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OF THE COMMITTEE
TO MAKE A STUDY OF
PUBLIC AND PRIVATE SERVICES,
PROGRAMS AND FACILITIES
FOR THE AGING IN
SOUTH CAROLINA AND OF
LAWS PERTAINING THERETO

MARCH, 1975

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March, 1975

(Concurrent Resolution No. 1286 of June 17, 1969)

(Continuing Resolution No. S-574 of 1970)

(Continuing Resolution No. S-285 of 1971)

(Continuing Resolution No. S-913 of 1972)

(Continuing Resolution No. S-188 of 1973)

(Continuing Resolution No. S-948 of 1974)

TRANSMITTAL LETTER

*To the Honorable James B. Edwards, Governor of South Carolina
and Members of the General Assembly of South Carolina:*

That the General Assembly has been aware of the problems of elder South Carolinians and sympathetic to their needs can be seen in a review of measures enacted during the past several years. (See Appendix A) Yet by no means have all the pressing problems of our older citizens been solved. Some constantly grow more acute, aggravated by inflation and recession.

The Committee continues to study these needs and their possible solutions, consistent with the resources of the State, and to recommend action on those matters it considers most urgent.

This year the Committee is particularly concerned about the critical situation of hundreds of elder citizens in Crafts-Farrow State Hospital, and the need for additional facilities for their care.

It desires to see the work of the South Carolina Commission on Aging, which directly affects the well-being of older citizens, continue with adequate financial support.

It hopes that life-saving programs such as Hypertension Screening may be continued and expanded; and that arrangements can be made to stimulate better housing for the elderly. It also supports improvement in retirement arrangements for persons under the State Retirement System.

These and other issues are discussed more fully in the body of this report, along with other matters in which the Committee wishes to express a view, without making specific recommendations for legislation.

The Committee, which has met frequently to study the status of senior citizens of the State, feels that in our present changing times continued attention should be given to this area, and therefore requests that it be kept intact to gather facts and recommend legislation for this important segment of South Carolina's population.

Respectfully submitted,

/s/ RICHARD W. RILEY, Chairman Senator, Greenville	/s/ EUGENE S. BLEASE <i>Representative</i> , Saluda
/s/ JAMES E. MOORE, Vice-Chairman <i>Representative</i> , Greenwood	/s/ FATHER WILLIAM PENTIS York
/s/ PATRICK B. HARRIS, Secretary <i>Representative</i> , Anderson	/s/ REV. I. DEQUINCEY NEWMAN Columbia
/s/ HYMAN RUBIN Senator, Richland	/s/ MS. DOROTHY M. BLACKWELL Florence
/s/ EDWRD SALEEBY Senator, Darlington	<i>Gubernatorial Appointees</i>

RECOMMENDATION 1

Provide facilities for certain older South Carolinians now in Crafts-Farrow State Hospital, as recommended by the Committee on Mental Health and Mental Retardation.

The need continues for additional attention to Crafts-Farrow State Hospital, the state institution which houses mentally ill older persons.

Crafts-Farrow's patient population is 2,100; of these, 1,400 are age 65 or older. Because of new legal requirements and regulations, many of these patients should be placed in an extended care facility other than a psychiatric hospital. The number of persons in this category is 1,300, of whom 900 are 65 or older.

Crafts-Farrow stands to lose Medicaid funds because it will not be possible to include many of these people as psychiatric patients receiving active treatment.

There are not enough spaces in nursing homes in South Carolina to accommodate these people; moreover, most of these inmates are not suited to institutionalization in private facilities.

Needed are new Intermediate Care facilities; existing facilities at Crafts-Farrow do not meet standards of ICF care, nor can they be renovated to meet these standards. The Committee is advised that an

ICF which qualifies will pay for itself from an operational standpoint and the net cost to the state would be the cost of construction only.

The Committee is keeping in close touch with the situation, and recommends that the General Assembly support plans being developed by the Committee on Mental Health and Mental Retardation to alleviate the situation at Crafts-Farrow Hospital.

RECOMMENDATION 2

Meet the minimum budgetary needs of the South Carolina Commission on Aging.

The South Carolina Commission on Aging has proved effective in guiding the expansion of services to the elderly throughout South Carolina, thereby improving the quality of life for our older citizens.

