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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-04**

**ORDER TEMPORARILY MODIFYING POLICY ON PRESCRIBING  
CONSIDERATIONS FOR HOSPICE CARE PROVIDERS**

**WHEREAS**, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 declaring a public health state of 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**, as of March 16, 2020, and continuing for as long as the Secretary's designation of a public health emergency remains in effect, HHS and the Drug Enforcement Agency ("DEA") have indicated that DEA-registered practitioners in all areas of the United States may issue prescriptions for all schedule II-V controlled substances to patients for whom they have not conducted an in-person medical evaluation, provided certain conditions are met;

**WHEREAS**, on March 21, 2020, the Board issued Order 2020-BME-PH-03 suspending enforcement of the prohibition on prescribing Schedule II and III medications via telemedicine without Board approval, subject to certain conditions, for the duration of the declared public health state of emergency in South Carolina, or the DEA's withdrawal of its guidance, whichever is sooner, unless otherwise modified, amended, or rescinded by subsequent order;

**WHEREAS**, at its February, 2016 Board Meeting, the Board approved a Policy on Prescribing Considerations for Hospice Care Providers, which provides:

Any licensed physician who is an employee of, or under contract with, a Medicare-certified hospice program with a qualified hospice program director may prescribe up to a 14-day supply of medications for a certified hospice patient for the purpose of controlling symptoms prior to establishing a traditional patient-physician relationship by a direct physical examination.

**WHEREAS**, certain hospice physicians have expressed concerns regarding the requirement of a direct physical examination of the hospice patient due to the potential spread of COVID-19 to an already vulnerable population; and

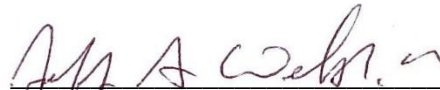
**WHEREAS**, the Board concludes that it is necessary to temporarily modify its policy on prescribing considerations by hospice care providers for the reasons set forth herein;

**NOW, THEREFORE**, due to concerns regarding the spread of COVID-19 to hospice patients, and in accordance with the Board's actions set forth in Order 2020-BME-PH-03, the Board hereby temporarily modifies its Policy on Prescribing Considerations for Hospice Care Providers to allow a hospice care physician to establish a physician-patient relationship via telemedicine, without the need for a direct physical examination. This Order shall not affect the physician's obligation to comply with any and all rules, regulations, and statutes administered by other regulatory agencies, including the South Carolina Department of Health and Environmental Control ("DHEC") and the DEA.

This Order shall remain in effect for the duration of the declared public health state of emergency in South Carolina, or the DEA's withdrawal of its guidance, whichever is sooner, 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