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South Carolina
Department of Labor, Licensing and Regulation

Board of Nursing



Henry D. McMaster
Governor

Emily H. Farr
Director

PUBLIC HEALTH STATE OF EMERGENCY ORDER 2020-BON-PH-02
ORDER SUSPENDING ENFORCEMENT OF CERTAIN REQUIREMENTS
REGARDING 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, the Board recognizes that many South Carolinians have established practitioner-patient relationships with nurse practitioners in North Carolina and Georgia;

WHEREAS, the practice of nursing, like 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 nursing 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, Advanced Registered Nurse Practitioners ("APRN") 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), an APRN 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);

WHEREAS, the Board recognizes it is unlikely that APRNs 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, APRNs practice pursuant to a “nurse protocol” with a “delegating” physician (see Ga. Rules & Regs. § 410-11-.14). Under North Carolina law, APRNs 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 APRNs required by North Carolina and Georgia law is substantially similar to the requirements imposed by South Carolina law;

NOW, THEREFORE, effective immediately, the Board of Nursing hereby suspends enforcement of the requirement that a nurse practitioner 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 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 South Carolina practitioners may prescribe Schedule II and III medications to existing patients in accordance with Medical 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 does not alter the prescribing requirements and limitations set forth in South Carolina Code § 40-33-34(F)(1).

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.

**STATE BOARD OF NURSING
FOR SOUTH CAROLINA**



SALLIE BETH TODD, MSN/Ed., RN
Board Chair

March 23, 2020