

Health

General

Application for Certificate of Need

44-7-200

When filing for a Certificate of Need an applicant must publish a notice of intent that an application is being submitted to the department. The notice shall be published in a newspaper where the project is to be located for three consecutive days in a twenty day period prior to submission. The notice needs to briefly describe the extent of the project and the projected outlook.

Section When	Notice	Where	
44-7-200	A notice of intent to submit an application for a Certificate of Need. The notice needs to briefly describe the extent of the project and the projected outlook.	A newspaper where the project is to be located	Three consecutive days in a twenty day period prior to submission

Exact wording:

“(B) Within twenty days before submission of an application, the applicant shall publish notification that an application is to be submitted to the department in a newspaper serving the area where the project is to be located for three consecutive days. The notification must contain a brief description of the scope and nature of the project. No application may be accepted for filing by the department unless accompanied by proof that publication has been made for three consecutive days within the prior twenty-day period and payment of the initial application fee has been received.”

Notice of a special election (public hospital/tuberculosis camp)

44-7-260

A notice must be given of a special election in regards to the filing of a petition for a public hospital or tuberculosis camp. The notice must be published in one or more newspapers in that county, township, city or town ninety days prior to the election.

Section When	Notice	Where	
44-7-260	A notice of a special election on the question for a public hospital or tuberculosis camp	One or more newspapers in the county, township, city or town	At least ninety days prior to the election

Exact wording:

“Upon the filing of such petition, the county legislative delegation shall submit the question to the qualified electors of the county, township, city or town at a special election called for that purpose, first giving ninety days' notice thereof in one or more newspapers published in the county, township, city or town, if any be published therein, and by posting such notice, written or printed, in each township of the county in case of a county hospital or tuberculosis camp, or at three conspicuous places in the township, city or town in case of a township, city or town hospital or tuberculosis camp. Such election shall be held at the usual places in such county, township, city or town as provided for other elections, and the votes shall be canvassed in the same manner as in any election for officers for such county, township, city or town.”

Hospitals in municipalities of 1,000 to 5,000

Notice of election on establishment and maintenance of hospital 44-7-920

Before an election (whether it is a special election or a regular election of city officials) can be held a notice must be given. The notice should contain the question or questions on the purpose of the establishment and maintenance of a municipal hospital. The notice must be placed at least thirty days prior to the election in one or more newspapers published in the city or town.

Section When	Notice	Where	
44-7-920	A notice of an election for the purpose of an establishment or maintenance on a municipal hospital. The notice should contain the question or questions that will be discussed concerning the election.	One or more newspapers in that city or town	At least thirty days prior to the election

Exact wording:

“Before any such city or town may establish and build a hospital under the terms of this article, a petition, signed by a majority of the freeholders of such municipality, shall be presented to the city council, setting forth the purpose thereof and the amount of the bonded indebtedness to be incurred, if any, with the request that the question of the establishment and maintenance of a municipal hospital be submitted to the qualified electors of such municipality, either in a special election called for that purpose or at the time of the regular election of city officials. Upon receipt of such petition, the city council may, by ordinance or resolution setting forth the purposes of the election, the amount of the proposed bonded indebtedness to be incurred, if any, and any other pertinent facts, order an election for that purpose, first giving at least thirty days' notice of such election before the holding thereof, with the question or questions to be submitted, in one or more newspapers published in such city or town, if one be published therein and, if not, then in the newspaper published nearest to such city or town and having general circulation therein, and posting notices of the election in three conspicuous places in such city or town. Such election shall be held at the

usual place or places in such city or town according to the law governing municipal elections therein, and the votes shall be canvassed and the results declared in the same manner as in the election of officers for such municipality.”

**Sale of bonds
44-7-990**

The sale of bonds in reference to the establishment of a hospital must be given notice by publication in a newspaper in that city or town. The notice shall be placed at least fifteen days prior to the sale.

Section When	Notice	Where	
44-7-990	A notice of the sale of bonds for the establishment of a municipal hospital	A newspaper in that city or two	At least fifteen days prior to the sale

Exact wording:

“Such bonds shall be sold for not less than par and accrued interest, upon sealed bids, after notice of such sale by publication in some newspaper published in the city or town or having general circulation therein for at least fifteen days prior thereto. The award shall be given to the bidder offering the most advantageous terms for the purchase of such bonds, but the city or town council may reject any and all bids and reoffer the bonds for sale.”

Hospital Revenue Bond Act

**Publication of the approval by State Board for the issuance of bonds
44-7-1590**

If the State Board has approved the proposal of the county board for the issuance of bonds than a notice shall be published. The notice should be placed at least once by the state board in a newspaper having general circulation in the county where the proposed location is for the hospital facilities.