State dollars, as requested by the Commission, are needed to maintain the work of the Commission and related organizations without regression.

Last year the General Assembly allocated \$25,000 to each of the state's Planning Regions for use in maintaining or expanding services for the aging. Up to the date of this report, the Commission had allocated approximately \$200,000 to the regions. Used as "seed money" to attract other available dollars, these funds had approximately tripled, and are financing such services as day care centers for the elderly, "Meals on Wheels" programs, transportation equipment, chore and homemaker services for the disabled elderly, home repair services, handicraft equipment, and other activities in line with the Commission's aim of enabling older citizens to live decently and with dignity in their own homes as long as possible and to avoid institutionalization.

The Committee recommends that the General Assembly, in seeking to economize during a period of financial stress, avoid actions that would directly affect the well-being of elder South Carolinians, and meet the Commission's budget request as fully as possible.

RECOMMENDATION 3

Expand the Hypertension Screening and Treatment program of the Department of Health and Environmental Control.

In 1974 the Department of Health and Environmental Control established a network of Hypertension Screening and Treatment Clinics throughout the state, to detect and treat hypertension (high blood pressure) which is the largest contributing cause of death in

the United States today. This condition, often symptomless, occurs more than twice as often among people aged 65-80 than in the population as a whole.

It has been firmly established that early detection of increased blood pressure and control through drug therapy can greatly reduce the incidence of such complications as heart and kidney failure and stroke. There is now no doubt that such early detection and treatment reduce the overall morbidity of this disease dramatically.

About one in seven Americans has high blood pressure, and about half of these don't know it. In the 65-80 age group, about one in three persons is affected. The incidence among Black people is twice that of Whites. Blacks tend to develop it earlier and it tends to be more severe and deadly. In the over 70 age group, about 70 percent of Black women, and 50 percent of Black men have high blood pressure. Many prominent clinicians regard it as "the most important disease in Black American", producing far more disability than Sickle Cell Disease.

In view of the successful start made in this program, and the continuing need on the part of the whole population, and the older population of our state in particular, the Committee recommends that funding for this purpose be increased from \$326,000 to \$436,549 as requested by the Department of Health and Environmental Control.

RECOMMENDATION 4

Establish a revolving loan fund of \$60,000 for use by the State Housing Authority to expedite construction of low-moderate rent housing for the elderly.

The State Housing Authority, in cooperation with several communities and the Farmers Home Administration, has undertaken the establishment of low-moderate rent housing project for the elderly, since under existing conditions private mortgage funds are not available to construct facilities on a competitive market at a rate affordable by persons with \$1,000 to \$4,000 income.

The Farmers Home Administration has the only existing program available which resembles a subsidy, necessary to construct needed housing which can be made available on a rental basis within the means of large numbers of elderly persons on low, fixed incomes.

The program requires, however, that "front end" funds be raised; each project requires land purchase, survey fees, and engineering

fees which cannot be regained until permanent loan arrangements are completed. Average project cost for these advance funds is \$15,000 to \$18,000; since the FHA does not function in communities of more than 10,000 population, raising this amount of money in a small community, presents difficulties. If a revolving loan fund of \$60,000 were established, at least four concurrent projects could be undertaken. This revolving fund, which is loaned on a no-interest rate basis, will be replenished as the loans are closed. The Committee recommends that such a fund be established to help provide needed housing more quickly for older citizens.

Provide full-formula optional retirement for persons covered by the State Retirement System after age 60 and 30 years of service.

Providing for full-formula optional retirement for persons covered by the State Retirement System after age 60 and 30 years of service would bring South Carolina more in line with the retirement age and service requirements followed by other states. South Carolina's retirement program lags, in comparison with other states, in terms of the length of service required for full formula benefits.

The Committee recommends that funds be provided to accomplish this improvement in State Retirement.

RECOMMENDATION 6

Amend the Family Court Act to define the Court's duties and responsibilities in relation to the Adult Abuse and Protection Act.

The Adult Abuse and Protection Act, passed in 1974, prohibits the abuse or neglect of senile or developmentally disabled persons, and assigns responsibilities to public officials in implementing the act. However, some Family Courts have been in doubt as to their jurisdiction in cases arising under the Act.

