

REPORT OF THE HEALTHCARE SUBCOMMITTEE

(Herbkersman, Clyburn, Rutherford, Hosey, & Crawford - Staff Contact: Sarah Hearn)

COMMITTEE BILL - Vaccine Relief

Received by Ways and Means:

Summary of Bill:

Appropriates \$208 million from the Contingency Reserve Fund to DHEC (\$63 million), MUSC (\$45 million), and the remaining \$100 million is used to create a COVID-19 Vaccine Reserve account housed within the Executive Budget Office. From the COVID-19 Vaccine Reserve account, the hospitals have access to up to \$75 million dollars and other authorized vaccine providers have access to \$25 million with requesting and reporting requirements detailed. Directs DHEC and MUSC to engage the SC Hospital Association, FQHCs, and other appropriate entities for continued COVID-19 testing and vaccination purposes. Sets forth the allowable use of these funds to include but not be limited to costs associated with COVID-19 vaccination, testing/tracing, marketing, staffing, mobile units, and other related expenses. Encourages insurance billing for provider reimbursement when feasible, and the expenditure of federal funds prior to expending state funds for these purposes. Expands vaccine administration authority to certain individuals with proper training and credentials when they are under the supervision of certain medical license holders.

Estimated Revenue Impact:

Pending

Other Notes/Comments:

Language recommended unanimously by the subcommittee.

9 **A JOINT RESOLUTION**

10 TO MAKE APPROPRIATIONS FOR THE STATE'S PUBLIC
11 HEALTH RESPONSE TO THE COVID-19 VIRUS, INCLUDING
12 VACCINATIONS.
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15 Whereas, the COVID 19 virus has caused untold damage on South
16 Carolina's citizens and its economy and vaccinating South
17 Carolinians is of the utmost importance to returning the State and its
18 citizens to their everyday lives; and
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20 Whereas, there are now multiple versions of a highly effective
21 vaccination available to combat COVID 19; and
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23 Whereas, the state must endeavor to assist with the development and
24 success of the vaccine delivery infrastructure that will help South
25 Carolina make full use of its federal allocation of vaccines and
26 maximize the number of inoculations delivered. Now, therefore,
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28 Be it enacted by the General Assembly of the State of South
29 Carolina:
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31 SECTION 1. (A) From the Contingency Reserve Fund, there is
32 appropriated:

33 (1) \$63,000,000 to the Department of Health and
34 Environmental Control (DHEC); and

35 (2) \$45,000,000 to the Medical University of South Carolina
36 (MUSC).

37 (B) From the funds appropriated in this section, DHEC and
38 MUSC shall, in consultation, cooperation, and collaboration with
39 the South Carolina Hospital Association, Federally Qualified Health
40 Centers, and other appropriate entities and associations; (1) expand
41 statewide vaccination capacity; and (2) continue to administer the
42 statewide COVID-19 testing plan. Such funds must be used in a

1 manner that most effectively and efficiently uses the resources
2 available for vaccinations from hospitals and other COVID-19
3 vaccination providers, enrolled and activated by DHEC, across the
4 state. The use of these funds includes costs related to COVID-19,
5 but are not limited to, vaccination, continued testing and contact
6 tracing, personal protective equipment and medical supplies,
7 personnel costs, education and marketing campaigns, quarantine,
8 transportation and storage, mobile health units including the
9 purchase, upfitting, staffing, and operations thereof, general
10 operations, technology, and staff support.

11 (C) The funds expended for statewide vaccinations must be
12 used expeditiously to contract with entities set forth in this item that
13 are administering COVID-19 vaccines to the public. Eligible costs
14 include, but are not limited to, those vaccination costs associated
15 with staffing, security, traffic control, storage, transportation,
16 mobile health units, and technology that have not been reimbursed
17 by an insurer's administration fee.

