AMENDED JOINT ORDER OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL & THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION— BOARDS OF MEDICAL EXAMINERS AND NURSING, AND DENTISTRY

WHEREAS, on March 13, 2020, Governor Henry McMaster declared a State of Emergency based on a determination that Coronavirus Disease 2019 (COVID-19) posed an actual or imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the Governor also directed the South Carolina Department of Health and Environmental Control (DHEC) to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with Section 44-4-500 of the South Carolina Code of Laws, as amended, the Governor ordered that DHEC shall "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment"; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the Governor has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, and 2021-03; and

WHEREAS, in addition to the directive from the Governor on March 13, 2020 ordering DHEC to utilize any and all emergency powers, as set forth in the Emergency Health Powers Act, deemed necessary to promptly and effectively address the current public health emergency, the Governor has issued various Executive Orders restating this directive in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, and 2021-03; and

WHEREAS, DHEC is invested with all the rights and charged with all the duties pertaining to organizations of like character, and is the sole advisor of the State in all questions involving the protection of the public health within its limits (S.C. Code Ann.§ 44-1-110); and

WHEREAS, DHEC may also create separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health (S.C Code Ann.§ 44-1-140); and

WHEREAS, during a state of public health emergency, DHEC must use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment (S.C. Code Ann. § 44-4-500); and

WHEREAS, during a state of public health emergency, vaccinations may be performed by any qualified person authorized by DHEC (S.C. Code Ann. § 44-4-520(C)(1)); and

WHEREAS, for such period as the state of public health emergency exists, DHEC, in coordination with the appropriate licensing authority and the Department of Labor, Licensing and Regulation (LLR), may require in-state health care providers to assist in the performance of vaccination, treatment, examination, or testing of any individual as a condition of licensing, authorization, or the ability to continue to function as a health care provider in this State ((S.C. Code Ann. § 44-4-570(A)(1)); and

WHEREAS, as of January 14, 2021, COVID-19 is widespread throughout the state and in all 46 counties, with 337,180 confirmed cases statewide and 5,420 total confirmed deaths; and

WHEREAS, South Carolina is engaged in an all-hands effort to both reduce the spread of COVID-19 and to ensure the availability of medical resources and staff to vaccinate all individuals eligible for the COVID-19 vaccine who wish to receive it; and

WHEREAS, on January 14, 2021, DHEC and LLR (through its applicable Boards) issued a Joint Order identifying certain classifications of individuals who are considered "qualified persons" to administer the COVID-19 vaccine; and

WHEREAS, since the entry of the Joint Order on January 14, 2021, DHEC and LLR (through its applicable Boards) have identified additional classifications of individuals who are "qualified persons" to administer the COVID-19 vaccine;

NOW, THEREFORE, IT IS ORDERED, that the Joint Order issued on January 14, 2021 is hereby amended to include the following classifications of individuals, as well as any classifications that may be identified in an amendment or addendum to this Order, are considered "qualified persons" authorized to administer the COVID-19 vaccine as contemplated by S.C. Code Ann. § 44-4-520(C)(1):

1. Unlicensed personnel with current certification by the certifying boards of the American Association of Medical Assistants (AAMA), the National Center for Competency Testing (NCCT), *National Association for Health Professionals* (NAHP), the National Certification Medical Association (NCMA), National Healthcare Association (NHA), American Medical Technologists (AMT), or any other certifying body approved by the Board of Medical Examiners, and documented training in intramuscular injections; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practiced Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present; and

2. Students of an accredited medical school with appropriate instruction and documented training in intramuscular injections and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practiced Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present; and

3. Registered Nurses and Licensed Practical Nurses who have retired, become inactive, or whose licenses have lapsed within the last five years, provided their licenses were in good standing at the time of retirement/inactivation/lapse; and who submit the appropriate documentation to the Board of Nursing to confirm licensure within the last five years and that such license was in good standing at the time of retirement/inactivation/lapse; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practiced Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present.

4. Physicians and Physician Assistants who have retired, become inactive, or whose licenses have lapsed within the last five years, provided their licenses were in good standing at the time of retirement/inactivation/lapse; and who submit the appropriate documentation to the Board of Medical Examiners to confirm licensure within the last five years and that such license was in good standing at the time of retirement/inactivation/lapse; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practiced Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present; and

5. Dentists licensed in good standing by the South Carolina State Board of Dentistry who have successfully completed the following COVID-19 training programs available through the Centers for Disease Control and Prevention: 1) "COVID-19 Vaccine Training: General Overview of Immunization Best Practices for Healthcare Providers"; 2) "What Every Clinician Should Know about COVID-19 Vaccine Safety"; 3) "What Clinicians Need to Know About the Pfizer-BioNTech and Moderna COVID-19 Vaccines"; and, 4) "Pfizer-BioNTech COVID-19 Vaccine: What Healthcare Professionals Need to Know"; and who administer the vaccine at a site dedicated to the administration of the COVID-19 vaccine, which does not include office in which the dentist typically practices dentistry, in which a Physician, Physician Assistant, Advanced Practiced Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present.

This Order is effective immediately and shall remain in effect unless otherwise modified, amended, or rescinded by subsequent order or until the declaration of the public health emergency is rescinded by the Governor, whichever occurs first.

AND IT IS SO ORDERED.

SC DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL

W. Marshall Taylor, Jr.
Director

Date: January 15, 2021

STATE BOARD OF MEDICAL
EXAMINERS FOR SOUTH CAROLINA

Anne Cook, M.D.
Board President

Date: January 15, 2021

STATE BOARD OF NURSING
FOR SOUTH CAROLINA

Sallie Beth Todd, MSN/Ed., RN
Board Chair

Date: January 15, 2021

STATE BOARD OF DENTISTRY
FOR SOUTH CAROLINA

Charles G. Bumgardner, DMD
Board Chair

Date: January 15, 2021