~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 15, 2021

**S. 454**

Introduced by Senators Martin, Bennett, Massey, Jackson and Young

S. Printed 4/15/21--H.

Read the first time February 9, 2021.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 454) to amend Section 40‑33‑43, Code of Laws of South Carolina, 1976, relating to the authorized provision of medications by unlicensed persons in community residential facilities, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Updated for Additional Agency Response**

**State Expenditure**

This bill enables select unlicensed persons, having received documented medication training and undergone skill competency evaluations, to administer oral and topical medications, regularly scheduled insulin, and prescribed anaphylactic treatments to inmates housed in South Carolina correctional facilities. Licensed nurses may train, supervise, and approve these persons to administer the noted medications.

**Department of Corrections.** This bill would allow unlicensed persons who have been trained and have passed competency evaluations to provide and dispense oral and topical medications, regularly-scheduled insulin, and prescribed anaphylactic treatments to prisoners in the state’s correctional facilities. The Department of Corrections (SCDC) reports that it currently utilizes Licensed Practical Nurses (LPNs) and Registered Nurses (RNs) to perform this function. The average hourly cost for this service is $35.57 over 214,344 hours annually. The bill would allow SCDC to utilize Certified Nurse Assistants (CNAs) to perform this duty. The average hourly cost for a CNA to administer medication is $15.28. Should SCDC utilize CNAs to perform medication administration for inmates, it would result in an annual savings of approximately $3,275,176.

**Labor, Licensing and Regulation.** As the bill does not operationally impact the agency, it will have no expenditure impact on the general fund, other funds, or federal funds.

**Local Expenditure**

The Municipal Association of South Carolina and local governments were contacted about the potential expenditure impact of the bill. Charleston County, Chesterfield County, and Lancaster County provided responses that indicated the bill will have no expenditure impact on their funding.

**Introduced on January 13, 2021**

**State Expenditure**

This bill enables select unlicensed persons, having received documented medication training and undergone skill competency evaluations, to administer oral and topical medications, regularly scheduled insulin, and prescribed anaphylactic treatments to inmates housed in South Carolina correctional facilities. Licensed nurses may train, supervise, and approve these persons to administer the noted medications.

**Department of Corrections.** The expenditure impact of the bill is pending, contingent upon a response from the department.

**Labor, Licensing and Regulation.** As the bill does not operationally impact the agency, it will have no expenditure impact on the general fund, other funds, or federal funds.

**Local Expenditure & Revenue**

The Municipal Association of South Carolina and local governments were contacted about the potential expenditure impact of the bill. Charleston County, Chesterfield County, and Lancaster County provided responses that indicated the bill will have no expenditure impact on their funding.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40‑33‑43, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED PROVISION OF MEDICATIONS BY UNLICENSED PERSONS IN COMMUNITY RESIDENTIAL FACILITIES, SO AS TO EXTEND THESE PROVISIONS TO CORRECTIONAL FACILITIES.

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

SECTION 1. Section 40‑33‑43 of the 1976 Code is amended to read:

“Section 40‑33‑43. In community residential care facilities and correctional facilities, the provision of medications may be performed by selected unlicensed persons with documented medication training and skill competency evaluation. The provision of medications by selected unlicensed persons is limited to oral and topical medications, and regularly scheduled insulin, and prescribed anaphylactic treatments under established medical protocol and does not include sliding scale insulin or other injectable medications. Licensed nurses may train and supervise selected unlicensed persons to provide medications and, after reviewing their competency evaluations, may approve selected unlicensed persons for the provision of medications.”

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

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