



South Carolina
Department of Labor, Licensing and Regulation



Board of Medical Examiners

110 Centerview Drive
Post Office Box 11289
Columbia, SC 29211-1289
Phone: (803) 896-4500
FAX: (803) 896-4515

Henry D. McMaster
Governor

Emily H. Farr
Director

ORDER RESCINDING PUBLIC HEALTH ORDERS
ENTERED BY THE BOARD FROM MARCH 13, 2020 THROUGH PRESENT

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 declaring a public health emergency due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual and anticipated impacts associated with the same;

WHEREAS, the declaration of a public health emergency has continuously remained in effect since the issuance of Executive Order No. 2020-08;

WHEREAS, after the entry of Executive Order No. 2020-08, the South Carolina Board of Medical Examiners, along with other South Carolina healthcare Boards and other state and federal agencies, took certain actions in response to the COVID-19 pandemic’s unprecedented impact upon the public health system;

WHEREAS, pursuant to the South Carolina Emergency Health Powers Act, as set forth in S.C. Code Ann. § 44-4-100, *et seq.*, the Board, in coordination with the South Carolina Department of Health and Environmental Control (DHEC), waived certain licensing requirements for practitioners deemed necessary by DHEC and allowed certain other practitioners to obtain Emergency 90-Day licenses;

WHEREAS, in accordance with Governor McMaster’s directives, the Board relaxed certain other regulatory requirements;

WHEREAS, the Board issued guidance to its licensees and stayed enforcement of certain provisions, the enforcement of which would have been difficult or impossible, or would have made access to healthcare more difficult for the citizens of South Carolina in light of the constraints placed upon the healthcare system by the pandemic;

WHEREAS, a complete list of the Board’s actions taken in response to the public health emergency is set forth in the following table:

<u>Date</u>	<u>Order</u>	<u>Effect</u>
March 14, 2020	<u>2020-BME-PH-01</u> (assigned number subsequent to entry of order) Order Waiving Licensing Requirements for Certain Providers	The Board waived South Carolina licensing requirements for physicians, physician assistants, and respiratory care practitioners licensed in good standing in another state and whose services are determined to be necessary by DHEC.
March 14,	<u>2020-BME-PH-02</u> (assigned number	The Board issued 90-Day Emergency Licenses to Physicians, Physician Assistants, and Respiratory Care Providers licensed in good standing in

2020	subsequent to entry of order) Order Authorizing Issuance of Emergency Licenses	another state.
March 22, 2020	<u>2020-BME-PH-03</u> Order Suspending Enforcement of Prohibition on Prescribing Schedule II and III Medications via Telemedicine without Prior Board Approval for Certain Practitioners in Certain Situations	The Board, in line with actions taken by the United States Department of Health and Human Services (HHS) and Drug Enforcement Agency (DEA), allowed physicians, physician assistants, and APRNs permanently licensed in good standing in South Carolina and physically present in South Carolina at the time care was provided, to prescribe Schedule II and II medications via telemedicine without specific Board approval. This was done in recognition of the fact that many primary care offices were closed due to COVID, and some practitioners were only able to see patients via telemedicine.
March 22, 2020	<u>2020-BME-PH-04</u> Order Temporarily Modifying Policy on Prescribing Considerations for Hospice Care Providers ¹	The Board modified its policy to allow for hospice care physicians to establish a physician-patient relationship via telemedicine without the need for a direct physical examination.
March 22, 2020	<u>Order 2020-BME-PH-05</u> Order Regarding Use of Telemedicine For Providing Medication-Assisted Treatment	The Board authorized practitioners previously approved by the Board to initiate MAT via telemedicine, without the need for an in-person visit, provided the initiation of MAT is documented in the patient's chart and the practitioner sees the patient in person within sixty (60) days after the end of the public health state of emergency.
March 22, 2020	<u>Order 2020-BME-PH-06</u> Order Suspending Enforcement of Certain Requirements Regarding Physician Assistants and Nurse Practitioners Engaged in Practice with Physicians in Border States	<p>The Board recognized that many South Carolinians who leave near the State's borders have established practitioner-patient relationships with physician assistants and nurse practitioners in North Carolina and Georgia. During the pandemic, many of these practitioners would only see patients via telemedicine, so treatment for these patients would be deemed to occur in South Carolina, as opposed to in North Carolina or Georgia if the patient were able to physically travel to the practitioner's office.</p> <p>Thus, the Board suspended enforcement of certain provisions and authorized APRNs and PAs licensed in good standing in South Carolina to treat existing patients in South Carolina via telemedicine subject to the terms of their applicable agreements/protocols with their supervising/delegating/collaborating physicians in North Carolina or Georgia.</p>
March 25, 2020	Joint Guidance with the Board of Pharmacy Regarding Prescribing and Dispensing of Hydroxychloroquine, Chloroquine, and Azithromycin	Early in the pandemic, Hydroxychloroquine, Chloroquine, and Azithromycin were identified in the media as possible treatments for COVID-19. This resulted on a run on these drugs and threatened the supply for hospitals and pharmacies. The Joint Guidance reminded physicians that they should not prescribe medications for themselves or family members and further advised physicians and pharmacists to consider the impact on the supply prior to prescribing or dispensing the drugs. Finally, the Joint Guidance stated that physicians should write a

