requirement citing S.C. Code Ann. Section 23-36-40.

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- 71-8302.3(A)(1)–(8). Add fees.
- 71-8302.3(B)–(D). Strike all.
- 71-8302.3(E). Re-letter as (E).
- 71-8302.3(E)(1). No change.
- 71-8302.3(E)(2)–(3). Strike all.
- 71-8302.3(F). Re-letter as (C).
- 71-8302.4. No change.
- 71-8302.4(A). No change.
- 71-8302.4(B). No change.
- 71-8302.4(B)(1). Add “or accepted” after “administered.”
- 71-8302.4(B)(2). Strike all.
- 71-8302.4(B)(3). Renumber as (2).
- 71-8302.4(B)(4). Renumber as (3).
- 71-8302.4(B)(5). Renumber as (4). Strike “New” and replace with “All.”
- 71-8302.4(B)(5)(a). Strike “a new.” Strike “license” and replace with “licensure.” Add “as prescribed by OSFM” after “licensure.”
- 71-8302.4(B)(5)(b). Strike all.
- 71-8302.4(B)(5)(c). Re-letter as (b). Add “copies of” after “Provide.” Strike “the” after “Provide.” Add “all” before “appropriate.”
- 71-8302.4(B)(5)(d). Re-letter as (c). Strike “one million” and replace with “five hundred thousand.” Strike “1,000,000” and replace with “500,000.”
- 71-8302.4(B)(6). Strike all.
- 71-8302.4(B)(6)(a)–(c). Strike all.
- 71-8302.4(B)(6)(d). Add “Each applicant renewing a license shall” before “Attend.” Change “Attend” to lower case.
- 71-8302.4(B)(6)(e)–(f). Strike all.
- 71-8302.4(C). No change.
- 71-8302.4(C)(1). Strike “application forms shall be available on the OSFM website” and replace with “shall be requested online through the OSFM Information Management System (IMS).”
- 71-8302.4(C)(1)(a)–(d). No change.
- 71-8302.4(C)(1)(e). Strike all.
- 71-8302.4(C)(1)(f). Re-letter as (e).
- 71-8302.4(C)(1)(g). Re-letter as (f).
- 71-8302.4(C)(1)(h). Re-letter as (g).
- 71-8302.4(C)(2). Strike all.
- 71-8302.4(C)(2)(a). Re-letter as (h).
- 71-8302.4(C)(2)(b). Strike all.
- 71-8302.4(C)(2)(c). Re-letter as (i).
- 71-8302.4(C)(2)(d). Re-letter as (j).
- 71-8302.4(C)(2)(e). Re-letter as (k).
- 71-8302.4(C)(3). Renumber as (2).
- 71-8302.4(C)(4). Renumber as (3).
- 71-8302.4(D). No change.
- 71-8302.4(D)(1). Strike all and replace with language that Magazine Permits shall be requested online and contain information deemed appropriate by the OSFM.
- 71-8302.4(D)(2)–(3). Strike all.
- 71-8302.4(D)(4). Renumber as (2).
- 71-8302.4(D)(5). Renumber as (3).
- 71-8302.5. No change.
- 71-8302.5(A)–(B). No change.
- 71-8302.5(C). Add “O” to “SFM” so that it reads “OSFM.”
- 71-8302.5(C)(1)–(4). No change.
- 71-8302.5(D). No change.

- 71-8302.6. No change.
- 71-8302.6(A). No change.
- 71-8302.6(B). Strike “under any” and replace with “prescribed in.”
- 71-8302.6(C)–(D). No change.
- 71-8302.6(E). Strike “must” and replace with “shall.” Add “injuries,” followed by a comma, after “any” and before “fires.” Add a comma after “fires.” Add “property damage, or deaths caused by the deaths of explosive materials” after “thefts.” Strike “involving explosives.”
- 71-8302.6(F). No change.
- 71-8302.6(G). Add “digital or hard” between “A” and “copy.” Strike “kept” and replace with “made available.”
- 71-8302.6(H). Strike all and replace with “The following sequence shall be followed for each blast.”
- 71-8302.6(H)(1)–(2). No change.
- 71-8302.7. Strike all. Add “Repealed.”
- 71-8302.8. No change.
- 71-8303. Change “23-9-40” to “23-9-20” under Statutory Authority.
- 71-8303.1. No change.
- 71-8303.1(A). Strike “leasing, renting, reselling, servicing and testing” and replace with “inspection, testing and maintenance.” Strike “servicing” in second half of sentence and replace with “maintenance.”
- 71-8303.1(B). No change.
- 71-8303.1(B)(1). No change.
- 71-8303.1(B)(2). Strike “servicing” and replace with “maintenance.”
- 71-8303.1(B)(3). Strike “servicing” and replace with “maintenance.”
- 71-8303.1(B)(4). Add new section: “The installation, testing and maintenance of all Engineered Special Hazard Fire Suppression Systems.”
- 71-8303.1(C). Strike all.
- 71-8303.2. Add “Definitions,” followed by a comma, before “Codes.”
- 71-8303.2(A). Strike all and replace with new language referring to definitions and references promulgated in R.71-8300.
- 71-8303.2(B). Strike all.
- 71-8303.3. Strike initial comma and “Testing, and Inspections” and replace with “and Permitting.”
- 71-8303.3(A). Strike all and replace with new section (with subsections (1)–(3)) establishing fee schedule for licenses and permits.
- 71-8303.3(B). Strike all.
- 71-8303.3(C). Re-letter as (B). Strike “testing” (and associated comma) and “inspection.”
- 71-8303.3(D). Re-letter as (C).
- 71-8303.4. No change.
- 71-8303.4(A) No change.
- 71-8303.4(A)(1). Strike “firm” and replace with “dealer.” Strike first instance of “servicing” and replace with “performing maintenance on.” Strike second instance of “servicing” and replace with “performing maintenance on.” Strike “or hydrostatic testing portable fire extinguishers or portions of fixed fire extinguishing systems must” and replace with “or engineered special hazard fire suppression systems shall.”
- 71-8303.4(A)(2). Strike “firm’s” and replace with “dealer’s.”
- 71-8303.4(A)(3). Strike both instances of “firm” and replace with “dealer” in both places.
- 71-8303.4(A)(4). Add new section requiring dealers to employ and identify primary qualifying party.
- 71-8303.4(A)(5). Renumber as (4). Strike first instance of “firm” and replace with “dealer.” Strike second instance of “firm” and replace with “dealer.” Strike “State of South Carolina” and replace with “Office of State Fire Marshal.”
- 71-8303.4(A)(6). Renumber as (5). Strike “firm” and replace with “dealer.” Strike second and third sentences.
- 71-8303.4(A)(7). Renumber as (6).
- 71-8303.4(A)(8). Renumber as (7). Strike “biennially” and replace with “every three (3) years.”
- 71-8303.4(A)(9). Add new section stating that licenses are suspended if no appropriate primary qualifying party is employed by the dealer.
- 71-8303.4(A)(10). Add new section requiring each dealer to furnish notarized affidavit.



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- 71-8303.4(A)(8). Strike all.
- 71-8303.4(B). No change.
- 71-8303.4(B)(1). Strike “servicing” and replace with “performing maintenance.” Add comma after “extinguishers” and strike “or” after “extinguishers.” Add comma after “systems,” followed by the addition of “or engineered special hazard fire suppression systems.”
- 71-8303.4(B)(2). Strike “in writing on a form available from” and replace with “as prescribed by.”
- 71-8303.4(B)(3). Strike all.
- 71-8303.4(B)(4). Renumber as (3).
- 71-8303.4(B)(5). Renumber as (4). Strike all of first sentence after “pass” and strike entire second sentence. Add “provide proof of a current National Association of Fire Equipment Dealers (NAFED) certification through ICC for the applicable permit classification” after “Applicants shall.”
- 71-8303.4(B)(4)(a)–(d). Add new sections specifying appropriate certifications.
- 71-8303.4(B)(4)(d)(i). New subsection listing applicable certification for Engineered Systems.
- 71-8303.4(B)(6). Strike all.
- 71-8303.4(B)(5). Add new section requiring applicants to furnish notarized affidavits.
- 71-8303.4(B)(7). Renumber as (6).
- 71-8303.4(B)(8). Renumber as (7). Strike “show” and replace with “display.” Strike “on” and replace with “at.”
- 71-8303.4(B)(9). Renumber as (8). Add “and shall not perform maintenance or repair on systems not covered by the permit for which they are trained” after third instance of “permit.”
- 71-8303.4(B)(10). Renumber as (9). Strike “not” before “transferable.” Strike “and specifically identify the” and replace with “to another licensed.” Change “employ” to “employment.” Strike “and must be surrendered to the OSFM within 15 business days” and replace with “until transferred to another licensed dealer.”
- 71-8303.4(B)(11). Renumber as (10). Strike “biennially” and replace with “every three (3) years.”
- 71-8303.4(12). Strike all.
- 71-8303.4(C). No change.
- 71-8303.4(C)(1). Add “perform maintenance,” followed by a comma, after “service.” Add “as applicable,” followed by a comma, between “and” and “to conduct.” Add “with a current retester identification number (RIN) issued by DOT or its designated agency” after “extinguishers” at end of original sentence.
- 71-8303.4(C)(2). Strike all after “Class ‘B’” and reserve.
- 71-8303.4(C)(3). Strike all after “Class ‘C’” and reserve.
- 71-8303.4(C)(4). Strike all after “may” and replace with “install, respect, repair, recharge, service, maintain or test all types of pre-engineered fire extinguishing systems.”
- 71-8303.4(C)(5). Strike all after “Class ‘E’” and replace with “may install, inspect, repair, recharge, service, maintain or test engineered special hazard fire suppression systems.”
- 71-8303.4(D). Strike “Firms” and replace with “Dealers.” Strike “‘B’, or ‘C’” and preceding comma after “‘A.’” Strike “must” and replace with “shall.”
- 71-8303.4(E). Strike “Firms” and replace with “Dealers.” Strike “must” and replace with “shall.”
- 71-8303.4(E)(1). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(E)(2). Add new section: “Employ a minimum of one (1) full time employee permitted by the OSFM.”
- 71-8303.4(E)(3). Renumber as (2).
- 71-8303.4(E)(4). Renumber as (3). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(E)(5). Renumber as (4). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(F). Strike “‘B’, or ‘C’” and preceding comma after “‘A.’” Strike “must” and replace with “shall.”
- 71-8303.4(G). No change.
- 71-8303.4(G)(1). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(G)(2). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(G)(3). Strike “fixed” and replace with “pre-engineered.”
- 71-8303.4(H). Strike all.
- 71-8303.5. Strike all. Add “Repealed.”
- 71-8303.6. Strike “Class D.”
- 71-8303.6(A). Strike “firm” and replace with “dealer.” Add “inspecting, repairing, recharging,” followed by a comma, between “installing” and “testing.” Strike “servicing Class D” and replace with “performing maintenance on.” Strike second and third instances of “Class D.”

- 71-8303.6(B). Strike “or service” and replace with “inspect, repair, recharge, perform maintenance or test,” preceded by a comma after “install.” Strike “Class D.” Add “or for which they do not have manufacturer training or certification to install, inspect, repair, recharge, perform maintenance or test” after “permit.”
- 71-8303.7. Strike “Licensing Requirements: For Firms” and replace with “Dealers.”
- 71-8303.7(A). Strike “firm” and replace with “dealer.”
- 71-8303.7(B). Strike “attend a” and replace with “maintain.” Strike “refresher course every three years.” Strike “completion” and replace with “request.”
- 71-8303.8. No change.
- 71-8303.9. Strike all. Add “Repealed.”
- 71-8303.10. No change.
- 71-8303.10(A). No change.
- 71-8303.10(A)(1). Strike “firms” and replace with “dealers.” Strike first and second instances of “servicing” and replace both with “maintaining.” Add “and installing, testing and maintaining engineered special hazard fire suppression systems” after “systems,” preceded by a comma after “systems.”
- 71-8303.10(A)(2). Strike all.
- 71-8303.10(A)(3). Renumber as (2).
- 71-8303.10(A)(3). Add new section: “To issue administrative citations in accordance with S.C. Code Ann. § 23-9-20;”.
- 71-8303.10(A)(4). Strike “suspend or.” Add “in accordance with S.C. Code Ann. § 23-9-45” after “permits.”
- 71-8303.10(A)(5). No change.
- 71-8303.10(B). Strike “conduct hearings or proceedings concerning the suspension, revocation, or refusal to issue or renew licenses or permits issued under this subarticle or the application to.” Strike “the same” and replace with “licenses or permits in accordance with the Administrative Procedures Act.”
- 71-8303.10(C)–(D). Strike all.
- 71-8303.11. Strike “or if” after “Fire Equipment Dealer” and replace with “or permit holder based on.” Strike “is” in first instance of “complaint is filed.” Change “an” located between “alleging that” and “licensed person” to “a.” Strike “holding him or herself out” and replace with “representing themselves.” Add “or permit holder,” incorporating after “holder” the comma originally following “Dealer,” after the second instance of “Fire Equipment Dealer.” Strike “per the procedures of Title 40, Chapter 1” and replace with “to determine if violations of these provisions exist.”
- 71-8303.12. No change.
- 71-8303.12(A). Strike “has violated these regulations” and replace with “if a person is practicing without a license or permit.”
- 71-8303.12(B). Strike all and replace with new language establishing that OSFM may revoke a fire equipment dealer license/permit or issue an administrative citation if the license or permit holder has committed a violation of the affidavit referenced in S.C. Code Ann. § 23-9-45(B).
- 71-8303.13. Strike all. Add “Repealed.”
- 71-8303.14. Strike all. Add “Repealed.”
- 71-8303.15. Strike “Cease and Desist” in title and replace with “Stop Work.” Add “or dealer” between “any person” and “is.” Strike “or has been violating [...] thereto” and replace with “practicing without a license or permit.” Add “or dealer” between “such person” and “an order.” Strike “cease and desist such violation or to correct such hazardous condition” and replace with “stop work, pursuant to Subarticle 1.”
- 71-8303.16. Strike all. Add “Repealed.”
- 71-8303.17. Strike all. Add “Repealed.”
- 71-8303.18. Strike “firm, or corporation” and comma preceding “person” and replace with “or dealer.” Add “or permitted” between “licensed” and “under.” Add “or failed to install, inspect, repair, recharge, maintain or test Fire Equipment to applicable codes and standards” after “subarticle.” Strike “at not more than two thousand (\$2000) per violation” and replace with “per S.C. Code Ann. § 23-9-20 et seq.”
- 71-8304. Strike “23-9-40” and “23-9-60” as both were repealed by Act No. 170 of 2022.
- 71-8304.1. No change.
- 71-8304.2. No change.
- 71-8304.3. No change.

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71-8304.4. No change.

71-8304.5. No change.

Subarticle 6. Strike “Fireworks and” and replace with “Use of” in title of subarticle. Add “and Special Effects” after “Pyrotechnics.”

71-8305. Strike “Fireworks and.” Add “and Special Effects” after “Pyrotechnics.” Change “23-9-10 et seq.” to “23-9-20(4)” under Statutory Authority.

71-8305.1. No change.

71-8305.1(A). Add “and” between “handling” and “use.” Strike “transportation, and storage,” as well as the preceding comma following “use.” Add a comma after “pyrotechnics,” followed by the addition of “flame effects, pyrotechnic simulation equipment/special effects.” Add “public” before “fireworks” and “displays” after “fireworks.”

71-8305.1(B). No change.

71-8305.1(B)(1). Add “pyrotechnics and” between “use of” and “fireworks.” Add “a” between “for” and “public.”

71-8305.1(B)(2)–(3). No change.

71-8305.1(B)(4)–(5). Strike all.

71-8305.1(B)(6). Renumber as (4).