Section When	Notice	Where	
44-7-1590	A notice of approval by the state board for the issuance of bonds for proposed hospital facilities	A newspaper with general circulation in the county where the proposed hospital facilities will be located	At least once

Exact wording:

“(B) Upon the filing of the petition the state board, as soon as practicable, shall conduct the review as it considers advisable, and if it finds that the proposal of the governing board is intended to promote the purposes of this article,

it is authorized to approve the proposal. At any time following the approval, the county board may proceed with the issuance of the bonds in accordance with the proposal as approved by the state board. Notice of the approval of the proposal by the state board must be published at least once by the state board in a newspaper having general circulation in the county where the hospital facilities are or are to be located. The notice must set forth the action taken by the county board pursuant to Section 44-7-1480 and the action taken by the Department of Health and Environmental Control pursuant to Section 44-7-1490.”

**Notice of approval of loan agreement
44-7-1690**

Prior to the execution of any agreements by the county board for intergovernmental or subsidiary loans a notice of approval needs to be published. The notice should be placed at least once in a newspaper having general circulation in each county. Any interested parties have twenty days after publication to take any action.

Section When	Notice	Where	Where
44-7-1690	A notice of approval for intergovernmental or subsidiary loans	A newspaper having general circulation in each county	At least once prior to the execution of the agreements

Exact wording:

“Notice of the approval by a county board of any intergovernmental loan agreement or subsidiary loan agreement must be published at least once in a newspaper having general circulation in each county by the respective county board prior to the execution of such agreements. With respect to a subsidiary loan agreement, the notice must set forth the action taken by the county board and the South Carolina Department of Health and Environmental Control pursuant to Section 44-7-1660. The intergovernmental loan agreement and subsidiary loan agreement must be filed with the clerk of court of the authorizing issuer and the clerk of court of the project county prior to the issuance of the bonds authorized thereby.

Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board of the authorizing issuer or the project county in approving the intergovernmental loan agreement by action de novo in the court of common pleas of the project county or the authorizing issuer. Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board in approving the subsidiary loan agreement or the Department of Health and Environmental Control with respect to the hospital facilities by action de novo in the court of common pleas in any county where the hospital facilities are to be located.”

Tattooing

**Applying for a license
44-34-110**

If an individual is applying for a license to open a tattoo facility a notice of intent by this individual must be placed at least once a week for three consecutive weeks in a newspaper closest to the proposed location (The Department of Health and Environmental Control will determine which newspapers meet this requirement.) The notice must be found in the legal

advertisement section or a section that contains these types of advertisements. The type font must be large, the ad must cover a space one column wide and not less than two inches deep, the type of license that is being applied for and the exact location where the business may be located.

Section When	Notice	Where	Where
44-34-110	A notice of intent to apply for the license of a tattoo facility. The notice must contain large type font, the ad must cover a space one column wide and not less than two inches deep, the type of license that is being applied for and the exact location where the business could be located.	A newspaper having general circulation in each county	At least once a week for three consecutive weeks

Exact wording:

“(C) A person who intends to apply for a license under this article must advertise at least once a week for three consecutive weeks in a newspaper circulated nearest to the proposed location of the business and most likely to give notice to interested citizens of the county, city, and community in which the applicant proposes to engage in business. The department shall determine which newspapers meet the requirements of this section based on available circulation figures and the proposed location of the business. However, if a newspaper is published in the county and historically has been the newspaper where the advertisements are published, the advertisements published in that newspaper meet the requirements of this subsection. The notice must be in the legal notice section of the paper, or in an equivalent section if the newspaper has no legal notice section, and must be in large type, cover a space one column wide and not less than two inches deep, and state the type of license applied for and the exact location at which the proposed business is to be operated.”

Water, Sewage and Waste

Notice of recreational activities in reservoirs that could be harmful to public health 44-55-50

If findings are found that certain recreational activities in reservoirs (boating, water skiing, fishing and swimming) could be hazardous to public health a notice of these findings must be published. The notice should be placed at least once a week for six consecutive weeks in a newspaper of general circulation in the area that is affected. The notice needs to contain a description and summary of these findings.

Section When	Notice	Where	Where
44-55-50	A notice of findings in	A newspaper with	At least once a week

	any recreational activities in reservoirs that may be harmful to public health The notice needs to contain a description and summary of these findings.	general circulation in the area that may be affected	for six consecutive weeks
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Exact wording:

“(B) If the board or department determines that these recreational activities would be injurious to the public health it shall cause to have published at least once a week for six consecutive weeks in a newspaper of general circulation in the county or area affected a summary of its findings. Any citizen of this State who objects to the findings of the board or department is entitled to request a public hearing, which the board or department shall conduct within thirty days after the request. The public hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the board or department shall review its initial findings and shall within thirty days after the hearing affirm or reevaluate its findings in writing and give notice to known interested parties. The findings of the board or department may be appealed to the circuit court, which is empowered to modify or overrule the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice of intention to appeal must be served on the board or department within fifteen days after it has affirmed or reevaluated its initial findings and copies also must be served on known interested parties.”

