

Executive Order No. 2018-19

**Conforming Executive Order 2017-43's Opioid Prescription Limitation
with Act 201 of 2018**

WHEREAS, opioids are a class of drugs that includes prescription pain relievers such as hydrocodone, oxycodone, codeine, and morphine, as well as illegal drugs such as heroin and analogs of the synthetic opioid analgesic fentanyl, such as carfentanyl; and

WHEREAS, on December 18, 2017, the undersigned issued Executive Order 2017-42 and Executive Order 2017-43 to combat the growing epidemic caused by the misuse and abuse of opioids and other similar controlled substances, including prescription pain relievers such as hydrocodone, oxycodone, codeine, and morphine; and

WHEREAS, Executive Order 2017-43 directed the South Carolina Department of Health and Human Services ("DHHS") to develop and publish a policy limiting initial opioid prescriptions for acute and post-operative pain management to five days for all programs administered by DHHS, to include Medicaid reimbursement; and

WHEREAS, when Executive Order 2017-43 was executed, South Carolina law did not limit the length of initial opioid prescriptions, and the State acted to serve as a leader on the management of pain medications and encourage health providers to adopt a common policy on opioid prescribing limitations; and

WHEREAS, on May 9, 2018, the General Assembly passed Senate Bill 918, which, *inter alia*, amends section 44-53-360 of the South Carolina Code of Laws so as to establish limitations on initial opioid prescriptions for acute pain management and post-operative pain management to a seven-day supply; and

WHEREAS, Senate Bill 918 was subsequently ratified on May 14, 2018, approved by the undersigned on May 15, 2018, and enacted as Act 201 of 2018; and

WHEREAS, given the intervening change in the applicable law, the five-day limitation on initial opioid prescriptions for acute pain management and post-operative pain management established by Executive Order 2017-43 should be modified to conform to and be consistent with the provisions of Act 201 of 2018.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, Executive Order 2017-43 is hereby amended to conform to and comport with the provisions of Act 201 of 2018. To ensure uniformity and consistency in application, any conflicts between the provisions of Executive Order 2017-43 and Act 201 of 2018 shall be resolved in favor of Act 201 of 2018 and the resulting changes to the South Carolina Code of Laws, as amended. Accordingly, DHHS shall modify and amend the two-part policy required by Executive Order 2017-43 to include a seven-day limitation on initial opioid prescriptions for acute and post-operative pain management. The DHHS policy shall still include exceptions to this limitation when clinically indicated for situations such as chronic pain, cancer pain, and palliative care. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 4th DAY OF JUNE, 2018.**

HENRY MCMASTER
Governor