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South Carolina
Department of Labor, Licensing and Regulation

Board of Medical Examiners



Henry D. McMaster
Governor

Emily H. Farr
Director

PUBLIC HEALTH STATE OF EMERGENCY ORDER 2020-BME-PH-06

**ORDER SUSPENDING ENFORCEMENT OF CERTAIN REQUIREMENTS
REGARDING PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS ENGAGED
IN PRACTICE WITH PHYSICIANS IN BORDER STATES**

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, Governor McMaster has issued subsequent Executive Orders in which he has taken additional action to protect the citizens of South Carolina;

WHEREAS, on March 14, 2020, the Board issued Orders authorizing the issuance of temporary licenses and waiving requirements for licensure in certain circumstances;

WHEREAS, the Board recognizes that many South Carolinians have established practitioner-patient relationships with physician assistants and nurse practitioners in North Carolina and Georgia;

WHEREAS, the practice of medicine is deemed to occur where the patient is located. Thus, a practitioner who sees a South Carolina patient who travels to the practitioner's office in North Carolina or Georgia is not required to be licensed in South Carolina to treat the South Carolina patient;

WHEREAS, South Carolina patients will need to continue treatment with their practitioners in North Carolina and Georgia during the declared public health state of emergency;

WHEREAS, many practitioners, including those treating South Carolina patients in North Carolina and Georgia, are utilizing telemedicine to aid in social distancing and to ease the burden placed on the healthcare infrastructure as a result of the pandemic;

WHEREAS, if a North Carolina or Georgia practitioner treats a patient in South Carolina via telemedicine, the practice of medicine would be deemed to occur in South Carolina, which would require the North Carolina or Georgia practitioner to be licensed in South Carolina;

WHEREAS, pursuant to S.C. Code Ann. § 40-47-195(D)(1), in South Carolina, physician assistants must be supervised by, and nurse practitioners must collaborate with, a physician who holds a permanent, active, and unrestricted authorization to practice medicine in South Carolina and who is actively practicing medicine within the geographic boundaries of South Carolina;

WHEREAS, pursuant to S.C. Code Ann. § 40-47-195(D)(1), a nurse practitioner practicing in South Carolina must have in place prior to beginning practice and during its continuation a practice agreement as defined in S.C. Code Ann. § 40-47-20(35); a physician assistant must have in place prior to beginning practice and during its continuation a scope of practice guidelines as defined in S.C. Code Ann. § 40-47-20(5);

WHEREAS, the Board recognizes it is unlikely that nurse practitioners and physician assistants practicing in North Carolina and Georgia have collaborating/supervising physicians actively practicing in South Carolina; likewise, it is unlikely that these practitioners have entered into practice agreements or scope of practice guidelines in compliance with South Carolina law. If the Board were to strictly enforce these requirements, it could result in a delay in treatment for South Carolina patients;

WHEREAS, under Georgia law, nurse practitioners practice pursuant to a “nurse protocol” with a “delegating” physician (*see* Ga. Rules & Regs. §410-11-14), and physician assistants practice pursuant to a written “job description” with a “supervising” physician (*see* O.C.G.A. § 43-34-103). Under North Carolina law, physician assistants practice pursuant to a “supervisory arrangement” with a physician (*see* 21 NCAC 32S .0213) and nurse practitioners practice pursuant to a “collaborative practice agreement” with a “supervising physician” (*see* 21 NCAC 36 .0810); and

WHEREAS, the Board concludes that the supervisory/collaborative association between physicians and physician assistants/nurse practitioners required by North Carolina and Georgia law is substantially similar to the requirements imposed by South Carolina law;

NOW, THEREFORE, effective immediately, the Board hereby suspends enforcement of the requirement that a nurse practitioner or physician assistant licensed in good standing in North Carolina and/or Georgia enter into a practice agreement or scope of practice guidelines, respectively, with a physician licensed in South Carolina who is actively practicing medicine within the geographic boundaries of South Carolina. Nurse practitioners, with the approval of

the South Carolina Board of Nursing,¹ and physician assistants licensed in good standing in South Carolina, or for whom licensure requirements have been waived, may 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. Further, such practitioners may prescribe Schedule II and III medications to existing patients in accordance with Board Order 2020-BME-PH-03, if otherwise authorized by law and subject to any requirements imposed by any other regulatory agency, including the South Carolina Department of Health and Environmental Control (“DHEC”). This Order relates to the suspension of enforcement of the practice agreement/scope of practice guidelines and collaborating/supervising physician requirements and matters incident thereto, only. All other provisions of South Carolina law shall remain in effect.

This Order shall 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.

IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS



JEFF A. WELSH, M.D.

President of the Board

March 22, 2020

¹ The South Carolina Board of Nursing has jurisdiction over nurse practitioners. This Order shall not be construed as suspending enforcement of any provision of the South Carolina Nurse Practice Act or otherwise authorizing or dictating practice by a nurse practitioner in a manner inconsistent with the Nurse Practice Act or directives of the Board of Nursing. As it relates to Nurse Practitioners, this Order only reflects this Board’s suspension of its enforcement of certain requirements for practice by nurse practitioners that fall within the purview of this Board. The ultimate authority as to whether nurse practitioners may practice in compliance with the terms of this Order is vested in the Board of Nursing.