The Committee recommends an amendment to the Family Court Act to make clear the authority of Family Courts to act in such cases. (Appendix B)

RECOMMENDATION 7

Change the description of facilities for care of the aged or mentally or physically infirm as contained in Act No. 474 of the 1967 General Assembly.

In South Carolina there are 84 licensed homes whose descriptive titles contain such terms as "boarding home", "rest home", or "convalescent home", to name a few. In order to avoid confusion as to

the extent of services provided by such establishments, the Committee recommends that the term "Residential Care Facility" be substituted in Section 1 of Act 474 of the 1967 General Assembly for the terms "boarding home, rest home or convalescent home". The Committee feels that this will more accurately describe the level of care provided in these facilities which are licensed by the Department of Social Services. (Appendix C)

RECOMMENDATION 8

Provide for licensure of adult day care facilities by the South Carolina Department of Social Services.

With the increase in the number of Adult Day Care facilities, the probability of their usage by individuals who are financially able to pay for the services they receive becomes obvious. These individuals need some assurance that the services which they are paying for in the facility meet at least the minimum standards for that type of facility. In order to insure that all citizens who utilize the services provided by Adult Day Care Facilities have this protection, the Committee recommends legislation authorizing the State Department of Social Services to issue licenses to those facilities which qualify by meeting the minimum requirements established by the agency. (Appendix D)

RECOMMENDATION 9

Require Nursing Homes and Residential Care Facilities to render itemized statements of charges for services rendered.

In a previous report, the Committee noted that some Nursing Homes and Residential Care Facilities do not routinely provide itemized statements of charges to their patients; some have even refused to render such statements when requested to do so. In such cases, the patient or his family has no way of knowing what charges are lumped under "miscellaneous" or indeed if charges are being made for services not rendered or supplies not furnished.

The Committee called upon these institutions to render proper statements and to avoid suspicion and mistrust.

However, since some facilities have not yet begun the practice of rendering such itemized statements, the Committee recommends legislation to make the issuance of such statements mandatory. (Appendix E)

RECOMMENDATION 10

Give financial support to the Clemson Institute on Aging.

Clemson University has organized its knowledgeable people and its facilities to establish a permanent Institute on Aging, which would serve as an education, research, and service arm for other organizations engaged in work with and for the aging. The Institute's efforts apply to housing and health care facilities, recreation and education, nutrition, biomedical technology, physiology of aging, socio-economic aspects of aging, and nursing.

Plans for the Institute have not been fully implemented because of lack of funding; the Committee expresses gratitude to the Institute for its services up to this time, and recommends that it receive financial support from the General Assembly through the Clemson University Budget.

RECOMMENDATION 11

Extend the Committee to Make a Study of Public and Private Services. Programs and Facilities for the Aging in South Carolina, and of Laws Pertaining Thereto.

The Committee requests that it be extended to continue its studies and make a report of its findings and recommendations during the 1976 session of the General Assembly. (Appendix F)

RECOMMENDATION 12

Amend Homestead Tax Exemption Act to give Blind persons equal status with the Aged, or Disabled persons.

In qualifying for Homestead Tax Exemption, joint owners who are husband and wife are eligible if either qualifies. The same is true of Disabled persons. The law, however, does not make the same rule apply to Blind persons. The Committee recommends that the law be amended to provide that when either spouse is blind, the husband-wife joint owners qualify for the exemption. (Appendix G)

RECOMMENDATION 13

Eliminate the necessity of annual re-application for Homestead Tax Exemption.

The Committee recommends that required annual re-application for Homestead Tax Exemption be eliminated, and replaced by a system under which the taxpayer would be required only to sign a certificate of eligibility each year (on the back of tax notice) and to give notice of ineligibility when and if he becomes ineligible.

Such a system would do away with the need for annual re-application for the exemption as required by existing law, and remove a source of inconvenience for older property owners who desire to claim the exemption. (Appendix H)

RECOMMENDATION 14

Need for Intermediate Care Facilities in the Nursing Home Industry.

There is a need in South Carolina for more Intermediate Care Facilities in the Nursing Home industry in South Carolina.

One of the reasons for the lack of such facilities is that the amount of money paid by the State to maintain an ICF patient is \$340 monthly, while with the same physical facilities and the addition of only two professional staff members the Nursing Home can qualify for Skilled Care status and receive from \$495 to \$639 monthly.

