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COMMITTEE REPORT

April 29, 2021

**S. 503**

Introduced by Senator Hutto

S. Printed 4/29/21--H.

Read the first time April 6, 2021.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 503) to amend Section 40‑33‑34, as amended, Code of Laws of South Carolina, 1976, relating to medical acts that advanced practice registered nurses may perform, 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**

**State Expenditure**

This bill as amended provides for advanced practice registered nurses and physician assistants to issue orders for certain home health services. Currently, home health services can only be ordered by a physician. This bill will have no impact on LLR, the Board of Nursing, or the Board of Medical Examiners because it does not materially alter the regulatory practices of the agency or its boards.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40‑33‑34, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE ISSUING ORDERS FOR CERTAIN HOME HEALTH SERVICES; AND TO AMEND SECTION 40‑47‑935, AS AMENDED, RELATING TO MEDICAL ACTS THAT PHYSICIAN ASSISTANTS MAY PERFORM, SO AS TO INCLUDE ISSUING ORDERS FOR CERTAIN HOME HEALTH SERVICES.

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

SECTION 1. Section 40‑33‑34(D)(2) of the 1976 Code, as last amended by Act 87 of 2019, is further amended to read:

“(2) Notwithstanding any provisions of state law other than this chapter and Chapter 47, and to the extent permitted by federal law, an APRN may perform the following medical acts unless otherwise provided in the practice agreement:

(a) provide noncontrolled prescription drugs at an entity that provides free medical care for indigent patients;

(b) certify that a student is unable to attend school but may benefit from receiving instruction given in his home or hospital;

(c) refer a patient to physical therapy for treatment;

(d) pronounce death, certify the manner and cause of death, and sign death certificates pursuant to the provisions of Chapter 63, Title 44 and Chapter 8, Title 32;

(e) issue an order for a patient to receive appropriate services from a licensed hospice as defined in Chapter 71, Title 44;

(f) certify that an individual is handicapped and declare that the handicap is temporary or permanent for purposes of the individual’s application for a placard; ~~and~~

(g) execute a do not resuscitate order pursuant to the provisions of Chapter 78, Title 44; and

(h) issue an order for home health services pursuant to the provisions of Chapter 69, Title 44.”

SECTION 2. Section 40‑47‑935(B) of the 1976 Code, as last amended by Act 32 of 2019, is further amended to read:

“(B) Notwithstanding any provisions of state law other than this chapter, and to the extent permitted by federal law, a PA may perform the following medical acts unless otherwise provided in the scope of practice guidelines:

(1) provide noncontrolled prescription drugs at an entity that provides free medical care for indigent patients;

(2) certify that a student is unable to attend school but may benefit from receiving instruction given in his home or hospital;

(3) refer a patient to physical therapy for treatment;

(4) pronounce death, certify the manner and cause of death, and sign death certificates pursuant to the provisions of Chapter 63, Title 44 and Chapter 8, Title 32;

(5) issue an order for a patient to receive appropriate services from a licensed hospice as defined in Chapter 71, Title 44;

(6) certify that an individual is handicapped and declare that the handicap is temporary or permanent for the purposes of the individual’s application for a placard; ~~and~~

(7) execute a do not resuscitate order pursuant to the provisions of Chapter 78, Title 44; and

(8) issue an order for home health services pursuant to the provisions of Chapter 69, Title 44.”

SECTION 3. Section 44-69-20(5)(a) of the 1976 Code is amended to read:

“(a) Part‑time or intermittent skilled nursing care as ordered by a physician, an APRN pursuant to Section 40-33-34(D)(2)(h), or a PA pursuant to Section 40-47-935(B)(8) and as provided by or under the supervision of a registered nurse and at least one other service listed below;”

SECTION 4. This act takes effect sixty days after the approval of the Governor.

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