71-8305.1(B)(7). Renumber as (5).

71-8305.1(B)(8). Renumber as (6).

71-8305.1(B)(9). Renumber as (7).

71-8305.1(C). No change.

71-8305.1(C)(1)–(6). No change.

71-8305.1(C)(7). Add new section stating that a person who purchases and uses consumer fireworks on their own property does not constitute a public fireworks display.

71-8305.2. Add “Definitions,” followed by a comma, before “Codes.”

71-8305.2(A). Strike all and replace with new language referring to codes and standards promulgated in R.71-8300.

71-8305.2(B). Strike all.

71-8305.3. No change.

71-8305.3(A)–(B). No change.

71-8305.3(C). Strike all.

71-8305.3(D). Re-letter as (C). Add “Licensure” before “Fees.” Strike “shall be” and replace with “are.” Strike “for the following” and replace with “as follows.”

71-8305.3(D)(1)–(5). Strike all and replace with new language specifying different categories of pyrotechnic operator and the licensure fees associated with each.

71-8305.3(D)(6)–(7). Strike all.

71-8305.3(E). Strike all.

71-8305.3(D). Add new section (with subsections (1) through (9)) specifying permit fees for different types of displays.

71-8305.3(F). Re-letter as (E).

71-8305.4. No change.

71-8305.4(A). Add new section (with subsections (1) through (5)) outlining pyrotechnic operator classifications.

71-8305.4(A). Re-letter as (B).

71-8305.4(A)(1). No change.

71-8305.4(A)(2)–(3). Strike all.

71-8305.4(A)(4). Renumber as (2).

71-8305.4(A)(5). Renumber as (3). Strike “biennially on” and replace with “every three (3) years prior to.”

71-8305.4(A)(6). Renumber as (4).

71-8305.4(A)(7). Renumber as (5). Add “In accordance with the Administrative Procedures Act,” followed by a comma, before the initial “the.” Change the “The” before “OSFM” to lower case. Add “petition an Administrative Law Judge to” between “may” and “revoke.” Strike the comma after “revoke” and add “or.” Strike the comma after “suspend.” Strike “or deny.”

71-8305.4(A)(7)(a)–(g). No change.

- 71-8305.4(B). Strike all.
- 71-8305.4(B)(1). Renumber as (8). Add “Pyrotechnic Operator – Restricted Outdoor” between “for” and “licensing.” Strike “must” and replace with “shall.” Strike “South Carolina.” Strike “while holding a valid pyrotechnic operator trainee license” and replace with “and is adequately trained to NFPA 1123, and referenced standards as applicable.”
- 71-8305.4(B)(2). Renumber as (9).
- 71-8305.4(C). Strike all.
- 71-8305.4(C)(1). Renumber as (10). Add “Pyrotechnic Operator – Unrestricted” between “for” and “licensing.” Strike “must” and replace with “shall additionally.” Strike “South Carolina.” Add “and trained” between “participated” and “in the set-up.” Strike “while holding a valid pyrotechnic operator trainee license” and replace with “in accordance with NFPA 1126 and referenced standards.” Strike the comma after “seeking” and replace with a period. Strike “and the” after “seeking” and replace with “The” (capitalized). Strike entire final sentence.
- 71-8305.4(C)(2). Renumber as (11). Remove “the” and “his or her”. Add new sentence to end of paragraph: “Assistants that handle and discharge fireworks shall possess proper ATF clearance, where required.”
- 71-8305.4(C)(2)(a)–(f). Strike all.
- 71-8305.5. No change.
- 71-8305.5(A) No change.
- 71-8305.5(A)(1). Strike “or a” after first instance of “Display” and “Proximate,” and add a comma after “Display.” Add a comma after second instance of “Display.” Strike “must” and replace with “Special Effects Display, or Flame Effects Display in front of an audience shall.”
- 71-8305.5(A)(2)–(3). Strike all.
- 71-8305.5(A)(4). Renumber as (2).
- 71-8305.5(A)(4)(a). Strike terminal “or.”
- 71-8305.5(A)(4)(b). Strike terminal “or.”
- 71-8305.5(A)(4)(c). Strike terminal “or.”
- 71-8305.5(A)(4)(d). Strike terminal period and change to semicolon.
- 71-8305.5(A)(4)(e). Add new section: “Failure to follow applicable codes and standards;”.
- 71-8305.5(A)(4)(f). Add new section: “Incident causing injury or death.”
- 71-8305.5(A)(5)–(7). Strike all.
- 71-8305.5(A)(8). Renumber as (3).
- 71-8305.5(B). Strike all.
- 71-8305.5(B)(1)–(2). Strike all.
- 71-8305.5(A)(4). Add new section: “Permits shall be requested through the OSFM IMS.”
- 71-8305.5(B)(3). Renumber as (5). Add “South Carolina” before “Board.” Strike “Public Display” and replace with “South Carolina Pyrotechnic.” Add “the” between “supervise” and “firing.”
- 71-8305.5(B)(4). Renumber as (6).
- 71-8305.5(C). Strike all.
- 71-8305.5(C)(1). Renumber as (7). Add “(COI)” between “insurance” and “in.” Add new sentence to end of paragraph: “The COI shall contain the display dates or period.”
- 71-8305.5(C)(2). Strike all.
- 71-8305.5(C)(3). Renumber as (8).
- 71-8305.6. Strike “General.”
- 71-8305.6(A). No change.
- 71-8305.6(A)(1)–(2). No change.
- 71-8305.6(A)(3). Strike all.
- 71-8305.6(A)(4). Renumber as (3).
- 71-8305.6(A)(5). Renumber as (4). Strike “or” between “fires” and “thefts” and add commas after “fires” and “thefts.” Add “injuries or deaths” after “thefts.”
- 71-8305.6(A)(6). Renumber as (5). Strike “purchase the appropriate permit, pay the appropriate license fee, if any are required, and.”
- 71-8305.6(A)(6)(a). Strike all and replace with “S.C. Code Ann. § 23-9-20.”
- 71-8305.6(A)(6)(b). Strike “1976, as amended” and the comma after “-150.”

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- 71-8305.6(A)(7). Strike all.
- 71-8305.6(A)(8). Renumber as (6). Change “material” to “materials.” Add “at the display site” after “materials.”
- 71-8305.6(A)(8)(a). Strike “1976, as amended” as well as commas after “23-36-10” and “seq.” Add comma after closed parentheses. Strike “or” before “Title” and replace with “NFPA 495, and.”
- 71-8305.6(A)(8)(b). Add “when at the display site” after “standard.”
- 71-8305.6(A)(9). Renumber as (7).
- 71-8305.6(B). Strike “Public Fireworks” and replace with “Outdoor.”
- 71-8305.6(B)(1). No change.
- 71-8305.6(B)(2). Strike “kept at the firing station” and replace with “accessible on site.”
- 71-8305.6(B)(3). No change.
- 71-8305.6(B)(4). Strike entire final sentence.
- 71-8305.6(B)(5)–(7). No change.
- 71-8305.6(C). No change.
- 71-8305.7. Strike all and replace with “Community Fireworks Displays.”
- 71-8305.7(A). Add new section stating that the regulation does not apply to a person who purchases consumer fireworks and discharges them on their own property.
- 71-8305.7(A). Re-letter as (B).
- 71-8305.7(A)(1). Strike existing language. Add new section: “Hold a Community Fireworks Display using consumer fireworks, without an approved permit from the OSFM.”
- 71-8305.7(A)(2). Strike “75” and replace with “300.”
- 71-8305.7(A)(3). Add new section: “Explode or ignite fireworks for a community fireworks display less than 200 ft. from spectators, occupied buildings, and parking;”
- 71-8305.7(A)(3). Renumber as (4).
- 71-8305.7(A)(4). Renumber as (5).
- 71-8305.7(B)–(C). Strike all.
- 71-8305.8. Strike all. Add “Repealed.”
- 71-8306. No change.
- 71-8306.1. No change.
- 71-8306.1(A). Strike “with the handling, use, storage, transfer and dispensing at a hydrogen facility” and replace with “with Hydrogen fuel facilities intended for retail purchase by the general public to power motor vehicles.”
- 71-8306.1(B). Add new section stating that permitting of hydrogen facilities must be by the State Fire Marshal or a qualifying county or municipal official to whom he delegates that authority.
- 71-8306.1(B)–(C). Strike all.
- 71-8306.2. Strike all. Add “Repealed.”
- 71-8306.3. Strike all. Add “Repealed.”
- 71-8306.4. Strike all. Add “Repealed.”
- 71-8306.5. Add “OSFM” before “Licensing.”
- 71-8306.5(A)–(E). No change.
- 71-8306.5(E)(1). Add en dash (–), with one space before and one after, before dollar sign. Add “00” following terminal period so dollar amount reads “\$10.00.”
- 71-8306.5(E)(2). Add en dash (–), with one space before and one after, before dollar sign. Add “00” following terminal period so dollar amount reads “\$250.00.”
- 71-8306.5(E)(3). Add en dash (–), with one space before and one after, before dollar sign. Add “00” following terminal period so dollar amount reads “\$100.00.”
- 71-8306.5(E)(4). Add en dash (–), with one space before and one after, before dollar sign. Add “00” following terminal period so dollar amount reads “\$100.00.”
- 71-8306.5(F)–(G). No change.

The Notice of Drafting was published in the *State Register* on June 24, 2022.

### 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 a hearing will be conducted at the Administrative Law Court on December 13, 2022, at 2:00 p.m. Written comments may be directed to Jonathan Jones, Fire Marshal, S.C. Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m. on November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to amend sections in Chapter 71, Article 8 for the implementation of licensing, permitting and certification programs and for fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards.

Legal Authority: 1976 Code Section 23-9-20.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations are necessary in light of the passage of Act No. 170 of the 2022 legislative session. The proposed regulations are reasonable as they implement licensing, permitting and certification programs and support fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

These regulations are designed to implement licensing, permitting and certification programs of the State Fire Marshal, and to enhance fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards. Failure to implement these regulations may result in a less fire-safe environment for the state's citizens.

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### Statement of Rationale:

The Office of State Fire Marshal proposes to amend sections in Chapter 71, Article 8 related for the implementation of licensing, permitting and certification programs and for fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards.

### 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.

Document No. 5150  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF MEDICAL EXAMINERS**  
CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-32, 40-47-33, and 40-47-40

81-401. Continued Professional Education for Academic Licenses. (New)

### Preamble:

The South Carolina Board of Medical Examiners proposes adding a regulation establishing continuing education for academic licenses.

### Section-by-Section Discussion:

81-401. New Section establishing continuing education requirements for academic licenses.

The Notice of Drafting was published in the *State Register* on February 25, 2022.

### 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 a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on January 3, 2023. Written comments may be directed to Bob Horner, Counsel, Board of Medical Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

### Statement of Need and Reasonableness:

The proposed regulation is reasonable as it establishes continuing competency requirements for license holders authorized to practice medicine in clinical settings within their academic setting. The proposed regulation is necessary as S.C. Code Section 40-47-10(I)(2) tasks the Board with the duty to develop minimum standards for continued competency of licensees continuing in or returning to practice.

### DESCRIPTION OF REGULATION:

**Purpose:** The South Carolina Board of Medical Examiners proposes adding a regulation establishing continuing education for academic licenses.

**Legal Authority:** 1976 Code Sections 40-1-70, 40-47-10, 40-47-32, 40-47-33, and 40-47-40.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulation is reasonable as it establishes continuing competency requirements for license holders authorized to practice medicine in clinical settings within their academic setting. The proposed regulation is necessary as S.C. Code Section 40-47-10(I)(2) tasks the Board with the duty to develop minimum standards for continued competency of licensees continuing in or returning to practice.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment or public health, generally, if these regulations are not implemented. Lack of continuing competence could impact patients of academic licensees if the prescribed continuing education is not required.

**Statement of Rationale:**

The regulation will establish continuing competency requirements for academic license holders in this state.

**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.



## 74 PROPOSED REGULATIONS

Document No. 5151  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF NURSING**  
CHAPTER 91  
Statutory Authority: 1976 Code Section 40-33-10(E)

91-33. Safeguarding Patient Records. (New)

### **Preamble:**

The South Carolina Board of Nursing proposes to amend its regulations regarding the handling of patient records upon the death, disappearance or incapacity of a licensee.

### Section-by-Section Discussion:

91-33. Safeguarding Patient Records. New language.

The Notice of Drafting was published in the *State Register* on March 25, 2022.

### **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 a hearing will be conducted at the Administrative Law Court at 9:30 A.M. on January 4, 2023. Written comments may be directed to Carol Moody, Administrator, Board of Nursing, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

### **Statement of Need and Reasonableness:**

The proposed regulation is both reasonable and necessary in that it addresses the issue of handling patient records upon the death, disappearance or incapacity of a licensee. Certain licensees, including physicians who are licensees of the Board of Medical Examiners, currently have this same provision in regulation, and it provides direction to medical practices and to family members of physicians in the event a physician is unable to provide continuity of care, appropriate referral or patient medical records upon a valid request of the patient. The proposed regulation is a necessary extension of the aforementioned regulation as certain licensees of the Board of Nursing, specifically Advanced Practice Registered Nurses (APRNs), maintain patient records for their own patients in the same manner as physicians.

### DESCRIPTION OF REGULATION:

**Purpose:** The South Carolina Board of Nursing proposes to amend its regulations regarding the handling of patient records upon the death, disappearance or incapacity of a licensee.

**Legal Authority:** 1976 Code Section 40-33-10(E).

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulation is both reasonable and necessary in that it addresses the issue of handling patient records upon the death, disappearance or incapacity of a licensee. Certain licensees, including physicians who are licensees of the Board of Medical Examiners, currently have this same provision in regulation, and it provides direction to medical practices and to family members of physicians in the event a physician is unable to provide continuity of care, appropriate referral or patient medical records upon a valid request of the patient. The proposed regulation is a necessary extension of the aforementioned regulation as certain licensees of the Board of Nursing, specifically Advanced Practice Registered Nurses (APRNs), maintain patient records for their own patients in the same manner as physicians.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health, generally, of this State if these regulations are not implemented. The health of patients of APRNs who die, disappear or become incapacitated and are not required to have a plan in place for patient medical records, should this regulation not be approved, may be

**Statement of Rationale:**

The updated regulations will provide guidance for the handling of patient records upon the death, disappearance or incapacity of a licensee.

**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.

Document No. 5158  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF EXAMINERS IN OPTOMETRY**  
CHAPTER 95

Statutory Authority: 1976 Code Sections 40-1-70, 40-37-40(A)(7), and 40-37-320

95-4. Continuing Education.

95-7. Optometrists' Offices. General Requirements, Patient Records Handling, and Sanitary Standards. (New)

95-8. Ethics. (New)

## 76 PROPOSED REGULATIONS

### Preamble:

The South Carolina Board of Examiners in Optometry proposes to amend Chapter 95 of the Code of Regulations to add regulations for optometrists' offices, which include mobile units, as authorized by S.C. Code Section 40-37-320, and to adopt a code of professional ethics appropriate to the profession of optometry.

### Section-by-Section Discussion:

95-4(A)-(D). No change.

95-4(E). Strike ten and replace with fifteen hours of CE to be obtained from online courses. Add "s" to "course". Add that no more than ten of the fifteen online courses may be pre-recorded.

95-7. New text. Optometrists' Offices. General Requirements, Patient Records Handling, and Sanitary Standards.

95-8. New text. Ethics.

A Notice of Drafting was published in the *State Register* on June 24, 2022.