The Committee recommends that this disparity be eliminated to encourage the establishment of more Intermediate Care Facilities. The Committee supports the request of Department of Social Services for an additional \$300,000 to accomplish this.

RECOMMENDATION 15

Desirability of reciprocal agreements with other states regarding nontaxable retirement income.

Most states do not levy income tax on the retirement incomes they provide their own state employees and teachers. However, for example, a South Carolina retired teacher who moves to Georgia would be subject to Georgia income tax, and vice-versa.

The Committee believes it would be desirable for South Carolina to enter into agreements with other states providing for reciprocal recognition of the tax-exempt status of each other's retired employees. In the example of South Carolina retired teacher, therefore, the teacher could move to another state with whom an agreement existed, and maintain tax-exempt status. (Appendix I)

STATEMENT 1

Use of Revenue Sharing and Community Development Funds.

The Committee has gone on record as asking all cities and counties to consider the use of Revenue Sharing funds and Community Development funds for the benefit of the aging, according to the intent of Congress.

STATEMENT 2

Community Education as it pertains to older citizens.

The Committee supports the Community School or Community Education concept—the use of school facilities for the total needs of the community. There is a growing awareness that school facilities are ideally suited for after-hours programs in instruction, recreation, health care, or other areas. The Committee believes that many of our state's older citizens could benefit from such uses of schools in their communities, particularly when they are not situated to be able to take advantage of free tuition at institutions of higher learning.

STATEMENT 3

Revision of Probate Laws.

The Committee supports, in principal, a revision of the State's Probate Laws, and offers encouragement and support to those who are making a study of the voluminous Uniform Probate Code. The Committee urges the Judicial Council to make every effort to conclude and implement the study of the Uniform Probate Code.

STATEMENT 4

Development of Cultural Programs for Senior Citizens.

Some efforts are already underway to bring to older citizens experiences which will make them more aware of the values of the Arts, and give them opportunities for self-expression and development of latent abilities.

The Committee commends those efforts now in existence and offers encouragement to others planning similar efforts. Notable among these efforts are the accomplishment of BONT (Beginning of New Things), an organization in the Greenville area.

STATEMENT 5

Advisory Board on Retirement.

The Committee believes that establishment of an Advisory Board to offer suggestions on the State Retirement System to the Budget and Control Board would be a feasible addition to the functioning of the Retirement System. Membership should include retired persons who might offer first-hand information on the problems of retirees.

STATEMENT 6

Public Status for County or Local Councils on Aging.

Most county councils on aging are supported by funds from private sources, which are sometimes not fully adequate to implement programs for the aging to the extent needed.

It has been suggested that legislation be enacted permitting such organizations to become units of municipal or county government, to give them access to public funds at the county or local level.

In view of the existing structure which the South Carolina Commission on Aging has established for organizations on aging in the state, the Committee believes that further study of this permissive legislation is needed to tailor it to the overall needs of the state and prevent conflicts which might be detrimental to the cause of older citizens.

STATEMENT 7

Provide for Homestead Tax Exemption from Municipal Taxes with the State reimbursing municipalities for revenue lost.

As a further means of granting tax relief to elderly persons, the Committee suggests extending the Homestead Tax Exemption plan to include an exemption from Municipal Taxes, when and if such a plan is financially feasible.

Cost of reimbursing municipalities for revenue lost by reason of a \$10,000 exemption has been estimated not more than \$1,250,000.

STATEMENT 8

Transportation for the Elderly.

Transportation continues to be a major problem of South Carolina's older citizens. Lack of funds and/or physical disability frequently make it impossible for many older persons to own or drive their own automobiles; more often that not, an individual in this situation finds it difficult to reach the places he needs to go: the grocery store, health services, social agencies, educational or recreational opportunities, church, or other destinations.

Good progress has been made in some locations, with establishment of mini-bus service or similar portal-to-portal transportation by Aging organizations and other agencies, but much remains to be done.

The Committee urges every governmental agency in the state with a concern for transportation of our people to search for and obtain federal or other resources to aid in solving this critical problem. This Committee continues to support the efforts of other study committees in responding to this complex problem. It is the intention of the Committee to continue its study of transportation as it relates to the elderly.

