

1 **South Carolina Statutes as of July 2024**

2
3 Nurse Practice Act, definitions

4
5 SECTION 1. A. Section 40-33-20 of the 1976 Code, as last amended by Act 139 of 2020, is further
6 amended by adding an appropriately numbered new item to read:

7
8 “() **‘Certified medical assistant’ or ‘CMA’ means a person who**

9
10 (1) has completed:

11 (a) a medical assisting education program accredited by the Commission on Accreditation of Allied
12 Health Education Programs or its successor, by the Accrediting Bureau of Health Education Schools or its
13 successor, or by any accrediting agency recognized by the United States Department of Education, and
14 which must include courses or components in anatomy and physiology, medical terminology,
15 pharmacology, medical laboratory techniques, and clinical experience, provided the clinical experience
16 component may be satisfied through an individual's work experience with a health care employer;

17 (b) a Career and Technical Education Health Sciences Program approved by the South Carolina
18 Department of Education;

19 (c) a medical assisting program provided by a branch of the United States military;

20 (d) a medical assisting United States Department of Labor-approved Registered Apprenticeship
21 program; or

22 (e) a training program that is delivered, in whole or in part, by a health care employer that aligns to a
23 nationally accredited certification exam; **and**

24
25 (2) maintains current certification from a certifying body offering a certification program that is:

26 (a) approved by the Board of Medical Examiners and the Board of Nursing; and

27 (b) is accredited by the National Commission for Certifying Agencies or other accreditation body
28 recognized by the Board of Medical Examiners and the Board of Nursing.

29
30 **Grandfathering provision and grace period provision**

31
32 The term "certified medical assistant" or "CMA" also includes medical assistants who have maintained
33 certification from one of the certifying entities in item (2) of this section since January 1, 2020, and
34 individuals employed as certified medical assistants as of the effective date of this act who do not meet the
35 education or training requirements required in this item, but who meet those requirements no later than July
36 15, 2026.

37
38 SECTION 2. Section 40-33-20(63) of the 1976 Code, as last amended by Act 234 of 2018, is further
39 amended to read:

40 “(63) **‘Unlicensed assistive personnel’ or ‘UAP’** are persons not currently licensed by the board as
41 nurses, or persons who are not certified medical assistants as defined in Section 40-33-20(), who perform
42 routine nursing tasks that do not require a specialized knowledge base or the judgment and skill of a
43 licensed nurse. Nursing tasks performed by a UAP must be performed under the supervision of a
44 physician, physician assistant, advanced practice registered nurse, registered nurse, or selected licensed
45 practical nurse. Unlicensed assistive personnel must not administer medications except as otherwise
46 provided by law.”

47
48 Nurse Practice Act, delegation of tasks

49 SECTION 3. Section 40-33-42(C) of the 1976 Code is amended to read:

50 “(C) Subject to the rights of licensed physicians and dentists under state law, and except as provided in
51 Section 40-47-196 regarding the delegation of tasks to certified medical assistants, the administration of

52 medications is the responsibility of a licensed nurse as prescribed by the licensed physician, dentist, other
53 authorized licensed provider or as authorized in an approved written protocol or guidelines. Unlicensed
54 assistive personnel must not administer medications, except as otherwise provided by law.”
55 Physicians and miscellaneous health care professionals, definitions

56
57 SECTION 4. A. Section 40-47-20 of the 1976 Code, as last amended by Act 234 of 2018, is further
58 amended by adding appropriately numbered new items to read:

59
60 **“() ‘Certified medical assistant’ or ‘CMA’ means a person who**

61
62 (1) has completed:

63 (a) a medical assisting education program accredited by the Commission on Accreditation of Allied
64 Health Education Programs or its successor, by the Accrediting Bureau of Health Education Schools or its
65 successor, or by any accrediting agency recognized by the United States Department of Education, and
66 which must include courses or components in anatomy and physiology, medical terminology,
67 pharmacology, medical laboratory techniques, and clinical experience, provided the clinical experience
68 component may be satisfied through an individual's work experience with a health care employer;

69 (b) a Career and Technical Education Health Sciences Program approved by the South Carolina
70 Department of Education;

71 (c) a medical assisting program provided by a branch of the United States military;

72 (d) a medical assisting United States Department of Labor-approved Registered Apprenticeship
73 program; or

74 (e) a training program that is delivered, in whole or in part, by a health care employer that aligns to a
75 nationally accredited certification exam; and

76
77 (2) maintains current certification from a certifying body offering a certification program that is:

78 (a) approved by the Board of Medical Examiners and the Board of Nursing; and

79 (b) is accredited by the National Commission for Certifying Agencies or other accreditation body
80 recognized by the Board of Medical Examiners and the Board of Nursing.