### 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 a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on January 4, 2023. Written comments may be directed to Meredith Buttler, Administrator, Board of Examiners in Optometry, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. on November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

### Statement of Need and Reasonableness:

#### DESCRIPTION OF REGULATION:

**Purpose:** The purpose of the regulation is to provide clear guidance to licensees regarding how to maintain adequate, appropriate and sanitary office facilities in the practice of optometry. The regulation also provides guidance on the proper handling of patient records. The Board is providing guidance to ensure consistency across all office facilities in the interest of patient care and safety. Additionally, the Board is providing guidance on ethics for licensees and is increasing the number of online CE hours licensees can obtain.

**Legal Authority:** 1976 Code Sections 40-1-70, 40-37-40(A)(7), and 40-37-320.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The regulation is reasonable as it will provide clear guidance to licensees regarding how to maintain adequate, appropriate and sanitary office facilities in the practice of optometry. The regulation will also provide guidance on the proper handling of patient records. The regulation is providing guidance that is necessary to ensure consistency across all office facilities in the interest of patient care and safety. The regulation is also

reasonable as it will provide guidance on ethics for licensees and will increase the number of online CE hours licensees can obtain.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The updated regulations will provide clear guidance to licensees regarding how to maintain adequate, appropriate and sanitary office facilities in the practice of optometry. The regulations will also provide guidance on the proper handling of patient records. The Board is providing guidance to ensure consistency across all office facilities in the interest of patient care and safety. The updated regulations will also provide guidance on ethics for licensees and will increase the number of online CE hours licensees can obtain.

**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.

Document No. 5156  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF PHARMACY**  
CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(D)(8), 40-43-83(I), and 40-43-86(B)(3)(c)

99-43. Facility Permit Classifications.

99-45. Administrative Citations and Penalties.

**Preamble:**

The South Carolina Board of Pharmacy proposes to amend various sections in Chapter 99 to provide clarification and guidance regarding permitting of clinics as well as clarify reporting requirements mandated by state or federal laws and regulations.

Section-by-Section Discussion:

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99-43A. No change.

99-43B(1)-(2). No change.

99-43B(3). New section. Resident Central Fill Pharmacy Permit.

99-43B(4). New section. Non-Resident Central Fill Pharmacy Permit.

99-43C-F. No change.

99-43G. No change.

99-43G(1). Add that a wholesale Distributor Permit is required for virtual wholesale distributors defined a business entity that arranges for the distribution of a drug or device, and contract with others for the distribution purchase and sale.

99-43G(2). No change.

99-43H. No change.

99-43H(1). Add that a Manufacturer/Repackager Permit is required for Virtual Manufacturers or any company that sells their own prescription drug products and/or medical devices but outsources the manufacturing and distribution operations.

99-43H(2)-(3). No change.

99-43I. No change.

99-43I(1). Add “/or” before “distribute.”

99-43I(2). New section. Add that a FQHC Drug Outlet Permit is required for an FQHC delivery site to store and/or administer any legend drug or device.

99-43I(3). Renumber previous section 2. No change.

99-43J. No change.

99-43K. New section. Hospital-Owned Health System – Non-Dispensing Drug Outlet Permit.

99-45. No change.

99-45(1)-(15). No change.

99-45(16). New section. Penalty for failure to renew permit and operating with a lapsed permit, 1<sup>st</sup> offense (permit holder). Amount in addition to any other fines and penalties as referenced in S.C. Code Section 40-43-90(D), \$500.

The Notice of Drafting was published in the *State Register* on May 27, 2022.

### **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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 16, 2022. Written comments may be directed to Traci Collier, Chief Drug Inspector and Administrator, Board of Pharmacy, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

### **Statement of Need and Reasonableness:**

The proposed regulation is both necessary and reasonable in that it is required to carry out the requirements of the central fill legislation, Act 210, that passed during the 2022 legislative session. Specifically, Regulation 99-43(B)(3) will add language to create a Resident Central Fill Permit as required under S.C. Code Section 40-43-195(H)(1). Regulation 99-43(B)(4) will add language to create a Non-Resident Central Fill Pharmacy Permit as required under Section 40-43-195(H)(1). Additionally, regulations are being amended to more clearly define virtual wholesale distributors, a new and emerging entity in the pharmaceutical space. Specifically, Regulation 99-43(G) will more clearly define requirements for “virtual” wholesale distributors. Regulation 99-43(H)(1) will add language to clarify the definition Virtual Manufacturers and the necessary permit required.

Regulation 99-43(I)(1) will also add “or” to clarify that a drug outlet permit is needed if an FQHC Facility performs any of the listed activities. Regulation 99-43(K) will clarify Non-Dispensing Drug Outlet permit requirements for hospital-owned health systems with multiple facilities/locations that store and/or administer legend drugs or legend devices. Regulation 99-43(I)(2) and (3) will be renumbered and will clarify the need for a permit. Regulation 99-45(16) will add a fine for operating with a lapsed permit, 1<sup>st</sup> offense and a corresponding fine.

**DESCRIPTION OF REGULATION:**

**Purpose:** The proposed regulation is both necessary and reasonable in that it is required to carry out the requirements of the central fill legislation, Act 210, that passed during the 2022 legislative session. Specifically, Regulation 99-43(B)(3) will add language to create a Resident Central Fill Permit as required under S.C. Code Section 40-43-195(H)(1). Regulation 99-43(B)(4) will add language to create a Non-Resident Central Fill Pharmacy Permit as required under Section 40-43-195(H)(1). Additionally, regulations are being amended to more clearly define virtual wholesale distributors, a new and emerging entity in the pharmaceutical space. Specifically, Regulation 99-43(G) will more clearly define requirements for “virtual” wholesale distributors. Regulation 99-43(H)(1) will add language to clarify the definition Virtual Manufacturers and the necessary permit required. Regulation 99-43(I)(1) will also add “or” to clarify that a drug outlet permit is needed if an FQHC Facility performs any of the listed activities. Regulation 99-43(K) will clarify Non-Dispensing Drug Outlet permit requirements for hospital-owned health systems with multiple facilities/locations that store and/or administer legend drugs or legend devices. Regulation 99-43(I)(2) and (3) will be renumbered and will clarify the need for a permit. Regulation 99-45(16) will add a fine for operating with a lapsed permit, 1<sup>st</sup> offense and a corresponding fine.

**Legal Authority:** S.C. Code Sections 40-1-70, 40-43-60(D)(8), 40-43-83(I), and 40-43-86(B)(3)(c).

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify permittees of the revised regulation and post the revised regulations on the agency’s website.

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

The proposed regulation is both necessary and reasonable in that it is required to carry out the requirements of the central fill legislation, Act 210, that passed during the 2022 legislative session. Specifically, Regulation 99-43(B)(3) will add language to create a Resident Central Fill Permit as required under S.C. Code Section 40-43-195(H)(1). Regulation 99-43(B)(4) will add language to create a Non-Resident Central Fill Pharmacy Permit as required under Section 40-43-195(H)(1). Additionally, regulations are being amended to more clearly define virtual wholesale distributors, a new and emerging entity in the pharmaceutical space. Specifically, Regulation 99-43(G) will more clearly define requirements for “virtual” wholesale distributors. Regulation 99-43(H)(1) will add language to clarify the definition Virtual Manufacturers and the necessary permit required. Regulation 99-43(I)(1) will also add “or” to clarify that a drug outlet permit is needed if an FQHC Facility performs any of the listed activities. Regulation 99-43(K) will clarify Non-Dispensing Drug Outlet permit requirements for hospital-owned health systems with multiple facilities/locations that store and/or administer legend drugs or legend devices. Regulation 99-43(I)(2) and (3) will be renumbered and will clarify the need for a permit. Regulation 99-45(16) will add a fine for operating with a lapsed permit, 1<sup>st</sup> offense and a corresponding fine.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

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### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment and public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

The updated regulations will carry out the requirements of the central fill legislation, Act 210, that passed during the 2022 legislative session. Specifically, Regulation 99-43(B)(3) will add language to create a Resident Central Fill Permit as required under S.C. Code Section 40-43-195(H)(1). Regulation 99-43(B)(4) will add language to create a Non-Resident Central Fill Pharmacy Permit as required under Section 40-43-195(H)(1). Additionally, regulations are being amended to more clearly define virtual wholesale distributors, a new and emerging entity in the pharmaceutical space. Specifically, Regulation 99-43(G) will more clearly define requirements for “virtual” wholesale distributors. Regulation 99-43(H)(1) will add language to clarify the definition Virtual Manufacturers and the necessary permit required. Regulation 99-43(I)(1) will also add “or” to clarify that a drug outlet permit is needed if an FQHC Facility that performs any of the listed activities. Regulation 99-43(K) will clarify Non-Dispensing Drug Outlet permit requirements for hospital-owned health systems with multiple facilities/locations that store and/or administer legend drugs or legend devices. Regulation 99-43(I)(2) and (3) will be renumbered and will clarify the need for a permit. Regulation 99-45(16) will add a fine for operating with a lapsed permit, 1<sup>st</sup> offense and a corresponding fine.

### 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.

Document No. 5159

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**COMMISSIONERS OF PILOTAGE**  
CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140

- 136-014. Apprentice Citizenship and Physical Requirements.
- 136.015. Previous Maritime Experience, Apprentice Applicants.
- 136-016. Apprentice Training Course Curriculum.
- 136-020. Short Branch Qualification.
- 136-035. Fees.
- 136-040. Pilot Vessel Operation.
- 136-045. Pilot Charges and Fees.
- 136-070. Pilot Functions and Responsibilities.
- 136-090. Pilot Response.

### Preamble:

The Commissioners of Pilotage for the Lower Coastal area propose to amend the following sections of the Code of Regulations following a comprehensive review of their regulations conducted pursuant to S.C. Code Section 1-23-120(J): Regulations 136-014, 136-015, 136-016, 136-020, 136-035, 136-040, 136-045, 136-070, 136-075 and 136-090.

Section-by-Section Discussion:

- 136-014(A). Update citations to Code of Federal Regulations, replacing 10.223 with 10.225 and 10.301-10.306.
- 136-014(B)-(C). No change.
- 136.015(A)-(B)(1)-(9)(a)-(b). No change.
- 136.015(B)(9)(c). Correct spelling of “cannot”.
- 136.015(B)(10). No change.
- 136-016.(A). Update citations to the Code of Federal Regulations, replacing 10.307 with “Part 10 Subpart D”.
- 136-016(B)-(E). No change.
- 136-020(A)-(C)(1)-(3). No change.
- 136-020(C)(4). Replace “shall” with “to”. Strike “deepest draft applicable to merchant vessels whose movements ae not draft restricted under Regulation 136-071” with “deep draft limit applicable in subparagraph (1) above, plus twelve feet”.
- 136-020(D). No change.
- 136-020(E). Strike existing language. Add language stating records for short branch pilot assignments shall be maintained and made available upon request of the Commissioners for up to one year after the fourth short branch period terminates.
- 136-035(A). Strike all and replace with language establishing how the Commissioners will establish fees.
- 136-035(B). Strike existing language. Establish new fee structure for short branch license and full branch license.
- 136-035(C). Replace \$25 application fee with a \$50 application fee.
- 136-035(D). Strike \$50 exam fee and replace with language stating the Commissioners will set the exam fee in an amount not to exceed the fee paid for issuance of the license for which the examinee is being evaluated.
- 136-040(A) – (C). No change.
- 136-040(D). New section providing that response in support of port or vessel emergencies is considered duty under the role of pilotage.
- 136-040(E). New section providing pilot vessels are engaged in the mission of state law enforcement when transporting and transferring state licensed pilots in the performance of pilotage.
- 136-040(F). New section providing when approved pilot vessels in the fleet may temporarily provide maritime services to the port or to vessels in the vicinity.
- 136-045(A). No change.
- 136-045(B). Add that when payment has not been made within the 45-day term, interest may be charged, compounded at the rate of 1.5% monthly, for any portion of a month overdue.
- 136.045(C)-(D). No change.
- 136-070(A)-(B). No change.
- 136-070(C). Add hyphen to “self-propelled”.
- 136-070(D)(1)-(2). No change.
- 136-070(D)(3). Strike existing language. Add language regarding dredged channels and safe speed.
- 136.070(D)(4). Adding section providing that nothing shall prevent a pilot from piloting any vessel when the vessel’s or port’s safety would be further impaired by refusal to provide pilotage.
- 136-070(E). No change.
- 136.070(F). Strike maximum draft of less than “eleven” and replace with “twelve”.
- 136.070(G)-(H). No change.
- 136-090(A). Striking requirement to act upon requests for pilot service without delay if three-hour notification of vessel’s intended movement is given. Replace with “as follows”.
- 136-090(A)(1). Adding that for vessels entering the Port of Charleston, notification is required six hours in advance of the required pilot boarding time.



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136-090(A)(2). Adding that for vessels departing or shifting within the Port of Charleston, notification is required three hours prior to any vessel's intended movement.

136-090(A)(3). Adding that for movements in ports other than Charleston, notification of seventy-two (72) hours in advance of the requested pilot boarding time, sailing time, or other movement is required.

136-090(B). No change.

136-090(C). New section providing that vessels arriving at the bar and waiting for pilotage may be assigned pilots in the order that best facilitates safe and efficient movements within the entrance channel and the harbor.

The Notice of Drafting was published in the State Register on August 26, 2022.

### **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 a hearing will be conducted at the Administrative Law Court at 2:00 P.M. on February 22, 2023. Written comments may be directed to Laura Smith, Administrator, Commissioners of Pilotage, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 P.M. on November 28, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

### **Statement of Need and Reasonableness:**

The Commissioners of Pilotage, Lower Coastal Area, propose to amend the aforementioned regulations to clarify or correct language appearing in Article 1 of Chapter 136, for the purpose of promoting the health, safety and economic well-being of the public, and reflecting the current state of pilotage as it serves marine commerce in the Port of Charleston and the Lower Coastal Area.

### **DESCRIPTION OF REGULATION:**

Purpose: The Commissioners of Pilotage for the Lower Coastal area propose to amend the following sections of the Code of Regulations following a comprehensive review of their regulations conducted pursuant to S.C. Code Section 1-23-120(J): Regulations 136-014, 136-015, 136-016, 136-020, 136-035, 136-040, 136-045, 136-070, 136-075 and 136-090.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The Commissioners of Pilotage, Lower Coastal Area, propose to amend the aforementioned regulations to clarify or correct language appearing in Article 1 of Chapter 136, for the purpose of promoting the health, safety and economic well-being of the public, and reflecting the current state of pilotage as it serves marine commerce in the Port of Charleston and the Lower Coastal Area.

### **DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The updated regulations will clarify or correct language appearing in Article 1 of Chapter 136, for the purpose of promoting the health, safety and economic well-being of the public, and reflecting the current state of pilotage as it serves marine commerce in the Port of Charleston and the Lower Coastal Area.

**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.

Document No. 5145  
**DEPARTMENT OF SOCIAL SERVICES**  
CHAPTER 114

Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(D), and 45 CFR 302.56

- 114-4710. Use of the Guidelines.
- 114-4720. Determination of Child Support Awards.
- 114-4730. Unusual Custody Arrangements.
- 114-4740. Periodic Review.
- 114-4750. Child Support Guidelines Schedule and Worksheets.

**Preamble:**

The Department of Social Services is required to perform a quadrennial review of Regulation 114-4710 through 114-4750, known as the Child Support Guidelines. The Guidelines are used to calculate the appropriate amount of child support to be paid and they are used to review and adjust existing orders for support. The following proposed regulation is the product of the most recent Guidelines Review Committee, which included representatives from the Department of Social Services, members of the private bar, advocates for both primary residential parents and the parents with a legal duty to pay support, and representatives from the judiciary and Court Administration. Issues covered include the update, and expansion, of the support table and charts themselves, correction of clerical mistakes, imputation of income to incarcerated individuals, imputation of income to unemployed or underemployed individuals, factors the court may consider for the verification of income, amending the current self support reserve amount to reflect changes in economic factors, adding a paragraph to define extraordinary medical expenses, modification of terminology concerning health insurance,

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adding emphasis to existing language in regard to child care costs, revision of the adjustment to child care costs for qualified tax credits, and an enhancement of the language concerning the application of the Worksheet C in shared parenting arrangements. The issues concerning incarceration, imputation of income, verification of income, and modification of terminology concerning health insurance were prompted by the 2016 Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Final Rule as they relate to 45 CFR §302.56.