APPENDIX A

South Carolina Laws Pertaining to Older Citizens (Aged 65 or Older)

Income Tax

There shall be allowed an extra exemption of eight hundred dollars if the taxpayer has attained the age of sixty-five before the close of the taxable year or before the date of death of the taxpayer. If the spouse of the taxpayer has attained the age of sixty-five before the close of the taxable year or before the date of death of such spouse, an additional exemption of eight hundred dollars shall be allowed.

Any retired person who receives a federal civil service retirement annuity shall be allowed an exemption of twelve hundred dollars on such annuity each taxable year exclusive of any other exemption. The provisions of this item shall not apply to retired persons who are now exempt from payment of taxes on federal civil service retirement annuities.

Any person retired from the armed forces of the United States with twenty or more years active duty service shall be allowed an exemption of one thousand two hundred dollars on his armed forces retirement pay.

Any person who has attained the age of sixty-five years and who during any taxable year receives a gross income from all sources of not more than twenty-eight hundred dollars if he has no dependents of four thousand dollars if he has a dependent spouse or other dependent, shall be exempt from the individual income tax.

Homestead Tax Exemption

Home owners aged 65 or more and residing in the state for at least one year receive the benefits of a homestead tax exemption which provides that the first ten thousand dollars of the fair market value of the dwelling place shall be exempt from county, school and special assessment real estate property taxes.

Counties are reimbursed by the state for losses they incur by reason of granting the exemption.

Exemption from Sales Tax on Prescription Drugs and Prosthetic Devices

A South Carolina resident certifying that his age is 50 or older does not have to pay the 4% state sales tax on prescription drugs or prosthetic devices. This tax is eliminated at the point of sale.

Half-Price Admission to Certain State Park Facilities

South Carolinians aged 65 or older are granted half-price admission to state park facilities for which a charge is customarily made (except cabin rentals). Examples: Use of bath houses and swimming areas; boat rentals; use of Myrtle Beach fishing pier; etc., etc.

Regulation of Nursing Homes

Nursing homes at all levels of care are strictly regulated and inspected by designated state agencies. In addition, the S. C. Commission on Aging staff includes Nursing Home Ombudsmen who receive complaints or reports concerning patient care, and investigate and seek to resolve any problems that may appear.

Cost-of-Living Increases in Retirement Benefits

Teachers, State Employees, and other public workers covered by the South Carolina Retirement System receive automatic increases in benefits when cost-of-living rises.

Fitting and Selling of Hearing Aids Regulated

South Carolina statutes govern the licensing of persons who fit and sell hearing aids, and regulates the manner in which they conduct their business.

Free Hunting and Fishing Licenses

Residents of South Carolina for three years who are 65 or older are eligible for free hunting or fishing licenses from the Department of Wildlife and Marine Resources. Proof of age is required.

APPENDIX B

A BILL

To Amend Act 1195 of 1968, relating to the Family Courts of the State so as to include in the Concurrent Jurisdiction of Such Court Actions Involving Abuse, Neglect and Exploitation of Persons who are Aged, Senile, Developmentally Disabled, and Other Persons referred to in Act 1082 of 1974.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 38 of Article IV of Act 1195 of 1968 is amended by adding Item (4) to read:

“(4) The abuse, neglect or exploitation of persons who are aged, senile, developmentally disabled, and other persons referred to in Act 1082 of 1974.”

SECTION 2. This act shall take effect upon approval by the Governor.

APPENDIX C

A BILL

To Amend Rules and Regulations Governing Licensing of Boarding Homes, Rest Homes and Convalescent Homes by Substituting More Accurately Descriptive Terms.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 474 of the 1967 General Assembly of the State of South Carolina is amended by eliminating the words “boarding home, rest home or convalescent home”: and substituting the words “Residential Care Facility”, so that Section 1 will read as follows:

No residential care facility shall be operated for the care or treatment of two or more persons who are aged or mentally or physically infirm unless a license is first obtained from the State Department of Social Services as provided in this Act. Applications for licenses shall be in such form and under such conditions as may be prescribed by the Department. The license fee shall be five dollars annually and shall be deposited in the general fund of the State.