81
82 **Grandfathering provision and grace period provision**

83
84 The term "certified medical assistant" or "CMA" also includes medical assistants who have maintained
85 certification from one of the certifying entities in item (2) of this section since January 1, 2020, and
86 individuals employed as certified medical assistants as of the effective date of this act who do not meet the
87 education or training requirements required in this item, but who meet those requirements no later than July
88 15, 2026.

89
90 () ‘Unlicensed assistive personnel’ or ‘UAP’ means persons not currently licensed by the Board of
91 Nursing as nurses, or persons who are not certified medical assistants as defined in Section 40-47-20(),
92 who perform routine nursing tasks that do not require a specialized knowledge base or the judgment or
93 skill of a licensed nurse. Nursing tasks performed by unlicensed assistive personnel must be performed
94 under the supervision of a physician, physician assistant, APRN, registered nurse, or licensed practical
95 nurse. Unlicensed assistive personnel must not administer medications except as otherwise provided by
96 law.”

97
98 Physicians and miscellaneous health care professionals, delegation of tasks

99 SECTION 5. Article 1, Chapter 47, Title 40 of the 1976 Code is amended by adding:

100 “Section 40-47-196. (A) Specific tasks may be delegated to a CMA by a physician, physician assistant
101 if authorized to do so in his scope of practice guidelines, or advanced practice registered nurse if
102 authorized to do so in his practice agreement. The scope of practice guidelines for a physician assistant

103 and the practice agreement for an advanced practice registered nurse must address what tasks may be
104 appropriately delegated to a CMA, provided, however, that the following tasks **must not be delegated to**
105 **a CMA** by a physician assistant or advanced practice registered nurse:

106 (1) administering controlled medications, intravenous medications, contrast agents, or chemotherapy
107 agents;

108 (2) injecting neurotoxin products, neuro modulatory agents, or tissue fillers;

109 (3) using lasers or instruments that results in tissue destruction;

110 (4) placing sutures;

111 (5) taking radiographs or using any ionizing radiation unless the CMA is also a certified limited
112 practice radiographer;

113 (6) analyzing, interpreting, or diagnosing symptoms or tests;

114 (7) triaging patients; and

115 (8) performing a clinical decision-making task by means of telemedicine.

116 (B) A physician, physician assistant, or advanced practice registered nurse may delegate specified tasks
117 to a CMA pursuant to the following requirements:

118 (1) the task must be delegated directly to the CMA by the physician, physician assistant, or advanced
119 practice registered nurse, and not through another licensed practitioner;

120 (2) the task must be performed when the physician, physician assistant, or advanced practice
121 registered nurse delegating the task is in such close proximity as to be immediately available to the CMA
122 if needed;

123 (3) the physician, physician assistant, or advanced practice registered nurse delegating the task must
124 determine that the task is within the training and competency of the CMA and will not pose a significant
125 risk to the patient if improperly performed;

126 (4) the task must not involve the verbal transmission of an order or prescription to a licensed person
127 if the licensed person requires the order or prescription to be in writing; and

128 (5) the CMA must wear an appropriate badge identifying the CMA's status, which must be clearly
129 visible to the patient at all times.

130 (C)(1) A physician or physician assistant, pursuant to the physician assistant's scope of practice
131 guidelines, may delegate nursing tasks to UAP under the supervision of the physician or physician
132 assistant. Such nursing tasks include, but are not limited to, the following:

133 (a) meeting patients' needs for personal hygiene;

134 (b) meeting patients' needs relating to nutrition;

135 (c) meeting patients' needs relating to ambulation;

136 (d) meeting patients' needs relating to elimination;

137 (e) taking vital signs;

138 (f) maintaining asepsis; and

139 (g) collecting specimens (urine, stool, sputum);

140 (h) point of care testing and screening tests;

141 (i) recording information;

142 (j) performing non-clinical tasks via telemedicine; and

143 (k) observing, recording, or reporting any of the nursing tasks enumerated in this subsection.

144 (2) Pursuant to the APRN's practice agreement, APRNs he may delegate any of the above nursing tasks
145 to UAP-pursuant to Section 40-33-42