18 (D) Additionally, from the funds appropriated in this section,
19 DHEC, in coordination with MUSC, the South Carolina Hospital
20 Association, the South Carolina Center for Rural and Primary
21 Healthcare, and other relevant stakeholders, shall implement a plan
22 to reach rural and under-served populations who are eligible to be
23 vaccinated.

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25 SECTION 2. (A) The Executive Budget Office shall establish the
26 COVID-19 Vaccine Reserve account to be maintained by the
27 Executive Budget Office and administered as set forth in this
28 section.

29 (B) From the Contingency Reserve Fund, there is appropriated
30 \$100,000,000 to the COVID-19 Vaccine Reserve account. The
31 Executive Budget Office only may release funds in the account upon
32 receipt of a letter signed by the Director of DHEC affirming the
33 recipient is a COVID-19 vaccination provider enrolled and activated
34 by DHEC, that DHEC has determined that the request will assist the
35 State in its effort to achieve statewide vaccination, and that the
36 enrolled and activated provider has the vaccine implementation
37 capacity to justify the request.

38 (C)(1) From the funds appropriated in this section, the Executive
39 Budget Office shall allocate up to \$75,000,000 to hospitals to pay
40 for the costs of administering the COVID-19 vaccine.

41 (2) From the funds appropriated in this section, the Executive
42 Budget Office shall allocate up to \$25,000,000 to other COVID-19

1 vaccination providers that are enrolled and activated by DHEC, to
2 pay for the costs of administering the COVID-19 vaccine.

3 (3) For purposes of this section, eligible costs of
4 administering the COVID-19 vaccine include, but are not limited to,
5 those vaccination costs associated with staffing, security, traffic
6 control, storage, transportation, mobile health units including the
7 purchase, upfitting, staffing, and operations thereof, and technology
8 that have not been reimbursed by an insurer's administration fee.

9 (D) In approving expenses, DHEC must give priority to hospitals
10 and other COVID-19 vaccine providers that are enrolled and
11 activated by DHEC that can prove or have proven a high demand
12 for the vaccine and the ability to administer the vaccine in high
13 quantities.

14 (E) On the first day of each month, the Executive Budget Office
15 shall provide a detailed accounting of the expenditure of all funds
16 appropriated pursuant to this section. The report shall be transmitted
17 to the Governor, the General Assembly, and made available on the
18 website of the recipient. Additionally, any recipient must provide an
19 accounting of the expenditures to DHEC and DHEC must post the
20 accounting on its website.

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22 SECTION 3. (A)(1) Where appropriate and feasible, hospitals,
23 medical providers, and other stakeholders receiving distributions
24 pursuant to this joint resolution also shall seek reimbursement from
25 an individual's public or private health insurer.

26 (B) If federal funds are received by this State that are designated
27 for the purposes set forth in this joint resolution, then such funds
28 must be used before any of the funds appropriated in this joint
29 resolution are expended.

30 (C) If hospitals, medical providers, and other stakeholders receive
31 distributions pursuant to this joint resolution for their efforts in
32 meeting the objectives of this joint resolution, also receive
33 reimbursements from insurers or federal funds for the same
34 purposes, then the distributions pursuant to this joint resolution must
35 be remitted back to the agency or fund that distributed the funds up
36 to the amount of reimbursed costs and federal funds received.

37 (D) The provisions of this joint resolution shall apply to the
38 extent permitted by federal law.

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40 SECTION 4. A. Notwithstanding any professional scope of
41 practice or unauthorized practice of law provision in this State, the
42 following individuals have the authority to administer pre-measured
43 doses of the COVID-19 vaccine:

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1 (1) unlicensed personnel with current certification by the
2 certifying boards of the American Association of Medical Assistants
3 (AAMA), the National Center for Competency Testing (NCCT),
4 National Association for Health Professionals (NAHP), the National
5 Certification Medical Association (NCMA), National Healthcare
6 Association (NHA), American Medical Technologists (AMT), or
7 any other certifying body approved by the South Carolina Board of
8 Medical Examiners, and documented training in intermuscular
9 injections; and who administer the vaccine at a site in which a
10 Physician, Physician Assistant, Advanced Practice Registered
11 Nurse, and/or a Registered Nurse licensed in good standing in South
12 Carolina and capable of appropriate evaluation and response to
13 medical emergencies, including resuscitation and treatment of
14 anaphylaxis, is present;