APPENDIX D

A BILL

To Provide for the Licensing of Day Care Facilities for Adults, and to Provide for the Establishing of Minimum Standards and Regulatory Policies.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. As used in this act :

1.1 A "day care facility" shall mean a facility for adults eighteen (18) years of age or older, which offers in a group setting a program of individual and group activities, experiences and therapies. The program is directed toward providing community based care for those in need of a supportive setting for less than twenty-four (24) hours a day, thereby preventing unnecessary institutionalization. The program shall provide a minimum of four (4) and a maximum of fourteen (14) hours of operation per day.

1.2 "Day care services" shall mean activities, experiences and therapies offered during the day in a day care facility through an individualized plan of care which sets forth measurable goals or behaviorally stated objectives, with such services being designed to activate, motivate, and retrain impaired adults to enable them to sustain or regain functional independence.

1.3 The term "day care facility" is not considered synonymous with the terms "foster home," "half-way house," "boarding home," "residential care facility," "nursing home," or group care home."

1.4 "Department" shall mean the South Carolina Department of Social Services.

SECTION 2. The Department shall administer the provisions of this act and shall make and promulgate such rules and regulations relating to licensing standards and other matters as may be necessary to carry out the purpose of this act.

SECTION 3. Any such adult as described in Section 1.1 of this Act shall be eligible for day care services if such adult is eligible according to other criteria as herein provided and as set forth by the day care facility and the Department.

3.1 No adult shall be denied the right to apply for day care services.

3.2 No application to any day care facility by any adult shall be approved without written verification of his having undergone a physical examination nor without the concurrence of his physician that he is physically, mentally and emotionally able to participate in

such program and that necessary medication, special diet, and other such needs can be properly administered by facility staff.

SECTION 4. No individual shall be placed in or accepted by any day care facility without his consent.

4.1 No individual shall be denied the right to terminate his participation in any day care facility or program thereof.

SECTION 5. The Department shall make such inspections of day care facilities, whether applicant or licensed, as it may prescribe by regulations. Each day care facility shall be inspected at least annually, prior to the annual license issuance.

SECTION 6. Information obtained by the Department through inspection or as otherwise authorized shall not, without the written consent of the applicant or the board and director of the day care facility, be disclosed publicly in any manner which may identify the location of the facility or any person associated therewith, except in a proceeding involving the question of licensing, or the suspension or revocation of a license, or unless ordered to do so by a court of competent jurisdiction, or unless at the discretion of Federal regulation.

SECTION 7. The Department may deny, suspend, or revoke licensing on any of the following grounds :

7.1 Failure to establish or maintain proper standards of care and service as prescribed by the Department ;

7.2 Conduct or practices detrimental to the health, safety, or well-being of the adult participants ;

7.3 Violations of any provision under this act or the rules and regulations promulgated hereunder.

SECTION 8. The Department shall, by registered mail, give written notification to the director of the day care facility when any deficiency in service, malpractice, or violation of any rule or regulation exists.

8.1 The director of the day care facility shall be allowed thirty days to correct such deficiency, malpractice, or violation, unless such presents immediate danger to the health, safety, or well-being of the participants. In such case, immediate correction must be accomplished or the license of the day care facility shall be suspended and activities immediately terminated until such correction has been accomplished.

8.2 If the Department deems necessary the denial, suspension, or revocation of a license, it shall, by registered mail, send the applicant or the director of the day care facility the decision and the specific reasons for such decision.

8.3 Any denial, suspension, or revocation of any license shall become final at 12:00 midnight on the thirtieth (30th) day following the mailing of written notification, unless the applicant or the director of the day care facility shall give written notice of his desire for an appeal hearing. If such notice is received by the Department within thirty (30) days from notification, the director of the facility shall be given a hearing before authorized representatives of the Department, and may present such evidence as may be pertinent and proper. On the basis of such evidence, the decision of the Department shall be affirmed or set aside by the Commissioner of the Department. A copy of the decision of the Commissioner and the facts and particular reasons on which it is based, shall be sent by registered mail to the applicant or the director of the day care facility.

8.4 The procedures governing hearings shall be in accordance with the rules promulgated by the Department.

8.5 Any applicant or director of a day care facility who is dissatisfied with the Department's appeal decision may appeal to the appropriate court for judicial relief from the decision.

