

SOUTH CAROLINA

Paradigm Labs is doing its part to support healthcare providers and their patients during the COVID-19 Public Health Emergency (COVID-19 PHE). To this end, Paradigm Labs has developed a drug testing platform that allows providers and patients to engage in oral fluid drug testing facilitated by a telemedicine “visit.” See **Paradigm Benchmark OFT® Sheet**.

The U.S. Drug Administration has activated the public health emergency provision of the Ryan Haight Act, thereby allowing DEA registrants to prescribe controlled substances without an in-person medical exam of the patient for the duration of COVID-19 PHE and subject to the additional requirements set forth below. **If you have questions about prescribing controlled substances via telemedicine in South Carolina, contact your licensing board and/or legal counsel.**

DEA & TELEMEDICINE

The U.S. Drug Enforcement Administration, Office of Diversion Control (DEA) issued [guidance](#) permitting DEA-registered practitioners to prescribe controlled substances **without an in-person medical exam of the patient for the duration of the COVID-19 public health emergency**. To issue such prescriptions without an in-person exam, a DEA-registered practitioner must meet the following requirements:

- The prescription is for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice;
- **The telemedicine communication with the patient is conducted using an audio-visual, real-time, two-way interactive communication system;** and
- The practitioner is acting in accordance with applicable Federal and State laws.

Practitioners may either (1) issue electronic prescriptions for Schedule II through V controlled substances, (2) call a pharmacy with an emergency prescription for a Schedule II controlled substance, or (3) call a pharmacy for any other prescription for a Schedule III-V controlled substance.

SOUTH CAROLINA CONTROLLED SUBSTANCES AND TELEMEDICINE:

PURSUANT TO SOUTH CAROLINA PUBLIC HEALTH STATE OF EMERGENCY ORDER 2020-BME-PH-03

On March 13, 2020, South Carolina Governor Henry McMaster issued Executive Order No. 2020-08 declaring a public health state of emergency due to the public health threat posed by COVID-19. South Carolina recognizes the federal public health emergency law and the conditions set by DEA.

South Carolina 2020-BME-PH-03 temporarily, and with specific conditions, sets aside specific South Carolina law (S.C. Code Ann. § 40-47-37(C)(6)). The South Carolina Board of Medical Examiners (SC Board) recognizes that many of its practitioners will use telemedicine to treat patients as a method of encouraging social distancing and to relieve some of the burden imposed upon the healthcare infrastructure during this pandemic. The SC Board is, however, concerned that many practitioners lack physical presence in South Carolina, and thus is limiting this rule to those that do have physical presence and meet the requirements below. **Therefore, the SC Board’s Order only allows allow certain practitioners permanently licensed in good standing who are physically present in South Carolina to prescribe Schedule II and III medications via telemedicine without first obtaining Board approval so long as this Order remains in effect.** The SC Board also recognizes that patients prescribed controlled substances in this manner will have the opportunity for an in-person visit with the practitioner should any complications arise.

SOUTH CAROLINA

CRITICAL POINTS IN SOUTH CAROLINA:

1. **The SC Board is only suspending the enforcement of the prohibition on prescribing Schedule II and III medications via telemedicine without prior Board approval, subject to certain conditions.**
2. The following practitioners who are permanently licensed in good standing in South Carolina and physically present in South Carolina at the time care is provided: physicians; physician assistants (“PAs”) and advanced practice registered nurses (APRNs), if authorized in a written scope of practice guidelines/agreement, as authorized by their respective boards and federal and state laws.
3. The SC Board will continue to enforce all other aspects of the Telemedicine Act, as set forth in S.C. Code Ann. § 40-47-37, including the practitioner’s participation in the South Carolina Prescription Monitoring Program and the prohibition on prescribing all other classes of drugs identified in S.C. Code Ann. § 40-47-37(C)(6).
4. This Order shall not affect the practitioner’s obligation to comply with any and all rules, regulations, and statutes administered by other regulatory agencies, including the South Carolina Department of Health and Environmental Control (“DHEC”) and the DEA.

CRITICAL RESOURCES:

DEA Office of Diversion Control:

<https://deadiversion.usdoj.gov/coronavirus.html>, accessed 3/26/2020.

SOUTH CAROLINA BOARD OF MEDICAL EXAMINERS:

<https://llr.sc.gov/med/>. **AND THE MEDICAL BOARD**

ORDER 2020-BME-PH-03-DISCUSSED ABOVE -

[https://llr.sc.gov/med/pdf/Medical%20Board%20Order%202020-PH-03%20\(Controlleds%20via%20Telemedicine\).pdf](https://llr.sc.gov/med/pdf/Medical%20Board%20Order%202020-PH-03%20(Controlleds%20via%20Telemedicine).pdf).

NEW ORDER REGARDING PRESCRIBING OF CERTAIN COVID-RELATED DRUGS -

<https://llr.sc.gov/med/pdf/Joint%20Order%20COVID-19%20Prescribing%20SIGNED.pdf>.

SOUTH CAROLINA DHEC (INCLUDING 2020-PH-3)

<https://www.scdhec.gov/infectious-diseases/viruses/coronavirus-disease-2019-covid-19>.

<https://www.scdhec.gov/infectious-diseases/viruses/coronavirus-disease-2019-covid-19#learnmore>.

<https://www.scdhec.gov/health-regulation/drug-control-register-verify>

<https://www.scdhec.gov/health-regulation/drug-control-register-verify/new-drug-control-laws>

SOUTH CAROLINA EXECUTIVE ORDERS (GOVERNOR)

<https://governor.sc.gov/executive-branch/executive-orders>.

CDC – COVID19 – Healthcare Providers:

<https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>, accessed 3/26/2020.

CONTACT PARADIGM LABS: