**South Carolina General Assembly**

124th Session, 2021-2022

**A51, R64, S455**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Davis

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Introduced in the Senate on January 13, 2021

Introduced in the House on April 6, 2021

Last Amended on March 30, 2021

Passed by the General Assembly on May 6, 2021

Governor's Action: May 17, 2021, Signed

Summary: Nurses, temporary licensure

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2021 Senate Introduced and read first time ([Senate Journal‑page 2](file:///h:\sj\20210113.docx))

1/13/2021 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 2](file:///h:\sj\20210113.docx))

3/24/2021 Senate Recalled from Committee on **Medical Affairs** ([Senate Journal‑page 3](file:///h:\sj\20210324.docx))

3/25/2021 Scrivener's error corrected

3/30/2021 Senate Amended ([Senate Journal‑page 16](file:///h:\sj\20210330.docx))

3/30/2021 Senate Read second time ([Senate Journal‑page 16](file:///h:\sj\20210330.docx))

3/30/2021 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 16](file:///h:\sj\20210330.docx))

3/31/2021 Senate Read third time and sent to House ([Senate Journal‑page 36](file:///h:\sj\20210331.docx))

4/6/2021 House Introduced and read first time ([House Journal‑page 127](file:///h:\hj\20210406.docx))

4/6/2021 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 127](file:///h:\hj\20210406.docx))

4/29/2021 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 80](file:///h:\hj\20210429.docx))

5/3/2021 Scrivener's error corrected

5/5/2021 House Read second time ([House Journal‑page 14](file:///h:\hj\20210505.docx))

5/5/2021 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 14](file:///h:\hj\20210505.docx))

5/6/2021 House Read third time and enrolled ([House Journal‑page 15](file:///h:\hj\20210506.docx))

5/13/2021 Ratified R 64

5/17/2021 Signed By Governor

6/1/2021 Effective date 05/17/21

6/1/2021 Act No.  51

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=455&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

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[3/24/2021](file:///p:\pprever\2021-22\455_20210324.docx)

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[4/29/2021](file:///p:\pprever\2021-22\455_20210429.docx)

[5/3/2021](file:///p:\pprever\2021-22\455_20210503.docx)

(A51, R64, S455)

**AN ACT TO AMEND SECTION 40‑33‑36, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY LICENSURE OF NURSES, SO AS TO CREATE AN ADDITIONAL CATEGORY OF TEMPORARY LICENSURE FOR GRADUATE NURSES, TO PROVIDE CRITERIA FOR OBTAINING TEMPORARY LICENSURE AS A GRADUATE NURSE, TO PROVIDE FOR SITUATIONS IN WHICH THE BOARD IMMEDIATELY SHALL REVOKE TEMPORARY LICENSURE AS A GRADUATE NURSE, AND TO DEFINE NECESSARY TERMS.**

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

**Revocation grounds**

SECTION 1. A. Section 40‑33‑36(D) of the 1976 Code is amended to read:

“(D)(1) The board may issue a temporary or limited license to practice nursing, in accordance with this subsection, or as may be provided for in regulation, to an applicant:

(a) for licensure as an advanced practice registered nurse, a registered nurse, or as a licensed practical nurse, if the applicant’s preliminary credentials have been approved and whose fee has been paid;

(b) for licensure by endorsement as an advanced practice registered nurse, a registered nurse, or as a licensed practical nurse, for up to sixty days, unless further authorized by the administrator or designee, pending completion and approval of the application, if the applicant has filed an application, paid the fee, and has produced a valid license to practice in another jurisdiction;

(c) while participating in a refresher course for up to ninety days, unless further authorized by the administrator or designee, when the applicant is seeking reinstatement of a lapsed or an inactive license or licensure by endorsement and must submit evidence of nursing competence before returning to nursing practice; or

(d) for licensure as a graduate nurse to work in South Carolina, provided that:

(i) the graduate nurse must function under the supervision of a currently licensed registered nurse; and

(ii) the board may establish other requirements for the supervision and employment of graduate nurses as necessary.

(2) An applicant who has failed the licensing examination is not eligible for a temporary permit to practice nursing.

(3) The board or department may immediately cancel a temporary permit or license that was issued based upon false, fraudulent, or misleading information provided by an applicant.

(4) In addition to the provisions of items (2) and (3), a graduate nurse’s temporary license shall be immediately revoked if:

(a) the board issues a permanent license to the graduate nurse;

(b) the board denies a permanent license for the graduate nurse;

(c) a complaint is filed against the graduate nurse alleging a violation of Chapter 33, Title 40 during the graduate nurse’s temporary licensure period;

(d) the graduate nurse has not taken the NCLEX within ninety days of receiving a temporary license, except that the board may extend this time period if circumstances prevent the NCLEX from being offered during the period for which temporary licensure has been granted;

(e) the graduate nurse misrepresents being a registered nurse or a licensed practical nurse; or

(f) the graduate nurse is charged with a felony or misdemeanor, other than a minor traffic violation, while authorized to practice as a graduate nurse. For the purposes of this subitem, a minor traffic violation does not include instances related in any way to driving under the influence of alcohol or other drugs, or instances that result in the revocation or suspension of a graduate nurse’s driver’s license.”

B. Section 40‑33‑36 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( )(1) For the purposes of this section, a ‘graduate nurse’ means an unlicensed graduate who completes an accredited basic nursing education program, in either registered nursing or practical nursing, within the United States, its territories, or dependencies within one year of seeking licensure.

(2) In order to obtain licensure as a graduate nurse, a candidate must:

(a) file a completed initial application for licensure by examination with the board and pay the associated fee;

(b) have never taken and failed the NCLEX;

(c) have registered to take the NCLEX with the examination administration service;

(d) have no prior felony convictions and have no criminal charges pending; and

(e) comply with Section 40‑33‑32 if the candidate is a foreign‑educated graduate.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

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