15 (2) students of an accredited medical school, physician
16 assistant school or program, or a nursing school or program with
17 appropriate instruction and documented training in intramuscular
18 injections and who administer the vaccine at a site in which a
19 Physician, Physician Assistant, Advanced Practice Registered
20 Nurse, and/or a Registered Nurse licensed in good standing in South
21 Carolina and capable of appropriate evaluation and response to
22 medical emergencies, including resuscitation and treatment of
23 anaphylaxis, is present;

24 (3) Registered Nurses and Licensed Practical Nurses who
25 have retired, become inactive, or whose licenses have lapsed within
26 the last five years, provided their licenses were in good standing at
27 the time of retirement/inactivation/lapse; and who submit the
28 appropriate documentation to the Board of Nursing to confirm
29 licensure within the last five years and that such license was in good
30 standing at the time of retirement/inactivation/lapse; and who
31 administer the vaccine at a site in which a Physician, Physician
32 Assistant, Advanced Practice Registered Nurse, and/or a Registered
33 Nurse licensed in good standing in South Carolina and capable of
34 appropriate evaluation and response to medical emergencies,
35 including resuscitation and treatment of anaphylaxis, is present;

36 (4) Physicians and Physician Assistants who have retired,
37 become inactive, or whose licenses have lapsed within the last five
38 years, provided their licenses were in good standing at the time of
39 retirement/inactivation/lapse; and who submit the appropriate
40 documentation to the Board of Medical Examiners to confirm
41 licensure within the last five years and that such license was in good
42 standing at the time of retirement/inactivation/lapse; and who
43 administer the vaccine at a site in which a Physician, Physician

1 Assistant, Advanced Practice Registered Nurse, and/or a Registered
2 Nurse licensed in good standing in South Carolina and capable of
3 appropriate evaluation and response to medical emergencies,
4 including resuscitation and treatment of anaphylaxis, is present; and

5 (5) dentists licensed in good standing by the South Carolina
6 State Board of Dentistry who have successfully completed the
7 following COVID-19 training programs available through the
8 Centers for Disease Control and Prevention:

9 (1) "COVID-19 Vaccine Training; General Overview of
10 Immunization Best Practices for Healthcare Providers";

11 (2) "What Every Clinician Should Know about COVID-19
12 Vaccines Safety";

13 (3) "What Clinicians Need to Know About the
14 Pfizer-BioTech and Moderna COVID-19 Vaccines"; and

15 (4) "Pfizer-BioNTech COVID-19 Vaccine: What
16 Healthcare Professionals Need to Know; and who administer the
17 vaccine at a site dedicated to the administration of the COVID-19
18 vaccine, which does not include the office in which the dentist
19 typically practices dentistry, in which a Physician, Physician
20 Assistant, Advanced Practice Registered Nurse, and/or a Registered
21 Nurse licensed in good standing in South Carolina and capable of
22 appropriate evaluation and response to medical emergencies,
23 including resuscitation and treatment of anaphylaxis, is present.

24 (B) Notwithstanding any professional scope of practice or
25 unauthorized practice provision in this State, South
26 Carolina-licensed Advanced Practice Registered Nurses, Physician
27 Assistants, and Registered Nurses in good standing may delegate
28 COVID-19 vaccine dose administration to any individual
29 authorized by South Carolina law to administer vaccines or
30 identified in this section as authorized to administer COVID-19
31 vaccine.

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33 B. This section terminates and is no longer effective when South
34 Carolina is no longer under a declared public health emergency
35 concerning COVID-19.

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37 SECTION 5. This joint resolution takes effect upon approval by
38 the Governor.

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