### Section-by-Section Discussion:

- 114-4710, A., A.1., A.2. There were no changes to this section, which covers the general application of the Guidelines and addresses the minimum support obligation.
- 114-4710, A.3. The combined household income covered by the tables has been increased from \$360,000 per year to \$480,000 per year.
- 114-4710, B., B.1.-B.12. There were no changes to this section, which delineate circumstances under which the court may deem it appropriate to deviate from the Guidelines.
- 114-4720, A., A.1., A.2., A.3. There were no changes to this section, which covers definitions used within the Guidelines and defines “Gross Income.”
- 114-4720, A.4. A clerical mistake has been corrected to remove “of” and replace it with “or.”
- 114-4720, A.5. Wording was added here to ensure compliance with the Federal Office of Child Support Enforcement (FOCSE) as it relates to a prohibition of imputing wages to an incarcerated individual pursuant to 45 CFR §302.56(c)(3).
- 114-4720, A.5.A. There were no changes to this section.
- 114-4720, A.5.B. These changes, which delineate the factors the court may use when imputing income to a parent is unemployed or underemployed, provide an increased number of factors for consideration and mirrors 45 CFR §302.56(c)(1)(iii).
- 114-4720, A.6. Oral testimony has been added as a method in which the court may verify income. While this method of verification is used throughout South Carolina, it has not been previously enumerated within the Guidelines.
- 114-4720, A.7. – A.10. There were no changes to these sections.
- 114-4720, A.11. The self support reserve amount was revised to reflect the increased cost of living and increased federal poverty line that has occurred since the last review of the Guidelines.
- 114-4720, A.12. The term “insurance” has been replaced with “coverage” to allow for inclusion of public health plans and assistance as envisioned by 45 CFR §302.56(c)(2). The term “parent” was replaced with “party.” Clarification was added to clearly explain how the Guidelines incorporate the first \$250.00 per child per year of uninsured medical expenses. The term “orthodontia” and “professional counseling” were removed to allow the court to make a determination of “reasonable and necessary unreimbursed medical expenses.”
- 114-4720, A.13. (new) This section has been added and is entitled “Extraordinary Medical Expenses.” The Child Support Worksheets include a “line item” for extraordinary medical expenses; however, there is no definition, or explanation, of the term in the existing Guidelines. The new section defines and describes examples of extraordinary medical expenses while leaving the determination for the same with the court.

114-4720, A.14. (former A.13.)	This section was formerly 11-4720, A13; however, it has been renumbered due to the addition of “Extraordinary Medical Expenses” as noted above. This section was modified to emphasize that child care from an unlicensed provider may be considered by the court. The section was also modified in regard to the adjustment for tax credits as there have been changes to the Tax Code since the last review of the Guidelines. A clerical mistake has been corrected by removing the numeral “1” that was erroneously included in the fourth (4 <sup>th</sup> ) sentence of section. The term “day care” has been replaced with “child care.”
114-4720, A.15. (former A.14.)	This section was formerly 11-4720, A14; however, it has been renumbered due to the addition of “Extraordinary Medical Expenses” as noted above. There have been no changes other than the renumbering.
11-4730, A.	The term “advisory and not compulsory” have been removed to allow the court to determine whether Worksheet C should be used in shared physical custody cases.
11-4730, A.1.-A.5.	There were no changes to these sections.
11-4730, B.	There were no changes to this section.
11-4740	There were no changes to this section.
11-4750	There were no changes to the language contained in this section or the worksheets referenced therein; however, the Guidelines Schedule referenced in the section has been revised to reflect the changes in economic factors and applicable Tax Codes. The revised Guidelines Schedule is available from the Child Support Services Division of the South Carolina Department of Social Services @ <a href="https://dss.sc.gov/about/data-and-resources/child-support-proviso-3826/">https://dss.sc.gov/about/data-and-resources/child-support-proviso-3826/</a>

The Notice of Drafting was published in the *State Register* on April 22, 2022.

**Notice of Public Hearing and Opportunity for Public Comment:**

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing, should be submitted to the South Carolina Department of Social Services, Child Support Services Division, Attn: James Swick, PO Box 1469, Columbia, SC 29202-1469. Comments must be received by 5:00 P.M. on November 28, 2022. Should a hearing be requested, pursuant to Section 1-12-110(A)(3) of the S.C. Code, as amended, such hearing will be held beginning at 10:00 A.M. on Friday, February 24, 2023, at the offices of the Administrative Law Court, located at 1205 Pendleton Street, Edgar A. Brown Building, Suite 224, Columbia, South Carolina 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Social Services estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 114, Sections 4710-4750.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: South Carolina Child Support Guidelines.

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Purpose: Every four years, the Department of Social Services is required to review the Guidelines that are used to calculate child support amounts for support and review hearings.

Legal Authority: 1976 Code Sections 43-5-580(b), 63-17-470(D), and 45 CFR 302.56.

Plan for Implementation: The proposed amendments will be incorporated into Chapter 114 upon approval by the General Assembly and upon publication in the State Register. The South Carolina Department of Social Services will make the new regulations available to its staff, the judiciary, and the public.

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

The Guidelines were last updated in 2014. Changes in the cost of living, the IRS Tax Code related to child care tax credit, and Federal requirements that Child Support Guidelines adequately address incarceration, imputation of income, verification of income, and modification of terminology concerning health insurance, have changed. These updated regulations will ensure that child support is calculated in an appropriate, reasonable and effective matter. Further, these updated regulations will ensure that the Child Support Guidelines comply with Federal requirements.

### DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

### Statement of Rationale:

In accordance with the Mission Statement of the Department of Social Services, it is incumbent upon the Child Support Services Division to, “serve South Carolina by promoting the safety, permanency, and well-being of children and vulnerable adults, helping individuals achieve stability and strengthening families.” The purpose of the quadrennial review of the Guidelines is to ensure that the integrity of the Income Shares Model is maintained by ongoing assessment and reassessment of the numerous issues inherent in the formula. This model, based on the concept that children should receive the same proportion of parental income that they would have received had the parents lived together, is the one best suited to the needs of the children and families of South Carolina. Further, these regulations have been updated to reflect changes in the cost of living, Tax code, as well as Federal requirements.

### 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.

Agency Name: Board of Accountancy - Labor, Licensing and Regulation

Statutory Authority: 40-1-70 and 40-2-70

Document Number: 5149

Proposed in State Register Volume and Issue: 46/10

120 Day Review Expiration Date for Automatic Approval: 05/10/2023

Status: Pending

Subject: Updating Regulations to Conform with the Enactment of S.812

History: 5149

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	10/28/2022	Proposed Reg Published in SR		
-	01/10/2023	Received President of the Senate & Speaker		05/10/2023

Document No. 5149  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF ACCOUNTANCY**  
CHAPTER 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

- 1-01. General Requirements for Licensure as a CPA.
- 1-02. Examinations.
- 1-05. Firm registration, resident managers, firm names.
- 1-06. Reinstatement.
- 1-07. Return of Certificate.
- 1-08. Continuing Professional Education.
- 1-09. Peer Review.
- 1-10. Professional Standards.
- 1-11. Application for Licensure as an Accounting Practitioner.
- 1-12. Safeguarding Client Records When a Licensee is Incapacitated, Disappears, or Dies.
- 1-13. CPA Retired. (New)

**Synopsis:**

The South Carolina Board of Accountancy proposes to amend Chapter 1 of the Code of Regulations following the enactment of S.812, Act No. 174 of the 2022 legislative session, and in accordance with the review of regulations as required by S.C. Code Section 1-23-120(J).

The Notice of Drafting was published in the *State Register* on May 27, 2022.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

~~Indicates Matter Stricken~~  
Indicates New Matter

**Text:**

1-01. General Requirements for Licensure as a CPA.

A. Completed application for licensure shall be submitted on forms provided by the Board. All fees must accompany the application.

B. In order for an application to be considered, it must be complete, and all questions must be answered.

~~C. The licensee candidate cannot earn qualifying experience for licensure until the licensee candidate has completed twenty four (24) semester hours of acceptable accounting education as described in 40-2-35(E)(3)(a), including financial accounting, managerial accounting, taxation, and auditing, which must be taught at the junior level or above as required per 40-2-35(C)(1). A candidate who applies for a license more than three (3) years after the date upon which the candidate passed the last section of the Uniform CPA Examination must complete the required 120 hours of CPE within the previous three years.~~

D. The licensee verifying the qualifying experience must have been actively licensed in some state or territory of the United States or the District of Columbia for the duration of the qualifying experience.

1-02. Examinations.

A. An applicant for examination may apply to the Board for accommodation(s) to complete the Uniform CPA Examination. The applicant bears the burden of proving that the accommodation is required as a result of a verifiable hardship, which prevents compliance with the conditions of the administration of the examination.

~~B. An acceptable ethics exam will be designated by the Board and identified on the Board's website.~~

~~C. An acceptable South Carolina Rules and Regulations course will be designated by the Board and identified on the Board's website.~~

1-03. Deleted by State Register Volume 36, Issue No. 5, eff May 25, 2012.

1-04. Deleted.

1-05. Firm registration, resident managers, firm names.

A. Firm registration requirements.

~~1. A firm with an office in this State, providing attest or compilation services, or using in its business name the title, "Certified Public Accountants", "Public Accountants", "Accounting Practitioners", or the abbreviation "CPAs", "PAs", or "APs", or using any other title, designation, words, letters, abbreviation, sign, card, electronic file, metadata tag, or other ~~or~~ device indicating the firm is a CPA firm or an Accounting Practitioner firm, must be registered with the Board.~~

~~2. A firm that does not have an office in this State but performs attest services described in Section 40-2-20(2)(a)(audits), (c)(examinations), or (d)(services under PCAOB Auditing Standards) for a client having a home office in this State, must be registered with the Board.~~

~~3. A licensee who does not perform services or use his or her title as described in 1-05(A)(1) is not required to obtain a firm registration.~~

~~4. A licensee may use the CPA, PA, or AP title in accordance with his or her licensure with his or her personal name.~~

B. There must be a designated resident manager in charge of each firm office in this State. The designated resident manager must be licensed by this Board and is responsible for office compliance with established professional standards including standards set by federal or state law or regulation.

C. A firm must not use a misleading firm name.

~~1. Former partners' names may be included in a firm name only if the former partner continues practicing public accounting with that firm, no longer practices public accounting, or is deceased.~~

~~2. A firm name shall not include the name or names of non-licensed owners.~~



~~3. The Board shall determine if a firm name is misleading and therefore prohibited, and all firm names are subject to Board approval.~~

#### 1-06. Reinstatement.

For reinstatement of a license that has been inactive or lapsed for 3 years or more:

~~A. The required 120 hours of CPE must be completed within the previous 18 months~~ 3 years, and

~~B. The required additional experience must be completed in accordance with the initial licensing experience requirements in effect at the time the reinstatement application is submitted.~~

#### 1-07. ~~Return of Certificate.~~ Display of Certificate.

Any licensee whose license is not active for any reason must ~~return his or her certificate to the Board~~ not publicly display their certificate.

#### 1-08. Continuing Professional Education.

##### A. General Standards

1. Each licensee shall complete Continuing Professional Education (CPE) that contributes directly to ~~his or her~~ the licensee's professional competence.

~~a. Each licensee shall earn forty (40) credit hours of acceptable CPE each calendar year as a condition of obtaining a renewal license ("Required CPE Credit Hours").~~

~~ba.~~ When a licensee earns more than the required number of CPE credit hours in any calendar year, the excess credit hours, not exceeding twenty (20) credit hours, may be carried forward and treated as credit hours earned in the following year ("Carry-Over Credit"). Certain types of CPE as defined in this regulation may be limited or may not qualify for Carry-Over Credit.

~~e. Each licensee shall earn CPE credit hours in the subject of Ethics as required in these regulations.~~

~~d. No CPE is required and no carryover credit may be earned during the licensing year in which a person obtains an initial license.~~

2. General Mechanics for CPE - unless otherwise specified in this regulation:

a. One (1) hour of credit shall be granted for each fifty (50) minutes of actual instruction time ("CPE credit hours"). One ~~half~~ fifth (1/25) credit hour shall be granted for each ~~twenty five~~ ten (25/10) minutes of actual instruction time after the first CPE credit hour has been earned in the same activity. Partial hours will be rounded down to the nearest one ~~half~~ fifth (1/25) credit hour.

b. CPE credit hours can only be earned for one CPE course during a given time and earning simultaneous CPE credit hours is prohibited.

c. Only class hours, actual hours of attendance, and not hours devoted to preparation, shall be eligible for computing CPE credit hours. Licensees participating in only part of a CPE program must claim CPE credit hours only for the portion they attend or complete and only if the credit hours claimed are greater than the minimum required credit hours for that CPE course.

d. As evidence of earning qualifying CPE credit hours, a licensee must obtain a certificate of completion, supplied by the program sponsor, after completion of the CPE course. At a minimum, the certificate of completion must include the following information:

- (1) Name and address of sponsor;
- (2) Participant's name;
- (3) Course title;
- (4) Course field of study;
- (5) Date of completion; and
- (6) Amount of CPE credit hours recommended.

e. No more than ~~ten~~twelve (4012) credit hours of CPE can be earned in a single calendar day.

~~f. Licensees participating in only part of a CPE program must claim CPE credit only for the portion they attend or complete and only if the credit hours claimed are greater than the minimum required credit hours for that CPE course.~~

### 3. Compliance and Reporting

a. Licensees are responsible for compliance with all applicable CPE requirements and accurate reporting of CPE credit hours.

b. Licensees should claim CPE credit hours only when the CPE program sponsors have complied with the requirements set out in these regulations.

c. Licensees must retain evidence to support reported CPE credit hours for at least five (5) years from the due date of the CPE report or the date filed, whichever is later.

d. A licensee or the resident manager of a firm on behalf of a non-licensed owner may apply to the Board for accommodations to complete the required CPE and must show that the accommodation is required as a result of a verifiable hardship which prevents compliance with the CPE requirements.

e. The Board ~~may~~will accept another jurisdiction's CPE credit hours from a licensee to the extent that jurisdiction's requirements for those CPE credit hours are substantially equivalent to South Carolina requirements.