¹ The Board may revisit this Policy at a future meeting.

		bona fide diagnosis on any prescription for these drugs.
April 10, 2020	<p style="text-align: center;"><u>2020-BME/BON-PH-01</u></p> <p>Joint Order Suspending Enforcement of Certain Requirements for Practice by Physician Assistants and Advanced Practice Registered Nurses in Certain Settings</p>	<p>APRNs and PAs enter into Practice Agreements and Written Scopes of Practice Guidelines with specific physicians in specific practice areas (e.g., orthopedics, neurology, etc.). Hospital systems in South Carolina expressed concerns that due to staffing shortages, APRNs and PAs who worked in hospital-owned clinics (e.g., an orthopedic clinic), might be called upon to work shifts on the hospital floor.</p> <p>Since such practice would be beyond the scope of existing Practice Agreements and/or Scopes of Practice Guidelines for these APRNs and/or PAs, the Board authorized a hospital to submit a staffing plan whereby the hospital could notify the Board of proposed supervisory/collaborative relationships between physicians and PAs/APRNs working together on a hospital floor and allow such PAs/APRNs to practice under specific, pre-approved Scopes of Practice Guidelines and Practice Agreements.</p>
September 9, 2020	<p style="text-align: center;"><u>2020-BME-PH-07</u></p> <p>Order Temporarily Granting Authorization to Practice to Certain Individuals with Inactive Licenses</p>	<p>To address shortages in healthcare personnel expressed by hospital systems in South Carolina, the Board authorized its staff to grant authorizations to practice to physicians, physician assistants, and respiratory care practitioners whose licenses have been active for less than two years and who have no disciplinary history.</p>

WHEREAS, the Orders listed above indicate that they are to remain in effect for the duration of the declared public health state of emergency in South Carolina, unless otherwise modified, amended, or rescinded by subsequent order;

WHEREAS, on May 22, 2021, Governor McMaster entered Executive Order No. 2021-15 in which he declared that a State of Emergency exists in South Carolina. The Executive Order states that it shall remain in effect for a period of fifteen (15), subject to certain exceptions;

WHEREAS, Executive Order 2021-15 has now expired, and no subsequent Executive Order has been issued;

WHEREAS, South Carolina is no longer under a declared state of emergency and, as such, each of the Orders entered by the Board as set forth above should be rescinded;

AND WHEREAS, the Board recognizes that licensees may require a short period of time to transition from certain practices authorized by the Orders described above;

NOW, THEREFORE, the Orders set forth above are hereby rescinded. Practitioners practicing pursuant to any of the exceptions included in said Orders should take immediate action to modify their practices, as appropriate; however, the Board recognizes that the welfare of patients, including the continuity of their care, is paramount. Therefore, any modifications, alternate arrangements, referrals, or any other actions required as a result of the Board's rescission of said Orders shall be completed no later than 15 days from the date of this Order.

AND IT IS SO ORDERED.

**STATE BOARD OF MEDICAL
EXAMINERS FOR SOUTH CAROLINA**

A handwritten signature in black ink, appearing to read "Anne G. Cook", written over a horizontal line.

ANNE G. COOK, MD, FACP
President of the Board

June 8, 2021