INTRODUCED

January 26, 2021

**H. 3707**

Introduced by Ways and Means Committee

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**A** **JOINT RESOLUTION**

TO MAKE APPROPRIATIONS FOR THE STATE’S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS, INCLUDING VACCINATIONS.

Whereas, the COVID-19 virus has caused untold damage on South Carolina’s citizens and its economy, particularly in rural and underserved areas, and vaccinating South Carolinians is of the utmost importance to returning the State and its citizens to their everyday lives; and

Whereas, there are now multiple versions of a highly effective vaccine available to combat COVID-19; and

Whereas, the State must endeavor to assist with the development and success of the vaccine delivery infrastructure that will help South Carolina make full use of its federal allocation of vaccines and maximize the number of inoculations delivered. Now, therefore,

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

SECTION 1. (A) From the Contingency Reserve Fund, there is appropriated:

(1) $63,000,000 to the Department of Health and Environmental Control (DHEC); and

(2) $45,000,000 to the Medical University of South Carolina (MUSC).

(B) From the funds appropriated in this section, DHEC and MUSC shall, in consultation, cooperation, and collaboration with the South Carolina Hospital Association, the South Carolina Primary Care Association and any other Federally Qualified Heath Centers, and other appropriate entities and associations: (1) expand statewide vaccination capacity; and (2) continue to administer the statewide COVID‑19 testing plan. Such funds must be used in a manner that most effectively and efficiently uses the resources available for vaccinations from hospitals and other COVID-19 vaccination providers, enrolled and activated by DHEC, across the State. The use of these funds includes costs related to COVID‑19, but are not limited to, vaccination, continued testing and contact tracing, personal protective equipment and medical supplies, personnel costs, education and marketing campaigns, quarantine, transportation and storage, mobile health units including the purchase, upfitting, staffing, and operations thereof, general operations, technology, and staff support.

(C) The funds expended for statewide vaccinations must be used expeditiously to contract with entities set forth in this item that are administering COVID‑19 vaccines to the public. Eligible costs include, but are not limited to, those vaccination costs associated with staffing, security, traffic control, storage, transportation, mobile health units including the purchase, upfitting, staffing, and operations thereof, and technology that have not been reimbursed by an insurer’s administration fee.

(D) Additionally, from the funds appropriated in this section, DHEC, in coordination with MUSC, the South Carolina Hospital Association, the South Carolina Center for Rural and Primary Healthcare, and other relevant stakeholders, shall implement a plan to reach rural and underserved populations who are eligible to be vaccinated.

SECTION 2. (A) The Executive Budget Office shall establish the COVID‑19 Vaccine Reserve account to be maintained by the Executive Budget Office and administered as set forth in this section.

(B) From the Contingency Reserve Fund, there is appropriated $100,000,000 to the COVID‑19 Vaccine Reserve account. The Executive Budget Office only may release funds in the account upon receipt of a letter signed by the Director of DHEC. DHEC shall allocate funds to eligible COVID‑19 vaccine providers in support of statewide vaccination efforts. DHEC shall reimburse eligible providers only after affirming the recipient is a COVID‑19 vaccination provider enrolled and activated by DHEC, that DHEC has determined that the request will assist the State in its effort to achieve statewide vaccination, and that the enrolled and activated provider has the vaccine implementation capacity to justify the request.

(C)(1) From the funds appropriated in this section, the Executive Budget Office shall allocate up to $75,000,000 to hospitals to pay for the costs of administering the COVID‑19 vaccine.

(2) From the funds appropriated in this section, the Executive Budget Office shall allocate up to $25,000,000 to other COVID-19 vaccination providers that are enrolled and activated by DHEC, to pay for the costs of administering the COVID‑19 vaccine.

(3) For purposes of this section, eligible costs of administering the COVID‑19 vaccine include, but are not limited to, those vaccination costs associated with staffing, security, traffic control, storage, transportation, mobile health units including the purchase, upfitting, staffing, and operations thereof, and technology that have not been reimbursed by an insurer’s administration fee.

(D) In approving expenses, DHEC must give priority to hospitals and other COVID-19 vaccine providers that are enrolled and activated by DHEC that can prove or have proven a high demand for the vaccine and the ability to administer the vaccine in high quantities.

(E) Notwithstanding any other provision of this section, the Director of DHEC may not authorize the Executive Budget Office to release any funds from the COVID‑19 Vaccine Reserve account to any hospital that is not offering vaccine appointments to the general public.

(F) On the first day of each month, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds appropriated pursuant to this section. The report shall be transmitted to the Governor, the General Assembly, and made available on the website of the recipient. Additionally, any recipient must provide an accounting of the expenditures to DHEC and DHEC must post the accounting on its website.

SECTION 3. (A)(1) Where appropriate and feasible, hospitals, medical providers, and other stakeholders receiving distributions pursuant to this joint resolution also shall seek reimbursement from an individual’s public or private health insurer.

(B) To maximize the benefit of all funds received by the State, DHEC and MUSC shall work with the Department of Administration to assure that available federal funds are utilized for the purposes of this joint resolution appropriately and minimize the use of state funds where possible.

(C) If hospitals, medical providers, and other stakeholders receive distributions pursuant to this joint resolution for their efforts in meeting the objectives of this joint resolution, also receive reimbursements from insurers or federal funds for the same purposes, then the distributions pursuant to this joint resolution must be remitted back to the agency or fund that distributed the funds up to the amount of reimbursed costs and federal funds received.

(D) The provisions of this joint resolution shall apply to the extent permitted by federal law.

SECTION 4. A. Notwithstanding any professional scope of practice or unauthorized practice of law provision in this State, the following individuals have the authority to administer premeasured doses of the COVID‑19 vaccine:

(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 South Carolina Board of Medical Examiners, and documented training in intermuscular injections; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practice 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;

(2) students of an accredited medical school, physician assistant school or program, or a nursing school or program with appropriate instruction and documented training in intramuscular injections and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practice 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;

(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 Practice 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 Practice 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;

(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:

(a) “COVID‑19 Vaccine Training; General Overview of Immunization Best Practices for Healthcare Providers”;

(b) “What Every Clinician Should Know about COVID‑19 Vaccines Safety”;

(c) “What Clinicians Need to Know About the Pfizer‑BioNTech and Moderna COVID‑19 Vaccines”; and

(d) “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 the office in which the dentist typically practices dentistry, in which a Physician, Physician Assistant, Advanced Practice 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

(6) Optometrists licensed in good standing by the South Carolina Board of Examiners in Optometry who have successfully completed the following COVID‑19 training programs available through the Centers for Disease Control and Prevention:

(a) “COVID‑19 Vaccine Training; General Overview of Immunization Best Practices for Healthcare Providers”;

(b) “What Every Clinician Should Know about COVID‑19 Vaccines Safety”;

(c) “What Clinicians Need to Know About the Pfizer‑BioNTech and Moderna COVID‑19 Vaccines”; and

(d) “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 the office in which the optometrist typically practices optometry, in which a Physician, Physician Assistant, Advanced Practice 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.

(B) Notwithstanding any professional scope of practice or unauthorized practice provision in this State, South Carolina‑licensed Advanced Practice Registered Nurses, Physician Assistants, and Registered Nurses in good standing may delegate COVID‑19 vaccine dose administration to any individual authorized by South Carolina law to administer vaccines or identified in this section as authorized to administer COVID‑19 vaccines.

B. This section terminates and is no longer effective when South Carolina is no longer under a declared public health emergency concerning COVID‑19.

SECTION 5. This joint resolution takes effect upon approval by the Governor.

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