## **B. Subject Content**

### ~~1. Personal Development, Non-Technical~~

~~a. Personal development subjects are those non-technical areas of study that help achieve career advancement or enhance personal effectiveness at work, and are similar to and include topics such as career planning, leadership, and time management.~~

~~b. Not more than twenty (20%) percent or 8 hours of the Required CPE Credit Hours may be in personal development subjects, as approved by the Board. Personal development subjects that exceed this limit shall not be available for Carry Over Credit.~~

## ~~2. Ethics~~

~~a. Ethics is generally defined as a set of moral principles, either at the individual level or in the context of a culture or society as a whole. Ethics is also a philosophical framework used to analyze what constitutes right or wrong courses of action given a particular situation or set of circumstances.~~

~~b. By the end of each fixed three (3) year period, six (6) CPE credit hours must be obtained in ethics of which two (2) CPE credit hours must be in a board approved South Carolina Rules and Regulations course as described in these regulations. The dates of each fixed three (3) years Ethics period are defined on the Board website.~~

~~e. The Board will designate the approved author of the two (2) hour South Carolina Rules and Regulations course of the Board's website.~~

~~d. The two (2) hours South Carolina Rules and Regulations course can be counted only once toward the six (6) hour ethics requirement during each three (3) year period. The remaining four (4) hours of the six (6) hour ethics requirement must be in other ethics topics.~~

## ~~CB. Program Delivery Methods~~

### ~~1. Sponsored Program Delivery Methods~~

#### ~~a. Live Instruction~~

~~(1) Live Instruction is a program in which participants engage simultaneously through interaction of a real-time instructor or discussion leader and includes the required elements of attendance monitoring. Live Instruction CPE Programs meeting the requirements contained in this regulation qualify for CPE credit.~~

~~(2) On-Site Live Instruction Program consists of Live Instruction at a specific location.~~

~~(3) Online Live Instruction Program consists of Live Instruction using technology and/or remote access, whether or not broadcast at the same time the program is created, but offered at a scheduled date and time.~~

~~(4) Online Live Instruction Programs must include adequate participation markers.~~

~~(45) CPE Instructors or Discussion Leaders~~

~~(a) CPE for instructing or leading discussions includes only those instructors or discussion leaders of qualified CPE programs.~~

~~(b) CPE credit hours will be granted equal to twice the number of CPE participation hours in the course. For repeat presentations, CPE credit hours can be claimed only if the licensee can demonstrate the learning activity content was substantially changed and such change required additional study or research.~~

## b. Self-Study

(1) A Self-Study program is a program in which the participant has control over time, place and/or pace of learning and is completed without the assistance or interaction of a real-time instructor or discussion leader.

~~(2) Not more than fifty (50%) percent (20 hours) of the Required CPE Credit Hours may be in Self-Study programs.~~

~~(3) Self-Study CPE credit hours are not available for Carry-Over Credit.~~

(4) Only Self-Study courses registered under Quality Assurance Services (QAS) of NASBA will qualify for CPE credit hours.

(5) As evidence of completing qualifying Self-Study course, the sponsor provided certificate of completion must include the information required in Regulation 1-08(A)(2)(d) and the registration QAS sponsor number.

~~(6) Each Self-Study course claimed on an annual renewal must be accompanied by the Self-Study certificate of completion as defined in these regulations.~~

## c. Nano-Learning

(1) A Nano-Learning program is a program designed to permit a participant having control over time, place and/or pace of learning to learn a given subject in a minimum of 10 minutes through the use of electronic media (including technology applications and processes and computer-based or web-based technology) and without interaction with a real-time instructor.

(2) One-fifth (1/5) hour of credit shall be granted for ten (10) minutes of a single Nano-Learning program, exclusive of the qualified assessment.

(3) Not more than ~~five~~ ten (~~5~~10%) percent (24 hours) of the Required CPE Credit Hours may be in Nano-Learning programs.

~~(4) Nano-Learning CPE credit hours are not available for Carry-Over Credit.~~

(5) In order for a Nano-Learning program to qualify as a CPE course, it must include the following:

(a) The learning objective(s) of the program;

(b) Any instructions that participants need to navigate through the program;

(c) A qualified assessment; and

(d) A certificate of completion supplied by the Nano-Learning program sponsor containing the required information in Regulation 1-08(A)(2)(d), after satisfactory completion of a qualified assessment.

## 2. Non-Sponsored Delivery Methods

### a. Higher Education

~~(1) Non-Sponsored Higher Education CPE credit hours are not available for Carry Over Credit.~~

~~(21) Participant~~

~~(a) Course for Credit~~

~~(i) Courses for Credit include only accredited university or college courses that have been successfully completed by the licensee for credit.~~

~~(ii) Each semester hour university or college credit completed shall equal fifteen (15) CPE credit hours. In the case of universities or colleges on the quarter system, each quarter hour university or college credit completed shall equal ten (10) CPE credit hours.~~

~~(iii) Each Course for Credit claimed on an annual renewal must be accompanied by a transcript issued by the university or college, showing successful completion.~~

~~(b) Not for Credit Course~~

~~(i) Not for Credit Courses include only accredited university or college courses successfully completed without receiving any credit.~~

~~(ii) CPE credit hours for a Not for Credit Course are determined in the same manner as a Course for Credit.~~

~~(iii) Each Not for Credit Course claimed on an annual renewal must be accompanied by documentation showing attendance at the course or documentation showing successful completion of the course with a final grade equal to a pass rating or higher.~~

~~(32) Professors and Instructors~~

~~(a) For purposes of this section, Professors and Instructors are those that teach university and college undergraduate and graduate level courses.~~

~~(b) Professors and Instructors shall be granted CPE credit hours at the rate of ten (10) credit hours for each three (3) semester hour (or prorated equivalent) course taught.~~

~~(c) CPE credit hours for teaching university, college, and graduate level courses shall be limited to twenty-five (25%) percent, ten (10 hours) of the Required CPE Credit Hours.~~

~~(d) CPE credit hours shall not be granted for teaching accounting principles, basic financial accounting, basic managerial accounting, or any other introductory accounting course, either undergraduate or graduate level.~~

~~(e) CPE credit hours shall be granted only for the first presentation within a two (2) year period. Repeated presentations during the two (2) year period do not qualify for CPE credit hours.~~

b. Authoring Published Works or CPE Programs

(1) General Standards

(a) Authoring published articles/books or authoring CPE programs (“Authored Works”) includes only those that contribute to the professional competence of the licensee.

(b) CPE credit hours for preparation of Authored Works may be given on a self-declaration basis up to twenty-five (25%) percent (10 hours) of the Required CPE Credit Hours. The Board has the final determination of the amount of CPE credit hours so awarded.

~~(c) CPE credit hours for Authored Works is not available for Carry Over Credit.~~

~~(d) Each Authored Work claimed on an annual renewal must be accompanied by a copy of that work that names the licensee as an author.~~

c. Participation in Quality Verification Reviews and Service on a Peer Reviews acceptance body

~~(1) Quality Verification Reviews (QVRs) are technical reviews by licensees appointed by the Board, of professional work submitted to the State and of publicly available professional work of licensees.~~

~~(2) Participation in QVRs or sService on a peer review acceptance body which qualifies under Reg. 1-09, qualify~~qualifies for CPE hours at the rate of one CPE hour for each hour spent performing these duties.

~~(3) No more than 16 hours of CPE credit may be claimed per year for performing these duties, and these CPE credit hours are not eligible for carry over credit.~~

d. ~~Staff Meetings~~Employer Provided in-house CPE

~~(1) Only the portion of a staff meeting that is designed as a program of learning and complies with the requirements in this regulation qualifies for CPE credit hours~~Employer provided in-house CPE must comply with the requirements in this regulation to qualify for CPE credit hours.

e. Participation in technical sessions at meetings of recognized national and state accounting organizations.

(1) No more than 16 hours of CPE credit may be claimed per year for performing these duties, ~~and these CPE credit hours are not eligible for carry over credit.~~

f. Programs offered by other recognized professional organizations, industrial or commercial firms, proprietary schools, or governmental entities may qualify for CPE credit hours, provided all other requirements of this regulation are met.

DC. Standards for CPE Program Sponsors

1. General Standards for CPE Program Sponsors

a. CPE sponsors are expected to present learning activities that comply with course descriptions and objectives.

b. CPE sponsors must employ an effective means for evaluating learning activity quality with respect to content and presentation, as well as provide a mechanism for participants to assess whether learning objectives were met.

c. The Board shall accept only Other Qualifying Programs that provide written documentation showing that the work in the attended program has actually been accomplished by the licensee.

## 2. Live Instruction Sponsors

### a. General Standards for Live Instruction Sponsors

(1) Live Instruction must be conducted by persons whose background training, education and experience qualify them in the subject matter of the particular CPE program (a “subject matter expert”).

(2) An outline of the Live Instruction program presented must be prepared in advance and shall be maintained by the sponsor.

~~(3) Live Instruction must be at least one (1) CPE credit hour (fifty minutes) in length and the sponsor must calculate the course CPE credit hours.~~

~~(4) When a meal is scheduled during a CPE program, no credit will be allowed for the meal period unless the schedule provides for fifty (50) minutes of uninterrupted instruction.~~

~~(5) A certificate of attendance as described in these regulations must be given to each participant at the end of the Live Instruction program.~~

~~(6) Records showing compliance with this section must be preserved and maintained by the sponsor for a period of at least five (5) years from the presentation date of the Live Instruction program.~~

~~(7) At the beginning of the Live Instruction program, the sponsor should read the following statement or a statement very similar: “It is the responsibility of the licensee to be accountable for the hours earned during the CPE course. The licensee should not engage in any other activities that would denigrate the learning objective of the course to the licensee or others. If the other activity is unavoidable, then that time should be subtracted from the overall CPE credit.”~~remind participants that it is their responsibility to be accountable for hours earned during the CPE course and that they should not engage in any other activities that would denigrate the learning objective of the course to themselves or others. If the other activity is unavailable, then the applicable time should be subtracted from the overall CPE credit.

## 3. Self-Study Sponsors

a. Self-Study courses shall qualify for CPE credit hours, provided the course has been approved by QAS.

b. The sponsor of Self-Study courses must provide the licensee with a certificate of completion that includes the information state in Reg. 1-08(C)(1)(b)(5)(B)(1)(b)(3).

### 1-09. Peer Review.

A. As a condition of firm registration and/or renewal (including those firms registered in other jurisdictions operating in this state under practice privilege), a licensed firm providing any of the following services to the public shall enroll in a qualified peer review program.

1. Audits;

2. Reviews of financial statements;

3. Compilations of financial statements;
4. Examinations of prospective financial statements;
5. Compilations of prospective financial statements;
6. Agreed-upon procedures of prospective financial statements;
7. Examination of written assertions; and
8. Agreed-upon procedures of written assertions.

B. A licensed firm not providing any of the services listed in Paragraph (A) of this regulation is exempt from peer review. Upon the issuance of the first report provided to a client, the firm must enroll in a qualified peer review program. As long as these services are provided, continued participation in a qualified peer review program is required.

C. Acceptable peer review programs are:

1. AICPA Peer Review Program;

2. Any other peer review program found to be substantially equivalent to the “Standards for Performing and Reporting on Peer Reviews” promulgated by the American Institute of Certified Public Accountants(AICPA) and published on that organization’s website ([www.aicpa.org](http://www.aicpa.org)).

D. An authorized peer review program may charge a fee to firms required to participate in the peer review program ~~in order to cover costs of program administration.~~

E. Firms shall not rearrange their structure or act in any manner with the intent to avoid participation in peer review.

F. Compliance

1. A registered firm enrolled for peer review shall provide to the Board upon request the following:

- a. Peer review due date;
- b. Peer review year end date;
- c. Peer review acceptance letter from peer review program.

2. A peer review is not complete until the peer review acceptance letter is issued by the peer review program.

3. If a firm fails to complete peer review in a timely fashion, the Board may refuse to renew the firm registration and/or take disciplinary action as appropriate.

G. Ethical duties of reviewer



1. A reviewer shall be independent with respect to the reviewed registered firm and comply with the AICPA Standards for Performing and Reporting on Peer Reviews.

2. Information concerning the participating CPA firm or its clients or personnel that is obtained as a consequence of the review is confidential and shall not be disclosed to anyone not involved in the peer review process.

#### 1-10. Professional Standards.

In addition to the requirements and prohibitions found in S.C. Code 40-2-5 et seq.,:

A. Licensees shall comply with all federal or state laws governing their business and personal affairs and shall not engage in any acts discreditable to the profession as defined by the Ethical Standards of the AICPA. In general, a licensee may rely upon the interpretations of those standards published by the Professional Ethics Executive Committee of the AICPA.

B. Complying with professional standards includes timely filing all applicable tax/information and all other regulatory returns for himself/herself or any entity for which the licensee is responsible.

~~C. Client records include all information provided by the client and all documents provided to the client (or on behalf of the client) including the materials necessary (including electronic files) to support the final work performed (financial statements, tax returns, etc.). Client records do not constitute other work files or documents, which the licensee may use to audit, test or verify the accuracy of a client's account balances and/or transaction classes (revenues, expenses).~~

~~D.~~ A licensee or registered firm shall not knowingly employ within South Carolina, directly or indirectly in the practice of accounting, a person whose license is revoked or suspended by this Board or by the board of accountancy in any other jurisdiction. Employing such a person in South Carolina as an accountant, investigator, tax preparer or in any other capacity connected with the practice of accounting subjects the licensee or registered firm to discipline by the Board.

#### 1-11. Application for Licensure as an Accounting Practitioner.

A. To meet the educational qualifications for licensure as an accounting practitioner,

1. the applicant shall submit an official transcript signed by the college or university registrar and bearing the college or university seal to prove education and degree requirements; photocopies of transcripts will not be accepted; and

2. a major in accounting shall include at least twenty-four (24) semester hours, or equivalent in quarter hours, of credit in accounting courses. No more than three (3) semester hours in business law courses and three (3) semester hours in taxation courses may be counted as accounting courses; ~~and,~~

~~3. the Board shall accept a transcript from any college or university accredited by the Southern Association of Colleges and Schools and any other accrediting association having the equivalent standards.~~

B. To meet the examination requirement for licensure as an accounting practitioner, the applicant shall take sections of the Uniform Certified Public Accountant Examination prepared by the AICPA and receive a passing grade on the following subjects:

1. Financial Accounting and Reporting (FAR);

2. Taxation and Regulations (REG) formerly known as Regulations (REG).

1-12. Safeguarding Client Records When a Licensee is Incapacitated, Disappears, or Dies.

A. Each licensee or firm that has custody or ownership of client records, CPA-prepared records, CPA workpapers, and CPA work products shall designate a partner, personal representative, or other responsible party to assume responsibility for ~~client records~~ them in the case of incapacity or death of the licensee or dissolution of the firm.

B. Where the licensee is incapacitated, disappears, or dies, and no responsible party is known to exist, the Administrator of the Board may petition the Board for an order appointing another licensee or licensees to inventory the records and to take actions as appropriate to protect the interests of the clients. The order of appointment shall be public.

C. The licensee appointed pursuant to Reg. 1-12(B) shall:

1. Take custody of the client records, CPA-prepared records, CPA workpapers, and CPA work products and trust or escrow accounts of the licensee whose practice has been discontinued or interrupted.

2. Notify each client in a pending matter and, in the discretion of the appointed licensee, in any other matter, at the client's address shown in the records, by first class mail, of the client's right to obtain any papers, money or other property to which the client is entitled and the time and place at which the papers, money or other property may be obtained, calling attention to any urgency in obtaining the papers, money or other property;

3. Publish, on the appointed licensee's website for thirty (30) days and in a newspaper of general circulation in the county or counties in which the licensee whose practice has been discontinued or interrupted last resided or engaged in any substantial practice of accounting, once a week for three consecutive weeks, notice of the discontinuance or interruption of the accountant's practice. The notice shall include the name and address of the licensee whose practice has been discontinued or interrupted; the time, date and location where clients may pick up their records; and the name, address and telephone number of the appointed licensee. The notice shall also be mailed, by first class mail, to any errors and omissions insurer or other entity having reason to be informed of the discontinuance or interruption of the accounting practice;

4. Release to each client the papers, money or other property to which the client is entitled. Before releasing the property, the appointed licensee shall obtain a receipt from the client for the property;

5. With the consent of the client, file notices or petitions on behalf of the client in tax or probate matters where jurisdictional time limits are involved and other representation has not yet been obtained; and

6. Perform any other acts directed in the order of appointment.

1-13. CPA Retired.

A. A CPA Retired pursuant to the act who wishes to remove the suffix "retired" from their license must demonstrate the completion of 120 hours of Continuing Professional Education in the last three years.

B. To meet the requirements of Section 40-2-250(C)(6), a CPA Retired must complete two hours of Continuing Professional Education in ethics each calendar year.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

The updated regulations will conform the existing regulations to the requirements of S.812, Act No. 174 of the 2022 legislative session, and will amend and repeal existing regulations as required by S.C. Code Section 1-23-120(J) following the Board's five-year regulatory review.



