RECALLED

January 14, 2021

**H. 3602**

Introduced by Reps. W. Cox, Elliott, B. Cox, Hyde, Ligon, Collins, West, Gilliard, T. Moore, Gilliam, Yow, Bradley, Gagnon, Burns, Chumley, Haddon, Govan, Howard, G.M. Smith, Brawley, Cobb‑Hunter, J.L. Johnson, Rose, Wooten and Calhoon

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Read the first time January 12, 2021.

**A** **JOINT RESOLUTION**

TO ADDRESS THE LOW RATE OF ADMINISTRATION OF COVID‑19 VACCINATIONS IN SOUTH CAROLINA BY DIRECTING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO TEMPORARILY AUTHORIZE CERTAIN QUALIFIED HEALTH CARE WORKERS TO ADMINISTER CERTAIN APPROVED COVID‑19 VACCINATIONS REGARDLESS OF WHETHER THE HEALTH CARE WORKERS ARE OTHERWISE PROHIBITED FROM DOING SO UNDER ANY PROFESSIONAL SCOPE OF PRACTICE OR UNAUTHORIZED PRACTICE PROVISION OF LAW IN THIS STATE.

Whereas, the State of South Carolina and the nation are in a state of crisis due to the Coronavirus Disease 2019 (COVID‑19) pandemic; and

Whereas, on March 13, 2020, and in subsequent orders, Governor Henry McMaster directed the Department of Health and Environmental Control to utilize and exercise any and all emergency powers, as set forth in the Emergency Powers Act, deemed necessary to promptly and effectively address the COVID‑19 public health emergency; and

Whereas, in its commendable efforts to carry out the Governor’s directive, DHEC has failed to ensure an adequate pool of health care workers authorized to administer these COVID‑19 vaccines; and

Whereas, DHEC could rectify this and improve our state’s unacceptably low vaccination rates by suspending applicability of certain statutes and regulations that prohibit many qualified health care workers from doing so. Now, therefore,

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

SECTION 1. (A) Pursuant to its authority under the Emergency Health Powers Act and directives by the Governor to utilize and exercise any and all emergency powers under the Emergency Powers Act deemed necessary to promptly and effectively address the COVID‑19 public health emergency, the Department of Health and Environmental Control (DHEC) immediately shall grant health care workers, who are qualified to administer intramuscular injections by virtue of professional training, the authority to administer COVID‑19 vaccines authorized by the United States Food and Drug Administration at vaccination provider facilities/organizations enrolled in the federal COVID‑19 Vaccination Program coordinated through DHEC’s Immunization Program, regardless of whether they are prohibited from doing so under any professional scope of practice or unauthorized practice provision of law in this State.

(B) For purposes of this joint resolution, “health care worker” means those persons who are both:

(1) designated as health care workers by DHEC for receipt of the COVID‑19 vaccination in Phase 1a of the department’s plan for a rollout distribution of the vaccine; and

(2) qualified by virtue of professional training to administer intramuscular injections.

(C) Notwithstanding any professional scope of practice or unauthorized practice provision of law in this State, South Carolina‑licensed advance practice registered nurses, physician assistants, and registered nurses in good standing may delegate COVID‑19 vaccine administration to certified medical assistants, and may provide onsite supervision of certified medical assistants administering COVID‑19 vaccines.

(D) Retired or inactive health care workers may administer COVID‑19 vaccines subject to the following requirements:

(1) the retired or inactive health care worker was licensed by a South Carolina professional licensing board;

(2) the retired or inactive health care worker did not have his license revoked and was in good standing upon retirement or inactive status; and

(3) a South Carolina‑licensed physician, advance practice registered nurse, physician assistant, or registered nurse must provide onsite supervision of the retired or inactive health care worker during vaccine administration.

SECTION 2. This joint resolution takes effect upon approval by the Governor and terminates when South Carolina is no longer under a declared public health emergency concerning COVID‑19.

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