**A** **BILL**

TO AMEND SECTION 40-33-20(23) OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE NURSE PRACTICE ACT, TO REMOVE “FORMULATING A MEDICAL DIAGNOSIS AND INITIATING, CONTINUING, AND MODIFYING THERAPIES, INCLUDING PRESCRIBING DRUG THERAPY” FROM THE DEFINITION; TO AMEND SECTION 40-33-34(C), RELATING TO THE SCOPE OF PRACTICE FOR LICENSED NURSE PRACTITIONERS, TO PROVIDE THAT THE GENERAL SUPERVISION OF A LICENSED PHYSICIAN OR DENTIST TO PERFORM MEDICAL DIAGNOSIS AND INITIATE, CONTINUE, OR MODIFY THERAPIES, INCLUDING PRESCRIBING DRUG THERAPY, IS NO LONGER REQUIRED, AND TO REMOVE THE REQUIREMENT THAT A LICENSED NURSE PRACTITIONER MUST PERFORM DELEGATED MEDICAL ACTS WITHIN FORTY-FIVE MILES OF A SUPERVISING PHYSICIAN; AND TO AMEND SECTION 40-33-34(F), TO PROVIDE THAT A LICENSED NURSE PRACTITIONER IS NOT PROHIBITED FROM PRESCRIBING SCHEDULE II CONTROLLED SUBSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑33‑20(23) of the 1976 Code is amended to read:

“(23) ‘Delegated medical acts’ means additional acts delegated by a physician or dentist to the NP, CNM, or CNS ~~and may include formulating a medical diagnosis and initiating, continuing, and modifying therapies, including prescribing drug therapy,~~ under approved written protocols as provided in Section 40‑33‑34. Delegated medical acts must be agreed to jointly by both the Board of Nursing and the Board of Medical Examiners. Delegated medical acts must be performed under the general supervision of a physician or dentist who must be readily available for consultation.”

SECTION 2. Section 40‑33‑34(C) of the 1976 Code is amended to read:

“Section 40‑33‑34. (C)(1) A licensed nurse practitioner, certified nurse‑midwife, or clinical nurse specialist must provide evidence of approved written protocols, as provided in this section. A licensed NP, CNM, or CNS performing delegated medical acts must do so under the general supervision of a licensed physician or dentist who must be readily available for consultation. A NP, CNM, or CNS shall not need the general supervision of a licensed physician or dentist to perform medical diagnosis and initiate, continue, or modify therapies, including prescribing drug therapy.

(2) When application is made for more than three NP’s, CNM’s, or CNS’s to practice with one physician ~~or when a NP, CNM, or CNS is performing delegated medical acts in a practice site greater than forty‑five miles from the supervising physician~~, the Board of Nursing and Board of Medical Examiners shall each review the application to determine if adequate supervision exists.”

SECTION 3. Section 40‑33‑34(F) of the 1976 Code is amended to read:

“(F)(1) Authorized prescriptions by a nurse practitioner, certified nurse‑midwife, or clinical nurse specialist with prescriptive authority:

(a) must comply with all applicable state and federal laws;

(b) is limited to drugs and devices utilized to treat common well‑defined medical problems within the specialty field of the nurse practitioner or clinical nurse specialist, as authorized by the physician and listed in the approved written protocols. The Board of Nursing, Board of Medical Examiners, and Board of Pharmacy jointly shall establish a listing of classifications of drugs that may be authorized by physicians and listed in approved written protocols;

(c) ~~do not include prescriptions for Schedule II controlled substances; however,~~ include prescriptions for Schedules III through V controlled substances may be prescribed if listed in the approved written protocol and as authorized by Section 44‑53‑300;

(d) must be signed by the NP, CNM, or CNS with the prescriber’s identification number assigned by the board and all prescribing numbers required by law. The prescription form must include the name, address, and phone number of the NP, CNM, or CNS and physician and must comply with the provisions of Section 39‑24‑40. A prescription must designate a specific number of refills and may not include a nonspecific refill indication;

(e) must be documented in the patient record of the practice and must be available for review and audit purposes.

(2) A NP, CNM, or CNS who holds prescriptive authority may request, receive, and sign for professional samples, ~~except for controlled substances in Schedule II,~~ and may distribute professional samples to patients as listed in the approved written protocol, subject to federal and state regulations.”

SECTION 4. This act takes effect upon approval by the Governor.

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