SECTION 9. The Department may, in accordance with the laws of the State which govern injunctions and other processes, initiate legal action in the name of the State against any person for establishing, conducting, or operating a day care facility without a license or when a license has been denied, suspended, or revoked. Any person in violation of this provision shall be subject to the penalties hereinafter provided.

SECTION 10. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars for a first offense and five hundred dollars for each subsequent offense. Each day such facility shall operate after a first conviction shall be considered a subsequent offense.

SECTION 11. This act shall take effect upon approval by the Governor.

APPENDIX E

A BILL

To Amend Act 474 of 1967, as Amended, Related to Licensing and Regulation of Boarding, Rest, and Convalescent Homes, so as to Require Such Homes to Furnish Itemized Statements of Charges for all Services.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 474 of 1967 is amended by adding Section 3A to read: "Section 3A. The nursing homes, residential care facilities, including boarding, rest and convalescent homes subject to the provisions of this act shall be required to furnish with each billing, to the patient or person paying such bill, an itemized statement of charges for all services included in the billing."

SECTION 2. This act shall take effect upon approval by the Governor.

APPENDIX F

A CONCURRENT RESOLUTION

To Continue the Committee Appointed Pursuant to H. 1286 of 1969 to Make a Study of Public and Private Services, Programs and Facilities for the Aging in South Carolina, and of Laws Relating Thereto.

Be it resolved by the Senate, the House of Representatives concurring :

That the committee appointed pursuant to H. 1286 of 1969 to make a study of public and private services, programs and facilities for the aging in South Carolina, and of laws relating thereto, shall continue its study and make a report of its findings and recommendations during the 1976 session of the General Assembly. The members of the committee shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, committees and commissions. The expenses of the committee shall not exceed five thousand dollars, to be paid from the approved accounts of both houses.

APPENDIX G

A BILL

To Amend Section 65-1522.1, Code of Laws of South Carolina, 1962, as Amended, Relating to Homestead Exemption, so as to Include the Words "Legally Blind" which were Inadvertently Omitted.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-1522.1 of the 1962 Code, as last amended by Act 1027 of 1974, is further amended on line eighteen by inserting "or legally blind under this act," after "disabled,". The section when amended shall read :

"Section 65-1522.1. The first ten thousand dollars of the fair market value of the dwelling place of persons shall be exempt from county, school, and special assessment real estate property taxes when such persons have been residents of this State for at least one year, have each reached the age of sixty-five years on or before December thirty-first or any person who has been classified as totally and permanently disabled by a State or federal agency having the function of so classifying persons or any person who is legally blind as defined in Act 958 of 1966, preceding the tax year in which the exemption herein is claimed and hold complete fee simple title or a life estate to the dwelling place. Any person claiming to be totally and permanently disabled, but who has not been so classified by one of such agencies, may apply to the State Agency of Vocational Rehabilitation. The agency shall make an evaluation of such person using its own standards. The exemption shall include the dwelling place when jointly owned in complete fee simple or life estate by husband and wife and either has reached sixty-five years of age, or is totally and permanently disabled, or legally blind under this act, on or before December thirty-first preceding the tax year in which the exemption is claimed and either has been a resident of the State for one year. The exemption shall not, however, be granted unless such persons or their agents make written application therefor on or before May first of the tax year in which the exemption is claimed and shall also pay all real property taxes due by such persons before the date prescribed by statute for the imposition thereon of a late penalty or interest charge. The application for the exemption shall be made to the auditor of the county in which the dwelling place is located upon forms, provided by the county and approved by the Comptroller General, and a failure to so apply shall constitute a waiver of the

exemption for that year. The term 'dwelling place' as used herein shall mean the permanent home and legal residence of the applicant.

The term 'permanently and totally disabled' as used herein shall mean the inability to perform substantial gainful employment by reason of a medically determinable impairment, either physical or mental, which has lasted or is expected to last for a continuous period of twelve months or more or result in death.

The Comptroller General shall reimburse the State Agency of Vocational Rehabilitation for the actual expenses incurred in making decisions relative to disability from funds appropriated for homestead reimbursement.

The Comptroller General shall promulgate such rules and regulations as may be necessary to carry out the provisions herein.

Nothing herein shall be construed as an intent to cause the reassessment of any person's property.

The provisions of this section shall apply to life estates created by will and also to life estates otherwise created which were in effect on or before December 31, 1971."