**For Immediate Release**

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### **AICPA Unveils Blueprints for Redesigned CPA Exam**

- The 2024 CPA Exam Blueprints are based on the CPA Evolution Core and Disciplines model
- New model for CPA licensure and CPA Exam set to launch 2024

**NEW YORK and NASHVILLE (January 4, 2023)** – The [American Institute of CPAs](#) (AICPA) released the updated [Uniform CPA Examination® Blueprints](#), the official document of content eligible for assessment on the Exam. The Blueprints are based on the knowledge and skills required of a newly licensed CPA to meet the demands of firms, employers and clients.

Today’s CPAs need deeper skill sets, more competencies and greater knowledge of emerging technologies and their impact on tax, accounting and audit. To prepare CPA candidates and accounting students for this new environment, the licensure model is evolving through the AICPA and [National Association of State Boards of Accountancy](#) (NASBA) joint [CPA Evolution](#) initiative.

“The CPA Exam has evolved to align with a digital-driven marketplace, and that means a greater emphasis on technology and analytical skills,” said Susan Coffey, CPA, CGMA, CEO of Public Accounting at the AICPA. “Through CPA Evolution, new Exam candidates will gain the skills and competencies they need to better meet the public’s, clients’ and employers’ needs. Candidates will also have the flexibility to choose their preferred area of focus within the multitude of career paths available in the profession.”

Under the CPA Evolution licensure model, all candidates will be required to take three Core sections: Financial Accounting and Reporting, Auditing and Attestation, and Taxation and Regulation. Then, each candidate will choose a Discipline in which to demonstrate additional knowledge: Business Analysis and Reporting (BAR), Information Systems and Controls (ISC) and Tax Compliance and Planning (TCP). Regardless of a candidate’s chosen Discipline, this model leads to full CPA licensure.

In line with the importance of emerging technologies on the profession, there is an increased focus on data and technology concepts in all Core and Discipline Exam sections.

Additional new content is primarily in the ISC and TCP Discipline Exam sections. IT infrastructure, platforms and services; security, confidentiality and privacy; and considerations for System and Organization Controls engagements are included in the ISC Discipline Exam section. Personal financial planning and tax planning are assessed in the TCP Discipline Exam section.

The Blueprints are a result of the AICPA's Practice Analysis research to align the CPA Exam to the CPA Evolution initiative and are included in its [final report](#). The Practice Analysis collected input from a wide range of stakeholders who share an interest in preserving the strength and mission of the profession—ranging from individual CPAs to boards of accountancy, public accounting firms, individuals working in business and industry, government, and academia.

“The CPA Evolution-aligned Exam will ensure that candidates possess the knowledge required for the profession now and in the future,” said Colleen Conrad, CPA, Executive VP and COO of NASBA. “For current candidates, we developed a transition policy to allow them to seamlessly continue their CPA Exam journey from where they are when we transition to the 2024 CPA Exam.”

Access to the full [transition policy](#) and related webcast recordings and FAQs are available on NASBA's website. Candidates should note that the last day of testing for all current CPA Exam sections is anticipated to be December 15, 2023. The CPA Evolution-aligned CPA Exam will launch in January 2024.

For additional information, view the [CPA Exam transition FAQs](#) or email [feedback@evolutionofcpa.org](mailto:feedback@evolutionofcpa.org).

### **About the American Institute of CPAs**

The American Institute of CPAs® (AICPA®) is the world's largest member association representing the CPA profession, with more than 421,000 members in the United States and worldwide, and a history of serving the public interest since 1887. AICPA members represent many areas of practice, including business and industry, public practice, government, education and consulting. The AICPA sets ethical standards for its members and U.S. auditing standards for private companies, not-for-profit organizations, and federal, state and local governments. It develops and grades the Uniform CPA Examination, offers specialized credentials, builds the pipeline of future talent and drives continuing education to advance the vitality, relevance and quality of the profession.

### **About NASBA**

Since 1908, the National Association of State Boards of Accountancy (NASBA) has served as a forum for the nation's Boards of Accountancy, which administer the Uniform CPA Examination, license more than 665,600 certified public accountants and regulate the practice of public accountancy in the United States.

NASBA's mission is to enhance the effectiveness and advance the common interests of the Boards of Accountancy in meeting their regulatory responsibilities. The Association promotes the exchange of information among accountancy boards, serving the needs of the 55 U.S. jurisdictions.

NASBA is headquartered in Nashville, TN, with an International Computer Testing and Call Center in Guam and operations in San Juan, PR. To learn more about NASBA, visit <https://www.nasba.org>.

###

**Tweet:** AICPA unveils Blueprints for redesigned CPA Exam set to launch in 2024, based on CPA Evolution licensure model



**FOR IMMEDIATE RELEASE**

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## **NASBA, AICPA Issue Proposed Revisions to CPE Provider Standards**

Proposed revisions will add greater clarity and flexibility to benefit learners and CPE program providers

**NASHVILLE and NEW YORK (December 14, 2022)** – The National Association of State Boards of Accountancy (NASBA) and the American Institute of CPAs (AICPA) today issued [proposed revisions](#) to the Statement on Standards for Continuing Professional Education (CPE) Programs (*Standards*). Public comment is sought on the exposure draft through March 31, 2023. Published jointly by NASBA and the AICPA, the *Standards* provide a framework for the development, presentation, measurement and reporting of CPE programs.

The proposed clarifications represent the ever-evolving technological landscape. For example, they address common issues with digital programs, such as with Group Internet Based CPE learning. The revised *Standards* would clarify how to award CPE credit when multiple presenters are actively involved in running one CPE program session. They would also provide clarity on how to communicate and document the required attendance and monitoring mechanisms for this program.

Most of the proposed revisions represent clarifications within the *Standards*, which were last revised in 2019. For example, one proposed revision clarifies that Group Live and Group Internet Based programs are determined by how the learner interacts with other participants and the instructor, instead of how the learning is consumed by the learner. The proposed revisions also provide specific examples of each delivery method with web-enabled, two-way video participation to be included as a Group Live program.

“We are very pleased with the outcome of the hard work of those involved in the revisions process,” said Jessica Luttrull, NASBA’s Associate Director of the National Registry. “We believe the changes included in these revised *Standards* will assist CPE program providers and help keep CPE relevant and meaningful to CPAs.”

“CPE helps CPAs maintain professional competence and provide quality services. Through continued education, CPAs are more prepared to instill confidence in an unstable and evolving economic environment, strengthen capital markets and expand opportunities for sustainable growth worldwide,” said Michael M. Grant, the AICPA’s Senior Director of Learning Innovation & Assessment.

Review of the 2019 *Standards* began in May 2022. The proposed revisions are the outcome of extensive reviews and evaluations of the *Standards* by the CPE Standards Working Group, NASBA’s CPE Committee and the Joint AICPA/NASBA CPE Standards Committee. The boards of directors of both NASBA and the

AICPA approved the proposed revisions for exposure draft during their respective October and November 2022 meetings.

### **Comment Period**

The exposure draft is available for download at [nasbaregistry.org](https://nasbaregistry.org). An explanatory memorandum accompanies the exposure draft and highlights the proposed changes from the existing 2019 *Standards* and the NASBA Fields of Study document.

Interested parties are encouraged to review and provide comment on the exposure draft by **March 31, 2023**, by emailing [comments@nasba.org](mailto:comments@nasba.org).

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###

**DRAFT 8-POINT PLAN TO ADDRESS THE CPA PIPELINE**  
**EXECUTIVE SUMMARY**

**Introduction**

An intentional and consistent effort is required to encourage many talented people to become CPAs. Ensuring that the pipeline of students is robust enough to meet market needs requires a collective effort to address systemic hurdles to entry, including attractiveness, cost, time, and reward.

What follows is a draft package of initiatives designed to better position students and the system for success. This draft plan will continue to grow and evolve through this phase of discussion and will become even more impactful through input from key stakeholders.

Initiatives outlined in brief here will align with the ongoing profession-wide, multi-stakeholder efforts to attract students to the accounting profession, educate and prepare them for licensure, and ready them for careers in accounting.

**1. Integrated Education and Experience Program**

- The Integrated Education and Experience Program (IEEP) is an AICPA and NASBA sponsored program that would provide university students on a CPA career pathway an opportunity to work at a firm and gain a mix of work experience, study time, and affordable college credit hours after a bachelor's degree is earned and before 150 credit hours of education has been achieved.
- The program is designed to be one of many ways to bridge the gap between education and practice. (Other ways include traditional internships, advance placement high school credits, dual credit high/school college programs, CLEP, community college courses)
- IEEP is a cost-effective, flexible, and scalable alternative route for the student/employee to earn up to 30 hours of academic credit.
- The program is being developed by AICPA and NASBA with input from firms, students, young professionals, academics, state CPA societies, and state boards of accountancy.
- IEEP will increase accessibility to and affordability of entry into the profession for a diverse pool of candidates. The program will benefit both candidates and firms by recruiting more students into the pipeline and helping them reach their CPA licenses.
- Success will mean a pilot program by the Fall 2023.



## **2. 30-hour Communication Campaign**

- While prescriptive guidance on the additional educational hours required for licensure would diminish flexibility students often need, powerful examples of how to achieve 150 hours could eliminate uncertainties among students and further align candidate coursework with firm and employer needs in their new hires.
- This effort will focus on showcasing students using their 30 hours in creative ways that help with career readiness.
- Content for students and their influencers will include presentations, talking points, and other deliverables, informed by survey data from firms on desired skills.
- Success will mean content released at the start of Q2 2023.

## **3. Extending the 18-month Exam Window for Candidates**

- Given the increased work demands on CPA candidates by firms amid other social and external pressures on the candidates, the 18-month window for a CPA candidate to pass all 4 sections of the CPA Exam is viewed as being too restrictive. Greater flexibility is needed to provide additional time for candidates to complete the Exam process.
- We will increase our efforts to work with NASBA and state boards to extend the 18-month window for candidates.
- Work has been done already as part of the launch of the CPA Evolution CPA Exam. CPA Evolution provides an opportunity to pilot this program on January 1, 2024, and NASBA and the state boards are already studying the impact on expanding the testing window post launch of CPA Evolution.
- Adjusting the 18-month period should focus on “high-potential” candidates that have completed over half of the CPA journey, ensuring an additional 1,000 – 3,000 or more licensed CPAs annually.
- Success will mean both an increase in the number of newly licensed CPAs annually and potentially an increase in the percentage of candidates staying in the pipeline through CPA licensure.

## **4. Consider and Address Jurisdictional Barriers to Initial Licensure**

- For decades the profession has worked on uniformity across state lines through the mobility and substantial equivalency provisions contained in the Uniform Accountancy Act (UAA).
- To further advance uniformity and eliminate state specific challenges CPA candidates experience when applying for the CPA Exam and initial licensure, we will work with NASBA and state boards to address the challenges to the licensure path in states that confuse and frustrate CPA candidates, leading to eventual departure.
- This effort will examine how we can streamline and align the regulatory and legal environments and their impact on the journey to the CPA license.
- Success will mean significant reduction in state-by-state regulatory and legal barriers to entry, providing a more transparent and efficient route to the CPA across the U.S.

## **5. High School and College Strategies**

- The AICPA will explore, develop, and execute numerous inter-related strategies to strengthen the pipeline at the high school and college levels.
- At the high school level, the work includes promotion of dual-credit curricula and programs and assessing whether and how to develop an Advanced Placement (AP) course that will provide college credit.
- At the college level, efforts include promotion of dual-credit curricula and programs, customized strategies for online universities, and a prioritized focus on minority serving institutions and HBCUs.
- Success will mean an increase in the 66,000 annual bachelor's and master's graduates in accounting and a return (followed by an increase) to 50% of accounting graduates, or 33,000, becoming first-time CPA candidates.

## **6. STEM Recognition**

- Accounting curricula, particularly at the college and university level, have evolved to reflect the profession's role as a technology driver. Recognition of accounting as a STEM field will reflect how accounting has changed in recent years.
- Legislation introduced in 2021 would allow STEM K-12 grant funding to be used for accounting awareness and education, with a focus on increasing access to underrepresented groups. Further, AICPA nominated accounting and five other curricula (Classification of Instructional Program codes) to be designated as STEM by the Department of Homeland Security.
- In addition to seeking this federal legislation and direct designation of accounting as a STEM field, we are working with colleges and universities to expand their accounting curricula to include additional technology-focused courses to meet the profession's current and future needs.
- Success will mean passage of federal STEM legislation in 2023, designation of one or more accounting curricula fields as STEM by DHS, and greater adoption of STEM curricula and existing STEM CIP codes by college and university accounting programs.

## **7. Endowment / The AICPA Foundation**

- The AICPA Foundation is shifting its strategy to a laser focus on accepting donor contributions and funding students and CPA candidates in financial need in their journey to the CPA or CPA-PhD. The renewed strategy of the Foundation has been approved by the Board of Trustees and 2023 is the transition year.
- In addition to providing financial support, we are in a unique position to work with firms to provide students with access to internships, fellowship, mentorship, and financial scholarships.
- Success will mean growth both in assets and in the number and amount of focused scholarships and internship placements.

## **8. Stakeholder Calls to Action**

- The CPA pipeline is being adversely impacted by a variety of factors. While the rigors of entry into a profession necessarily include certain hurdles – education, exam, and experience – the challenges extend into the broader ecosystem around these three areas.
- We will address the system of attractiveness, cost, time, and reward as a barrier to entry into the profession.
- In this spirit, we will assess and call for changes in the broader ecosystem that result in meaningful and comprehensive solutions to the CPA pipeline concerns. This includes CPA firms, universities, and the regulatory community.
- Success will mean developing dialogue on the broader issues impacting the attractiveness of the CPA profession and creating positive and measurable change across these fronts.

## Susanna Sharpe

---

**From:** Dan Dustin <ddustin@nasba.org>  
**Sent:** Friday, January 20, 2023 9:06 AM  
**To:** Dan Dustin  
**Subject:** AICPA 8-Point Plan  
**Attachments:** AICPA Draft 8-Point Plan Summary.pdf

### ---- SCDLLR NOTICE (M365) ----

- **This email is from an external email address. Please use caution when deciding whether to open any attachments or when clicking links.**
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Executive Directors,

The AICPA has created a draft 8-point plan to address the CPA pipeline issue and it is my understanding the AICPA has shared and discussed this plan with State Society CEOs. In December, the AICPA shared a copy of their draft plan with NASBA for comment and feedback. At that time, the AICPA requested that NASBA not disseminate the draft plan to the Boards of Accountancy but has now agreed to let us share with state boards. The draft plan includes eight topic areas the AICPA suggest align with ongoing profession-wide, multi-stakeholder efforts to attract student to the accounting profession.

During initial discussions with the AICPA, NASBA leadership pointed out that some of the items discussed in the draft plan were not covered in sufficient detail. NASBA also expressed a concern about the specific order of the eight items. For example, significant factors that most recognize as potential barriers to the profession are salary and work-life balance. When NASBA asked about these two issues, we were directed to a bullet on the last page of the draft plan under the eighth point, *Stakeholder Calls to Action*. Specifically, NASBA was referred to the third bullet in that section which states: "We will address the system of attractiveness, cost, time, and reward as a barrier to entry into the profession." NASBA pointed out that this generic statement did not adequately highlight salary and work-life balance concerns or speak to AICPA's plan to address such issues.

NASBA also expressed concern that the draft 8-point plan placed excessive focus on regulatory reasons for decreased pipeline, as opposed to more impactful issues, as noted above. Though there is always room to improve uniformity amongst states for exam and licensure requirements, and NASBA will continue to work with Boards to encourage uniformity, NASBA expressed concern that regulatory barriers to entry were of undue primary focus over other areas of concern and warranted focus.

