

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE STATE BOARD OF MEDICAL EXAMINERS FOR SOUTH CAROLINA**

**IN RE:**

**ORDERING OF METHADONE VIA  
TELEMEDICINE BY PRACTITIONERS  
WORKING FOR CERTIFIED OPIOID  
TREATMENT PROGRAMS**

**ORDER**

This matter came before the State Board of Medical Examiners for South Carolina (“BME”) for hearing on August 6, 2024 to consider a request for an exemption pursuant to South Carolina Code Section 40-47-37(C)(7)(b)(iv). The request was for practitioners in this State to conduct a telemedicine evaluation before writing orders for methadone when those practitioners are part of a qualified Opioid Treatment Program (OTP).

Dr. Jack Emmel presented the request on behalf of all OTPs located in South Carolina. This request comes following changes by the United States Department of Health and Human Services (“HHS”) and Substance Abuse and Mental Health Services Administration (“SAMHSA”) authorizing telemedicine evaluations in certain circumstances as set forth in 42 CFR Part 8.

After these changes made in 42 CFR Part 8, South Carolina law is now more restrictive than federal law related to telemedicine visits and the ordering of methadone for OTPs. In fact, the prescribing of Schedule II and III narcotics under South Carolina Code Section 40-47-37(C)(7) is prohibited, absent certain circumstances. However, the South Carolina Legislature set forth the ability of the BME to make exceptions to this prohibition as necessary. This section states, in relevant part:

(C) In addition to those requirements set forth in subsection (A), a licensee who establishes and/or maintains a physician-patient relationship, provides care, renders a diagnosis, or otherwise engages in the practice of medicine as defined in Section 40-47-20(36) solely via telemedicine as defined in Section 40-47-20(53) shall:

...

(7) prescribe in compliance with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program in Article 15, Chapter 53, Title 44 and the Ryan Haight Act, within a practice setting fully compliant with this section, and subject to the following limitations:

(a) at each encounter, threshold information necessary to make an accurate diagnosis must be obtained in a medical history interview conducted by the prescribing licensee;

(b) Schedule II-narcotic and Schedule III-narcotic prescriptions are not permitted except in the following instances:

...

(iv) [ ] *programs specifically authorized by the board ...*

S.C. Code Ann. § 40-47-(C)(7) (as amended by H4159) (emphasis added).

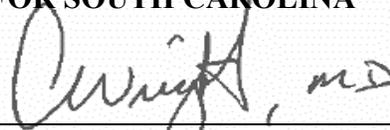
42 CFR Part 8 makes permanent the ability of qualified OTPs to initiate treatment with methadone through audio-visual telehealth platforms. This final rule only applies to practitioners<sup>1</sup> working in certified OTPs, and it allows OTP practitioners, subject to certain conditions, to order treatment medications after a telehealth visit. All practitioners must follow DEA rules that regulate prescribing of controlled medications. This follows an initial screening appointment with the OTP practitioner, who then orders the medication to be dispensed after having established the nature, diagnosis, and severity of the person's opioid use disorder, any accompanying opioid withdrawal, and any contraindications to starting methadone. A program practitioner must also determine and document that an adequate evaluation of the patient has been, or can be accomplished via an audio-visual telehealth platform. Audio-only telehealth is not allowed under this rule due to patient safety concerns.

After reviewing 42 CFR Part 8, considering the information presented by Dr. Emmel, and recognizing that this State, like every state, continues to battle the opioid epidemic, the BME concludes that allowing this exception to South Carolina Code Section 40-47-37(C)(7)(b) will provide much-needed services to South Carolina citizens participating in an OTP and that 42 CFR Part 8 adequately addresses safety concerns associated with the ordering of methadone via an audio-visual telemedicine visit.

Therefore, the BME finds that practitioners working for a certified OTP may conduct audio-visual telemedicine initial patient evaluations for the purpose of ordering methadone to be dispensed according to OTP procedures, provided these practitioners meet the requirements set forth in 42 CFR Part 8.

**AND IT IS SO ORDERED.**

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



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**CHRISTOPHER C. WRIGHT, M.D.**  
**President of the Board**

August 6, 2024

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<sup>1</sup> "Practitioner" is defined in 42 CFR Part 8 to include nurse practitioners, certified nurse midwives, and physician assistants, though they must still practice within their scope of practice and prescribing requirements as set forth in South Carolina law.