Public notice of conditions found to be in violation (public water systems)

44-55-70

If a public water system is found in violation of conditions prescribed by The South Carolina Health and Environmental Control Board than a notice of the violation must be published. The notice must be placed by the board in a newspaper of general circulation until the violation is updated and no longer exists.

Section When	Notice	Where	When
44-55-70	A notice of any violations that are found in a public water system	A newspaper with general circulation	When a violation is found and until it no longer exists

Exact wording:

“A public water system shall, as soon as practicable, give public notice if it: (1) is not in compliance with the State Primary Drinking Water Regulations; (2) fails to perform required monitoring; (3) is granted a variance for an inability to meet a maximum contaminant level requirement; (4) is granted an exemption; or (5) fails to comply with the requirements prescribed by a variance or exemption.

The board shall prescribe procedures for the public notice, including procedures for notification by publication in a newspaper of general circulation, notification to be given in the water bills of the systems, as long as a condition of violation exists, and other notification as is considered appropriate by the board.”

Notice of rules and regulations in terms of solid waste and disposal

44-55-1220

A rule or regulation in terms of the collection and disposal of waste must be published in a notice before it may become effective. The rule or regulation will become effective ten days after publication in a newspaper of general circulation in the county.

Section When	Notice	Where	Where
44-55-1220	A notice of a rule or regulation on the collection and disposal of waste	A newspaper having general circulation in the county	The rule or regulation becomes effective ten days after publication

Exact wording:

“The governing body of any county which engages in the collection and disposal of solid waste is authorized to promulgate such rules and regulations as it may deem necessary to carry out the functions authorized by this article. Provided, that no rule or regulation shall become effective until the tenth day after it has been both filed with the county clerk of court and published in a newspaper having general circulation in the county. Provided, further, that the governing body of any county may exercise the eminent domain procedures in Section 28-5-10 for the acquisition of land necessary for landfill purposes in disposing of such solid waste.”

**Notice of proposed contract for the voluntary cleanup of environmental contamination
44-56-750**

A notice of a proposed contract involving the voluntary cleanup of real or perceived environmental contamination by a nonresponsible party must be published. The notice needs to be placed in a newspaper of general circulation in the affected community before the date the contract will be executed. The notice needs to give the public an opportunity to participate in the cleanup and for public comment thirty days after the date of publication.

Section When	Notice	Where	Where
44-56-750	A notice of a proposed contract for voluntary cleanup of real or perceived environmental contamination by a nonresponsible party. The notice needs to give the public an opportunity to participate in the cleanup and for public comment.	A newspaper of general circulation in the affected community	Before the date the contract will be executed and thirty days prior to a public comment period

of Health and Environmental Control. (A.) If the facility will be serving only one county than the notice must be placed in a newspaper with general circulation in that county. (B.) If the facility will be serving more than one county than the notice must be placed in a newspaper with general circulation in each county.

Section When	Notice	Where	
44-96-470	A public notice of the submission of an application for a municipal solid waste facility	(A.) A newspaper of general circulation in the county if the facility will be serving one county (B.) A newspaper with general circulation in each county if the facility will be serving more than one county	Fifteen days after the submission of the application to the Department of Health and Environmental Control

Exact wording:

“(A) Upon the submission of a permit application to the department for a municipal solid waste disposal facility, the permit applicant shall within fifteen days of the date of submission of the application publicize the submission by public notice and in writing as follows: (1) If the application is for a facility serving no more than one county, the public notice must be published in a newspaper of general circulation serving the host county, and each local government in the county shall be notified further in writing of the permit application. (2) If the application is for a facility serving more than one county, the public notice must be published in a newspaper of general circulation serving each affected county, and each local government within such counties shall be notified in writing of the permit application. For the purpose of this item, "affected county" includes the host county, each county under contract with the proposed facility, and all counties contiguous to the host county.”

Physician’s Patient’s Records Act

A notice of intent to sell medical records 44-115-130

As long as a physician follows and is under the guidelines he may sell medical records to another physician or osteopath in the state. A public notice of the intent to sell the records must be published in a newspaper of general circulation in the area that the practice is located for at least three days ninety days prior to the sale. The notice will give patients the right to obtain their records if they do not wish for them to be sold.

Section When	Notice	Where	
44-115-130	A public notice by a physician for the intent to sell medical records to another physician or osteopath in the state	A newspaper of general circulation where the practice is located	At least three times, ninety days before the sale

Exact wording:

“A physician may not sell medical records to someone other than a physician or osteopath licensed by the South Carolina State Board of Medical Examiners or a hospital licensed by the South Carolina Department of Health and Environmental Control. Exceptions to this prohibition may be granted and approved by the South Carolina State Board of Medical Examiners.

Before a physician may sell medical records, he must cause to be published a public notice of his intention to sell the records in a newspaper of general circulation in the area of his practice at least three times in the ninety days preceding the sale. The notice shall advise patients that they may retrieve their records if they prefer that their records not be included in the sale.”