The topics discussed in the 8-point plan include the IEEP (Integrated Education and Experience Program), communication on alternative ways to obtain the additional 30 hours of education, an examination of the 18-month conditional credit window, possible jurisdictional barriers, high school and college strategies, STEM recognition, additional funding through the AICPA's Endowment and Foundation and stakeholder calls to action. I recently discussed the IEEP program and the 18-month conditional credit window on the January executive director monthly Zoom meeting. Several of the other topics, such as STEM and high school and college outreach have been discussed in other venues.

There is no one single solution that will resolve the CPA pipeline issue. Collectively, all stakeholders have a role to play in attracting students to the profession. The AICPA's 8-point plan is an attempt to provide their constituents with ideas of how to address the pipeline.

Please share this information with your board members. NASBA wanted to share AICPA's plan with the Boards as soon as possible, but also felt that NASBA's feedback to AICPA also should be conveyed. As always, do not hesitate to contact me with any questions.

Daniel J. Dustin, CPA  
Vice President, State Board Relations

- - - - -  
National Association of State Boards of Accountancy  
150 Fourth Ave North, Suite 700  
Nashville, TN 37219

- - - - -  
Phone/Fax: 615-880-4208  
Email: [ddustin@nasba.org](mailto:ddustin@nasba.org)  
[www.nasba.org](http://www.nasba.org)

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January 24, 2023

**TO:** Interested Parties at the AICPA and NASBA  
**RE:** DRAFT 8-POINT PLAN TO ADDRESS THE CPA PIPELINE

We appreciate the opportunity for our board members to review the DRAFT 8-POINT PLAN TO ADDRESS THE CPA PIPELINE, EXECUTIVE SUMMARY you provided to Chris Jenkins, our CEO, on the week of January 1st, 2023. This letter represents our official response to your draft document.

We agree that the pipeline to becoming a CPA is at a critical point and that the pipeline volume must be increased quickly. We also agree that changes made to increase the pipeline must be well thought through and well-measured to determine if the changes are impactful. Lastly, they must be long-term changes.

#### **Integrated Education and Experience Program**

While this initiative could ultimately lower the candidate cost for the remaining 30 hours, we feel strongly that it will not adequately address pipeline compression. We do not believe this approach removes barriers to entry, but instead places additional strain on those seeking to join the profession. As such, we have no confidence in this proposed solution.

When we extrapolate the communicated implementation timeline, this solution would require three years or more to realize and measure success and more than a decade for full implementation. A solution must be implemented more quickly and provide much faster measurements to address the current pipeline problems.

Furthermore, this initiative, as described, does not provide a pathway for licensure for candidates working through smaller CPA firms, industry organizations, governmental entities, or not-for-profits. Smaller CPA firms do not typically have the capital (monetary or human) necessary to implement this type of initiative. Yet, these same small firms are more than adequate in providing the experience necessary for today's licensure path.

The AICPA, NASBA, and CAQ have indicated that the additional 30 hours are a barrier to licensure, and there is significant support for that statement. We also believe that mobility and reciprocity are critical to the sustainability of the profession. We recommend that the AICPA collaborate with all states to establish a dual path to licensure that accomplishes faster implementation and measurement of success. We also suggest that NASBA consider revising the definition of substantial equivalency, which would accomplish both goals.

Three criteria, education, experience, and the exam, are used for licensure qualification, with none regarded more than the others. Education and experience build a candidate's knowledge of practice, and the CPA Exam tests those skills. Experience is the bridge between educational learning and becoming a trusted advisor. Increasing experience to offset a reduction in required education hours does not roll the profession back. Instead, it is a necessary evolution with the changes in how CPAs work. Supporting a balance of experience and ongoing education are continuing trends in many finance and technology roles. Based on the draft plan, we agree that a second path to licensure is imperative, however, we disagree on the method. We believe that for the CPA profession to be competitive with other verticals, the second path should consist of reducing the educational requirement to 120 hours and extending the experience requirement. We believe this addresses the pipeline issues more directly.

The pace of change challenges any curriculum to remain relevant to business needs, much less one designed for the diversity of skills required of today's and future CPAs. Offering two options (150 hours with one year of experience and 120 hours with additional experience) as substantially equivalent paths (1) addresses current pipeline needs, (2) removes a known barrier to first-generation students, (3) reduces the cost of licensure and (4) aligns with the workforce directives of the South Carolina legislature. In fact, we believe the latter path immediately qualifies a large population of potential candidates for licensure (pending passage of the CPA Exam). This has a powerful, immediate, and measurable impact on the pipeline. This should not be seen as a regression in qualifications but as affirming that existing CPAs with 120 hours of education and additional experience are equally as competent as the 150 hour CPAs.

For these reasons, we cannot support the Integrated Education and Experience Program as drafted. We welcome an opportunity to work with all stakeholders, consider all ideas, and find the best solution both nationally and for South Carolina. Additionally, we adamantly support updating the UAA definition of substantial equivalency to include the dual-path model detailed above.

### **30-hour Communication Campaign**

Currently, the path to CPA needs clarification. We appreciate the AICPA's efforts to offer students a roadmap to guide their journey. However, we are concerned about the difficulty of capturing various jurisdictional differences. Again, engaging state associations in this process would lead to a more successful solution.

Overall, we support this initiative even though we believe the IEEP initiative requires modification first.

### **Extending the 18-month Exam Window for Candidates**

As a board, we agree with extending the CPA Exam window for candidates. We believe the next generation engages in lifestyles that would benefit from an extended period to pass the exam, which would result in some additional CPAs contributing positively to the pipeline.

Further, post-collegiate candidates could benefit from additional time given their varied levels of work-life integration. We will consider our decision based on the best interests of South Carolinians and work within our statutes to make those adjustments at the appropriate time, along with any other necessary statute adjustments for licensure.

### **Consider and Address Jurisdictional Barriers to Initial Licensure**

SCACPA completed this effort during our state's 2022 legislative session. Changes in our comprehensive Accounting Practice Act update (Senate Bill 812, signed into law on May 16, 2022) aligned our state requirements with the Uniform Accountancy Act (UAA). Having completed this exercise, we understand the difficulties and the work required to update each state's practice act.



Additionally, this presents another reason a flexible, agreed-upon path to CPA licensure is crucial. As states update their statutes for alignment, updating the substantial equivalency definition could be effortlessly accomplished in the same legislation.

Overall, we support this initiative.

#### **High School and College Strategies**

We support these initiatives and look forward to activities that will complement our continued local efforts.

#### **STEM Recognition**

We support these initiatives and believe this solution is long overdue.

#### **Endowment / The AICPA Foundation**

We support this initiative.

#### **Stakeholder Calls to Action**

We support your efforts and recommend that you include State Associations in your list of stakeholders. State associations have a history of positive impact and support for pipeline initiatives at the state and local levels.

We look forward to collaborating with the AICPA to improve the pipeline and finding a workable solution for removing barriers to licensure nationwide. Balancing education and experience requirements through dual-path opportunities meets the goal of ensuring a sustainable pipeline for the near and distant future.

Signed by the Executive Committee of the South Carolina Association of CPAs, on behalf of the Board of Directors.

**Chair:** Brad Ledford, CPA  
AICPA Member Since 1998

**Vice Chair:** David Knoble, CPA, CGMA, MAC  
AICPA Member Since 1994

**Immediate Past Chair:** Lesley Kelly, CPA  
AICPA member since 1999

**Treasurer:** Michelle Gneisig, CPA, CGMA  
AICPA Member Since 2012

**CEO:** Chris Jenkins, CAE, CCNA, CISSP



National Association of State Boards of Accountancy

150 Fourth Avenue North ♦ Suite 700 ♦ Nashville, TN 37219-2417 ♦ Tel 615/880-4200 ♦ Fax 615/880-4290 ♦ Web [www.nasba.org](http://www.nasba.org)

January 25, 2023

Executive Committee of the South Carolina Association of CPAs  
c/o Mr. Chris Jenkins, CEO  
South Carolina Society of CPAs  
1300 12<sup>th</sup> Street, Suite D  
Cayce, SC 29033

Sent via email: [cjenkins@scacpa.org](mailto:cjenkins@scacpa.org)

Dear Mr. Jenkins:

We recently received a letter from the Executive Committee of the South Carolina Association of CPAs (Executive Committee) suggesting that NASBA has indicated that the additional 30 hours of education are a barrier to licensure.

We believe that it is important for the Executive Committee to understand that NASBA does not perceive the 150-hour education requirement to be a barrier to entry to the profession. At its meeting last week, the NASBA's Board of Directors voted unanimously in continued support of the 150-hour education requirement.

Earlier this month, NASBA wrote a letter to the President and CEO of the Minnesota Society of CPAs (Minnesota Society) when we learned that they were contemplating the introduction of a bill that would create multiple pathways for licensure. I have attached a copy of that letter so that the Executive Committee understands the potential impact that the enactment of such legislation in South Carolina may have on its being designated substantially equivalent and the resulting impact it may have on South Carolina licensed CPAs and public accounting firms.

As noted in our letter to the Minnesota Society, the guidelines for the substantial equivalency standard are set out in Appendix B of the Uniform Accountancy Act. Specifically, Section A. Substantially Equivalent States provides "*the criteria for determining whether a state's CPA qualification requirements are substantially equivalent to the UAA include: ... completion of the 150 hour education requirement, passage of the Uniform CPA examination and compliance with a one year general experience requirement.*"

Should any jurisdiction adopt legislation, rules or regulations which alter their licensing requirements in a manner that is not compliant with the UAA requirements (150 semester hours of education with accounting concentration, at least one-year acceptable experience, and successful completion of the Uniform CPA Examination), that jurisdiction will be found to be non-substantially equivalent by the National Qualification Appraisal Service.

As outlined in the letter to the Minnesota Society, if South Carolina enacts legislation that does not comply with these requirements, South Carolina will lose its substantial equivalency status. Should this occur, it would have the following impact on South Carolina CPAs and public accounting firms:

- South Carolina CPAs would no longer be able to practice in another jurisdiction under mobility and would instead first need to obtain a CPA license or temporary practice permit to practice in another jurisdiction.

With the enactment of substantial equivalency across the 55 jurisdictions, many, if not all, jurisdictions eliminated the temporary practice permit provision from their laws and rules and as a result, CPAs from non-substantially equivalent jurisdictions would need to obtain a CPA license to practice in another jurisdiction.

- Because South Carolina would no longer be considered substantially equivalent, a South Carolina CPA would not be able to apply for a license under reciprocity without first undergoing a review of his/her college transcripts to verify that the CPA has met the 150-hour education requirement. The Uniform Accountancy Act provides that individuals who personally meet the substantial equivalency standard may apply to the National Qualification Appraisal Service if the jurisdiction in which they are licensed is not substantially equivalent to the UAA.
- South Carolina public accounting firms would no longer be able to use the firm mobility provisions to practice in those jurisdictions that have adopted the firm mobility provision because their CPAs would no longer be eligible to practice in another jurisdiction under substantial equivalency.

As a result, a South Carolina public accounting firm would need to obtain a practice permit before providing any professional services in any other jurisdiction, including those that have adopted firm mobility.

- Practicing in another jurisdiction without a license or permit could subject a South Carolina CPA or public accounting firm to disciplinary action for performing professional services without a license or firm permit.

Given the significant impact that legislation lowering the education threshold for licensure may have on South Carolina licensed CPAs and public accounting firms, we ask you to carefully consider the need for such legislation.

If you have any questions, please feel free to contact Dan Dustin, Vice President State Board Relations, at [ddustin@nasba.org](mailto:ddustin@nasba.org).

Sincerely,



Ken L. Bishop  
President & CEO

c: South Carolina Board of Accountancy  
State Boards of Public Accountancy  
AICPA

Attachment



National Association of State Boards of Accountancy

150 Fourth Avenue North ♦ Suite 700 ♦ Nashville, TN 37219-2417 ♦ Tel 615/880-4200 ♦ Fax 615/880-4290 ♦ Web [www.nasba.org](http://www.nasba.org)

January 5, 2023

Ms. Linda Wedul, President and CEO  
Minnesota Society of CPAs  
1650 West 82<sup>nd</sup> Street, Suite 600  
Bloomington MN 55431

Sent via email: [lwedul@mncpa.org](mailto:lwedul@mncpa.org)

Dear Ms. Wedul:

We recently learned that the Board of Directors of the Minnesota Society of CPAs (Society) approved the drafting of legislation that would provide for multiple education pathways for licensure. It is our understanding that the proposed legislation may include three education pathways: 150 semester credit hours of education with one-year of experience; 120 semester credit hours of education with two-years of experience and a yet to be defined third hybrid pathway.

We believe that it is important for you and the Board of the Directors of the Society to understand the potential impact that the enactment of such legislation may have on Minnesota's being designated substantially equivalent and the resulting impact it may have on Minnesota licensed CPAs and public accounting firms.

The guidelines for the substantial equivalency standard are set out in Appendix B of the Uniform Accountancy Act. Specifically, Section A. Substantially Equivalent States provides "*the criteria for determining whether a state's CPA qualification requirements are substantially equivalent to the UAA include: ...completion of the 150 hour education requirement, passage of the Uniform CPA examination and compliance with a one year general experience requirement.*"

Should any jurisdiction adopt legislation, rules or regulations which alter their licensing requirements in a manner that is not compliant with the UAA requirements (150 semester hours of education with accounting concentration, at least one-year acceptable experience, and successful completion of the Uniform CPA Examination), that jurisdiction will be found to be non-substantially equivalent by the National Qualification Appraisal Service.

If Minnesota enacts legislation that does not comply with these requirements, Minnesota will lose its substantial equivalency status. Should this occur, it would have the following impact on Minnesota CPAs and public accounting firms:

- Minnesota CPAs would no longer be able to practice in another jurisdiction under mobility and would instead first need to obtain a CPA license or temporary practice permit to practice in another jurisdiction.

With the enactment of substantial equivalency across the 55 jurisdictions, many, if not all, jurisdictions eliminated the temporary practice permit provision from their laws and rules and as a result, CPAs from non-substantially equivalent jurisdictions would need to obtain a CPA license to practice in another jurisdiction.

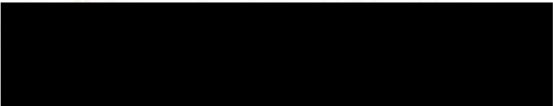
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- Minnesota public accounting firms would no longer be able to use the firm mobility provisions to practice in those jurisdictions that have adopted the firm mobility provision because their CPAs would no longer be eligible to practice in another jurisdiction under substantial equivalency.

As a result, a Minnesota public accounting firm would need to obtain a practice permit before providing any professional services in any other jurisdiction, including those that have adopted firm mobility.

- Practicing in another jurisdiction without a license or permit could subject a Minnesota CPA or public accounting firm to disciplinary action for performing professional services without a license or firm permit.

Given the significant impact that legislation lowering the education threshold for licensure will have on Minnesota licensed CPAs and public accounting firms, we ask you to carefully consider the need for such legislation.

Sincerely,

  
Maria-Lisa Caldwell, Esq.  
Chief Legal Officer

c: Minnesota State Board of Accountancy  
Charles Selcer, Board Chair  
Doreen Johnson, Executive Director



National Association of State Boards of Accountancy

150 Fourth Avenue North ♦ Suite 700 ♦ Nashville, TN 37219-2417 ♦ Tel 615/880-4200 ♦ Fax 615/880-4290 ♦ Web [www.nasba.org](http://www.nasba.org)

January 5, 2023

Ms. Linda Wedul, President and CEO  
Minnesota Society of CPAs  
1650 West 82<sup>nd</sup> Street, Suite 600  
Bloomington MN 55431

Sent via email: [lwedul@mncpa.org](mailto:lwedul@mncpa.org)

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We recently learned that the Board of Directors of the Minnesota Society of CPAs (Society) approved the drafting of legislation that would provide for multiple education pathways for licensure. It is our understanding that the proposed legislation may include three education pathways: 150 semester credit hours of education with one-year of experience; 120 semester credit hours of education with two-years of experience and a yet to be defined third hybrid pathway.

