

## Amendment: 9

**Representative NEWTON proposes the following amendment:**

### **Section 34 Department of Behavioral Health and Developmental Disabilities**

Amend:

**34.20.** (BHDD: Unlicensed ~~Medication~~ Providers) The provision of selected prescribed medications and the performance of specified tasks may be performed by designated unlicensed persons in intermediate care facilities for individuals with intellectual disabilities operated by the South Carolina Department of Behavioral Health and Developmental Disabilities and community-based programs sponsored, licensed or certified by the South Carolina Department of Disabilities and Special Needs Behavioral Health and Developmental Disabilities, provided the unlicensed persons have documented successful completion of medication and/or task training and competency evaluation. Licensed nurses, licensed pharmacists and licensed medical doctors may train and supervise designated unlicensed persons to provide medications and perform specified tasks, and, after reviewing competency evaluations, may approve designated unlicensed persons for the provision of medications and performance of specified tasks. The provision of medications by designated unlicensed persons includes but is not limited to oral, sublingual, buccal, topical, inhalation and transdermal medications; ear drops, eye drops, nasal sprays, injections of regularly scheduled insulin and injections of prescribed anaphylactic treatments. The provision of medications by designated unlicensed persons ~~does not include rectal and vaginal medications, for conditions requiring evaluation or assessment of the patient or the use of medical judgement, including but not limited to~~ sliding scale insulin or other injectable medications, must be performed under the supervision of a licensed nurse working within his or her scope of practice. A written or electronic record regarding each medication provided, including time and amount administered, is required as part of the provision of medication. ~~Provision of medication does not include judgement~~ Judgement, evaluation, ~~or and assessment of the patient, as well as supervision of an unlicensed person, may be performed by a licensed nurse, licensed pharmacist or licensed medical doctor in person, or via the utilization of telehealth using audio/video technology by the designated unlicensed person.~~ The designated unlicensed persons and the nurses, pharmacists, and medical doctors that train, approve, and supervise these staff shall be protected against tort liability provided their actions are within the scope of their job duties and the established medical protocol.

The Department of ~~Disabilities and Special Needs~~ Behavioral Health and Developmental Disabilities shall establish curriculum and standards for training and oversight. ~~This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual and/or related disability.~~