

**2021 Legislative Update
Board of Medical Examiners**

The following bills were enacted by the General Assembly during the 2021 legislative session and may impact the Board of Medical Examiners and/or the Board of Medical Examiners licensees:

Fetal Heartbeat and Protection from Abortion, [S.1/Act 1](#)

The Act creates the South Carolina Fetal Heartbeat and Protection from Abortion Act to prohibit the performance of an abortion if a fetal heartbeat is detected, subject to certain exceptions, and establishes additional record-keeping and reporting requirements. The Act also creates a civil cause of action and criminal penalties for violations thereof.

Effective Date: February 18, 2021; (Enforcement of Act stayed by way of Orders of U.S. District Court for District of South Carolina entered February 19, 2021 and March 19, 2021)

Appropriations for State’s Public Health Response to COVID-19 & Administration of COVID-19 Vaccines, [H.3707/Act 2](#)

The Joint Resolution appropriated funds for the State’s COVID-19 response. The Joint Resolution also allowed additional practitioners to administer the vaccine: unlicensed personnel who have received a certification from national associations listed in the Act, training in intramuscular injections and who administer at a site where physicians, PAs, APRNs or RNs are present; medical students, nursing students or PA students who have received the training in intramuscular injections and who administer at a site where physicians, PAs, APRNs, or RNs are present; retired, inactive or lapsed nurses, physicians and PAs so long as they reapply with their respective boards and administer at a site where physicians, PAs, APRNs, or RNs are present; and dentists and optometrists in good standing so long as they have completed programs listed in the resolution and administer at a site where physicians, PAs, APRNs, or RNs are present. The authority for additional practitioners to administer the COVID-19 vaccine terminates and is no longer effective when South Carolina is no longer under a declared public health emergency concerning COVID-19.

Effective Date: February 19, 2021. Please note that South Carolina’s declared public health emergency concerning COVID-19 ended on or about June 7, 2021.

Exempts Surgically Implanted Drug Delivery System from 31 Day Supply Limit, [H.3179/Act 23](#)

The Act amends Section [44-53-360\(e\)](#) to exempt surgically implanted drug delivery systems from the 31 day supply limit for Schedule II controlled substances.

Effective Date: April 25, 2021

Prescribers to Offer Prescription for Naloxone Hydrochloride & Provide Overdose Education, [S.571/Act 22](#)

The Act adds Section [44-53-361](#) to require a prescriber to offer a prescription for naloxone hydrochloride or another drug approved by the FDA for the complete or partial reversal of opioid depression to a patient if (a) the prescription is 50 or more MME of an opioid medication per day; (b) the opioid is prescribed concurrently with a prescription for benzodiazepine, or (c) patient presents with certain increased risk for overdose. The Act also requires a prescriber to offer the same patient, or the parent/guardian of a minor patient, overdose education. A prescriber who fails to comply with these requirements may be subject to discipline by the appropriate licensing board.

Effective Date: July 25, 2021

APRNs and PAs May Issue Home Health Orders, [S.503/Act 55](#)

The Act amends Section [40-33-34\(D\)\(2\)](#) and Section [40-47-935\(B\)](#), to authorize advanced practice registered nurses (APRNs) and physician assistants (PAs), respectively, to issue home health orders. The Act also amends Section [44-69-20\(5\)\(a\)](#) of the Licensure of Home Health Agencies Act to authorize the same.

Effective Date: July 16, 2021

Patients of a Renal Dialysis Facility, and CE for Pharmacists and Pharmacy Technicians, [S.427/Act 48](#)

The Act amends Section [40-43-75](#) of the pharmacy practice act to allow a renal drug manufacturer to deliver a legend dialysate drug comprised of dextrose or icodestrin or a device to a patient of a renal dialysis facility, under established circumstances. The Act also amends Section [40-43-130](#) to exempt pharmacists and pharmacy technicians from in-person attendance at continuing education (CE).

Effective Date: May 17, 2021

Medication Delivery in Correctional Facilities, [S.454/Act 19](#)

The Act amends Section [40-33-43](#) to allow unlicensed persons with documented medication training and a skill competency evaluation, to provide oral and topical medications, regularly scheduled insulin and anaphylactic treatments under established medical protocols in correctional facilities.

Effective Date: April 22, 2021

COVID-19 Liability Protections, [S.147/R.39](#)

The Joint Resolution enacts the South Carolina COVID-19 Liability Safe Harbor Act, providing protection from liability for healthcare providers and businesses that reasonably adheres to public health guidance during the public health emergency. The joint resolution provisions apply to all civil and administrative causes of action that arise between March 13, 2020 and June 30, 2021, or one-hundred eighty days after the final state of emergency is lifted for COVID-19 in this State, whichever is later, and that are based upon facts that occurred during this time period. The joint resolution does not apply to actions or remedies under the SC Workers' Compensation law.

Effective Date: April 28, 2021

Disclaimer: This legislative update is not intended as legal advice. LLR is providing this legislative update to notify licensees of recently enacted legislation that may impact his or her practice area or license. This legislative update provides only a high level overview of enacted legislation and licensees are urged to review the entire enacted legislation, which is available in the hyperlinks above.