SECTION 2. This act shall take effect upon approval by the Governor.

APPENDIX H

A BILL

To Amend Section 65-1522.1, Code of Laws of South Carolina, 1962, as Amended, Relating to Homestead Exemption, so as to Permit a Person After Initially Qualifying for Homestead Exemption to Be Qualified Thereafter Until the County Auditor Is Notified of Any Disqualification and to Provide a Penalty.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 65-1522.1 of the 1962 Code, as last amended by Act 1027 of 1974, is further amended to read as follows:

"Section 65-1522.1. The first ten thousand dollars of the fair market value of the dwelling place of persons shall be exempt from county, school, and special assessment real estate property taxes when such persons have been residents of this State for at least one year, have each reached the age of sixty-five years on or before

December thirty-first or any person who has been classified as totally and permanently disabled by a State or federal agency having the function of so classifying persons or any person who is legally blind as defined in Act 958 of 1966, preceding the tax year in which the exemption herein is claimed and hold complete fee simple title or a life estate to the dwelling place. Any person claiming to be totally and permanently disabled, but who has not been so classified by one of such agencies, may apply to the State Agency of Vocational Rehabilitation. The agency shall make an evaluation of such person using its own standards. The exemption shall include the dwelling place when jointly owned in complete fee simple or life estate by husband and wife and either has reached sixty-five years of age, or is totally and permanently disabled or legally blind on or before December thirty-first preceding the tax year in which the exemption is claimed and either has been a resident of the State for one year.

The exemption shall not, however, be granted unless such persons or their agents make written application therefor on or before May first of the tax year in which the initial exemption is claimed and certify to the following statement: 'Under penalty of perjury I certify that I meet the qualifications for the homestead exemption.' After the initial application has been made as required herein and the applicant has qualified for the exemption the county auditor shall have printed upon the reverse side of the tax notice the above certification statement which shall be signed by the taxpayer or his agent in order to receive the exemption granted in this section. The taxpayer shall give notice of any change in status affecting eligibility as of January first of the current tax year. Such notice shall be given within thirty days of any disqualification to the county auditor of the county in which the dwelling place is located. If a person signs the certification and is not eligible or thereafter loses eligibility and fails to notify the county auditor, then a penalty of ten percent and interest at the rate of one-half of one per cent per month shall be paid on the difference between the amount that was paid and the amount that should have been paid. No person shall be granted an exemption unless all real property taxes due by such person have been paid before the date prescribed by statute for the imposition thereon of a late penalty or interest charge. The county auditor shall also have printed upon the reverse side of the tax notice in bold face type the words: 'HOMESTEAD TAX EXEMPTION VOID UNLESS TAXES ARE PAID BY DECEMBER THIRTY-FIRST'.

The county auditor shall also have printed, in bold face type, on the face of the tax notice, the words: 'HOMESTEAD EXEMPTION—SEE REVERSE SIDE'.

The application for the exemption shall be made to the auditor of the county in which the dwelling place is located upon forms provided by the county and approved by the Comptroller General.

The term 'dwelling place' as used herein shall mean the permanent home and legal residence of the applicant.

The term 'permanently and totally disabled' as used herein shall mean the inability to perform substantial gainful employment by reason of a medically determinable impairment, either physical or mental, which has lasted or is expected to last for a continuous period of twelve months or more or result in death.

The Comptroller General shall reimburse the State Agency of Vocational Rehabilitation for the actual expenses incurred in making decisions relative to disability from funds appropriated for homestead reimbursement.

The Comptroller General shall promulgate such rules and regulations as may be necessary to carry out the provisions herein.

Nothing herein shall be construed as an intent to cause the reassessment of any person's property.

The provisions of this section shall apply to life estates created by will and also to life estates otherwise created which were in effect on or before December 31, 1971."

SECTION 2. This act shall take effect upon approval by the Governor.

APPENDIX I

A BILL

To Permit the State Tax Commission to Enter Into Reciprocal Agreements With Other States Concerning the Taxing of Retirement Benefits Received by Public School Teachers and State Employees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The State Tax Commission may enter into reciprocal agreements with the appropriate agencies of other states whereby

retirement benefits received by public school teachers and State employees from this State living in such other states shall not be taxed as income.

SECTION 2. This act shall take effect upon approval by the Governor.