We believe that it is important for you and the Board of the Directors of the Society to understand the potential impact that the enactment of such legislation may have on Minnesota's being designated substantially equivalent and the resulting impact it may have on Minnesota licensed CPAs and public accounting firms.

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With the enactment of substantial equivalency across the 55 jurisdictions, many, if not all, jurisdictions eliminated the temporary practice permit provision from their laws and rules and as a result, CPAs from non-substantially equivalent jurisdictions would need to obtain a CPA license to practice in another jurisdiction.


- Because Minnesota would no longer be considered substantially equivalent, a Minnesota CPA would not be able to apply for a license under reciprocity without first undergoing a review of his/her college transcripts to verify that the CPA has met the 150-hour education requirement. The Uniform Accountancy Act provides that individuals who personally meet the substantial equivalency standard may apply to the National Qualification Appraisal Service if the jurisdiction in which they are licensed is not substantially equivalent to the UAA.
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As a result, a Minnesota public accounting firm would need to obtain a practice permit before providing any professional services in any other jurisdiction, including those that have adopted firm mobility.

- Practicing in another jurisdiction without a license or permit could subject a Minnesota CPA or public accounting firm to disciplinary action for performing professional services without a license or firm permit.

Given the significant impact that legislation lowering the education threshold for licensure will have on Minnesota licensed CPAs and public accounting firms, we ask you to carefully consider the need for such legislation.

Sincerely,

  
Maria-Lisa Caldwell, Esq.  
Chief Legal Officer

c: Minnesota State Board of Accountancy  
Charles Selcer, Board Chair  
Doreen Johnson, Executive Director





**Mailing Address:**

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Board of Accountancy  
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**Website:** <https://llr.sc.gov/acct/>

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**UPDATE YOUR CONTACT INFORMATION**

You must notify the Board if there are any changes in your address or contact information. If you have moved, changed your address, phone number, or email address, or changed employers, you can update your information [online](#).

- Individuals changing their name will need to include a copy of the legal document changing it.
- Resident Managers have the responsibility to inform the Board of any changes regarding their firms' information within 30 days of the action.

## CPA EVOLUTION



### CPA EXAM'S FUTURE: KEY TENTATIVE DATES ANNOUNCED

*Reprinted with Permission from NASBA*

Have you heard of the CPA Evolution initiative? Are you aware that the Uniform CPA Examination® (CPA Exam) is changing significantly in January 2024? It is important that you learn about this initiative and the upcoming changes to the CPA Exam to fully understand how it might impact your journey to CPA licensure.

If you pass and retain credit for all four CPA Exam sections by December 31, 2023, the changes to the CPA Exam and its future administration will NOT impact your journey. If you will still be working your way through the CPA Exam in January 2024 and beyond, then the information about the CPA Evolution-aligned CPA Exam (the 2024 Exam) and its administration are most important to understand.

As we get closer to 2024, new information is being made available to help candidates plan their testing schedules in 2023 and into 2024. The National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA) are now releasing tentative application information and testing schedules for late 2023 and tentative testing and score release schedules for 2024. It is important to note that these dates are not yet final but are being provided as early as possible to help candidates consider their testing plans.

**Important 2023 Administration Dates**

First, candidates should note that the last day of testing for all current CPA Exam sections (AUD, BEC, FAR and REG) is anticipated to be December 15, 2023. No CPA Exam sections may be scheduled from December 16, 2023, through January 9, 2024, to allow for conversion of IT systems to the 2024 CPA Exam sections. Candidates are encouraged to plan their testing schedules accordingly.

In addition, candidates wishing to take BEC in the latter part of 2023 need to know that the NASBA Gateway system will stop processing Authorizations to Test and Notices to Schedule for BEC on November 15, 2023. This will necessitate that Boards of Accountancy require final application deadlines (first-time and re-exam) for BEC sections. These deadlines are yet to be determined and will be published on NASBA's website once they become available, and shared by each Board of Accountancy.

Conversely, Boards of Accountancy will also need to establish initial application acceptance dates for discipline sections: Business Analysis and Reporting (BAR), Information Systems and Controls (ISC), and Tax Compliance and Planning (TCP). Authorizations to Test and Notices to Schedule for BAR, ISC and TCP will not be processed by NASBA's Gateway system until November 22, 2023. These initial acceptance dates are also yet to be determined and will be published on NASBA's website once they become available, and shared by each Board of Accountancy.

AUD, FAR and REG applications can be continually submitted and processed as the same codes will be used for the core sections that will start in 2024, however the scheduling blackouts do apply. *(Continued on Page 3)*

### DISCIPLINARY ACTIONS

Information regarding complaints and ongoing investigations is confidential; however, you can access and search all public Board orders at: <https://eservice.llr.sc.gov/PublicOrdersWeb/?divisionId=15>.



**BOARD MEMBERS:**

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 Deltrease Hart-Anderson, Accounting Practitioner  
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 Jada W. McAbee, CPA, Chair  
 Janet M. Pierce, CPA  
 Lora W. Prevatte, CPA  
 Dwight C. Summers Jr., CPA  
 Dean Kenneth Whitener, CPA, Secretary  
 Walda C. Wildman, CPA  
 Robert P. Wood, Esquire

**BOARD STAFF:**

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[Susanna.Sharpe@llr.sc.gov](mailto:Susanna.Sharpe@llr.sc.gov)

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**NEW CPA OATH CEREMONY**



The Fall 2022 New CPA Oath Ceremony was held on Thursday, November 17, 2022, at the Columbia Metropolitan Convention Center, as part of SCACPA's Fall Fest Accounting Conference.

Jada McAbee, CPA, Board of Accountancy Chair, and David Knoble, CPA, SCACPA Chair Elect, led the ceremony. Mark Hobbs, CPA, was the keynote speaker.

**CALENDAR OF EVENTS**

January 2023	
26	Board Meeting - Virtual
February 2023	
21	Presidents Day - CLOSED

Unless otherwise noted, all Board meetings start at 10 a.m. Requests to appear before the Board, together with all related documentation, must be in writing and submitted at least 10 business days before the meeting. Written requests are to be sent to SC Board of Accountancy, PO Box 11329, Columbia, SC 29211-1329.

**TOTAL LICENSEES AND REGISTRATIONS AS OF 12/31/2022**

TYPE OF LICENSE/ REGISTRATION	ACTIVE
Accounting Firm In State	1,328
Accounting Firm Out of State	365
Accounting Practitioner	62
Certified Public Accountant	6,313
Public Accountant	3
<b>Total Licensees/Registrations</b>	<b>8,071</b>

**RECENTLY LICENSED CPAS – OCTOBER TO DECEMBER 2022**

SEVERINO ALVAREZ	SPARTANBURG, SC	PAIGE MANCUSO	GREER, SC
DAVID ATKINS	RALEIGH, NC	JAMES MARTIN	SPARTANBURG, SC
EMILY AUSTIN	GREENVILLE, SC	CLARE MCLAURIN	MYRTLE BEACH, SC
WILLIAM BARR	GREENVILLE, SC	STANLEY MORIN	BLUFFTON, SC
VICTORIA BLUM	GREENVILLE, SC	QUIN MURPHY	GREENVILLE, SC
LAINA BOCHETTE	PANAMA CITY, FL	DANIEL NAZARUK II	GREENVILLE, SC
TIFFANY BOOZER	COLUMBIA, SC	KWABENA OWUSU-BONSU	MYRTLE BEACH, SC
AMY BROWN	SUMTER, SC	GARY PAGE	SIMPSONVILLE, SC
ANDERSON CAMPBELL	COLUMBIA, SC	AARON PALMER	SIMPSONVILLE, SC
CAROLINE CAMPBELL-TWENTIER	MYRTLE BEACH, SC	ANJANA PATEL	LAWRENCEVILLE, GA
SHELLEY CARLOCK	N. MYRTLE BEACH, SC	ANKIT PATEL	FORT MILL, SC
CARLEE CHACKNES	GREENVILLE, SC	AMANDA POSPISCHIL	FOUNTAIN INN, SC
GEOFFREY CHATHAM	IRMO, SC	ERICA POTTER-ROSSETTI	GREENVILLE, SC
JINGYUAN CHEN	LELAND, NC	SARA REYNOLDS	CHAPIN, SC
BENJAMIN DOMINGUE	BEDFORD, NH	TINA RICHTER-STOLIAR	NEWPORT BEACH, CA
MAXIMILLIAN ECKEMOFF	CHARLESTON, SC	KIMBERLY RILEY	SOUTH POINT, OH
SAMUEL EDWARDS	TRAVELERS REST, SC	TYLER ROGERS	MYRTLE BEACH, SC
JACKSON EMERY	DUNCAN, SC	ELIZABETH RUNSER	MOUNT HOLLY, NC
SEAN FENSTERMAKER	GREENVILLE, SC	MEAGAN RUSH	SIMPSONVILLE, SC
ERIN FREBERG	COLUMBIA, SC	NIRUPMA SHARMA	SIMPSONVILLE, SC
ELIZABETH GARRETT	MOUNT PLEASANT, SC	CATHERINE SMITH	GREENVILLE, SC
MATTHEW HAIGLER	GREENVILLE, SC	NATALYA STARYKOV	LYMAN, SC
DARREN HALL	COLUMBIA, SC	LAURA TURNER	GREENVILLE, SC
DAVID HEDAYA	GREENVILLE, SC	SYDNEY TURNER	CHARLESTON, SC
TEDJO IMARDJOKO	CHAPEL HILL, NC	DALE WAGONER	SUNSET, SC
BENJAMIN JONES	WOODRUFF, SC	LINDSEY WEINTRAUB	FORT MILL, SC
ELIZABETH KIRSHY	CHARLESTON, SC	STEPHEN WILLIAMS	GREENVILLE, SC
ALBERT KITCHENS	COLUMBIA, SC	LEAH WILSON	GREENVILLE, SC
WILLIAM KITCHENS	COLUMBIA, SC	MITCHELL WINKLER	NEW ROCHELLE, NY
MARY LINK	ROCK HILL, SC		

**HOW THE BOARD WORKS: MEETING AGENDAS**

All meeting agendas are posted on the Board's website a minimum of 24 hours prior to the meeting. Meeting agendas are also disseminated to the media and interested parties via email. Anyone who would like to be included on the meeting agenda distribution list may request to be added by contacting Board staff at [Contact.Accountancy@llr.sc.gov](mailto:Contact.Accountancy@llr.sc.gov). Please be sure to use the subject line "Request to be added to meeting agenda distribution list".



## FORMER BOARD MEMBER RECEIVES PRESTIGIOUS AWARD



Donald H. Burkett, CPA was recognized on November 1, 2022, for his leadership and efforts to advance the accounting profession by the National Association of State Boards of Accountancy (NASBA), during its 115th Annual Meeting in San Diego.

Burkett, of West Columbia, received the William H. Van Rensselaer Public Service Award, which recognizes individuals who have contributed to the development of a new program, improvement of a current program for the Boards of Accountancy, or who have influenced passage of rules or statutes to strengthen accountancy regulations. Burkett, former president and current vice president of Burkett Burkett & Burkett Certified Public Accountants, P.A., has more than 48 years of public accounting experience and serves as chair of the NASBA Center for the Public Trust (CPT) Board of Directors. He is a past chair of NASBA (2015-16) and has held numerous leadership positions as a member of NASBA's Board of Directors, including Middle Atlantic regional director and vice chair. Currently, he is a member of NASBA's Past Chair Advisory Council and Ethics Committee.

### Donald Burkett

Since 2007, Burkett has been an active member of NASBA and chaired several NASBA committees including its Awards, Legislative Support, Audit, Ethics and Relations with Member Boards Committees.

Burkett was a member of the South Carolina Board of Accountancy from 2003 to 2016, and served as Chair from 2007-2009 and 2012-2013.

## CPA EVOLUTION, REPRINTED FROM NASBA *(continued from page 1)*

AUD, FAR and REG applications can be continually submitted and processed as the same codes will be used for the core sections that will start in 2024, however the scheduling blackouts do apply.

### Important 2024 Administration Dates

AICPA has published the tentative 2024 CPA Exam testing schedule and score release schedule. Please note that these dates are tentative pending further review by AICPA.

#### 2024 Test Administration Schedule/Score Release Timeline\*

24Q1	Jan 10-Mar 26	May 14-June 4	Jan 10-Feb 6	Mar 26-Apr 16
24Q2	Apr 1-June 25	Aug 1	April 20-May 19	June 20
24Q3	Jul 1-Sep 25	Nov 1	July 1-31	Sep 3
24Q4	Oct 1-Dec 26	Early Feb 2025	Oct 1-31	Dec 3

\*All dates are subject to change.

It is anticipated that testing will commence on January 10, 2024, for all sections. While the core sections (AUD, FAR and REG) will first be available for scheduling through March 26, 2024, in the first quarter of 2024, the discipline sections (BAR, ISC and TCP) will be available through February 6, 2024. Scores are anticipated to only be released once per test section per quarter due to necessary standard-setting analyses and activities.

### Boards of Accountancy Considering Credit Extension and Other Relief

Due to the limited testing schedule and delayed score releases in 2024, the CBT Administration and Executive Directors Committees of NASBA have recommended a policy to Boards of Accountancy for consideration, which would allow candidates with Uniform CPA Examination credit(s) on January 1, 2024, to have such credit(s) extended to June 30, 2025.

Each Board of Accountancy must individually consider if it wishes to adopt such a policy. NASBA has published a map on its website, which will be updated as boards consider the policy. To date, 39 jurisdictions have already approved the policy. Others will be

reviewing it at upcoming board meetings. In some states, the board may be favorably inclined to adopt the policy, but legislative rule making may be required, which could take some time.

Boards of Accountancy will also be asked to consider a rule change that is currently under exposure for comment. It is anticipated that the model rule under the Uniform Accountancy Act, could be available in final form by early 2023. Such a rule, if adopted by a Board of Accountancy, would shift the start date of the 18-month credit period to the date a passing score was released by NASBA to the candidate or a board. Currently, many boards utilize earlier dates such as the date a candidate tests. If adopted, this could provide additional relief to candidates. Each board must decide whether or not to change their rules. This will be a longer-term initiative, as rule changes can take some time, depending on the jurisdiction. NASBA will develop and publish a map showing jurisdictional rules on this topic in the near future.

### Transition Policy Reminder

The new CPA licensure and CPA Exam model is a Core and Discipline model. In February 2022, a [transition policy](#) was announced. This policy lays out how CPA Exam sections passed under the current CPA Exam map to credit under the 2024 CPA Exam. Candidates who will start taking the CPA Exam in 2023 but continue to take sections in 2024 should review this policy and the FAQs on [NASBA's website](#).

It's never been a more exciting time to pursue the CPA license. The role of today's CPA has evolved, and newly licensed CPAs are taking on increased responsibilities that were traditionally assigned to more experienced staff. Becoming a CPA means you'll need great skill sets and competencies, and a greater knowledge of emerging technologies. That is why the CPA Evolution initiative is underway.

Additional information regarding the CPA Evolution initiative are available at [EvolutionofCPA.org](#). [FAQS](#) are available that might answer some of your more detailed questions. If questions on the new CPA licensure model and CPA Exam are still not answered, please reach out at [Feedback@EvolutionofCPA.org](mailto:Feedback@EvolutionofCPA.org).