**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4867**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Fry

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Introduced in the House on January 26, 2022

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Narcotic Treatment Programs

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/26/2022 House Introduced and read first time ([House Journal‑page 32](file:///h:\hj\20220126.docx))

1/26/2022 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 32](file:///h:\hj\20220126.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4867&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/26/2022](file:///p:\pprever\2021-22\4867_20220126.docx)

**A** **BILL**

TO AMEND SECTION 44‑53‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON THE USE OF METHADONE, SO AS TO REQUIRE NARCOTIC TREATMENT PROGRAMS TO OBTAIN A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BEFORE ADMINISTERING METHADONE, TO RETAIN A CONSULTANT PHARMACIST TO PERFORM CERTAIN RESPONSIBILITIES, AND TO UNDERGO REGULATORY INSPECTIONS; TO ESTABLISH CERTAIN REQUIREMENTS PERTAINING TO CONSULTANT PHARMACISTS, INCLUDING A WRITTEN COLLABORATIVE PRACTICE AGREEMENT WITH THE NARCOTIC TREATMENT PROGRAM; TO DEFINE TERMS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 44‑53‑720 of the 1976 Code is amended to read:

“Section 44‑53‑720. (A) For purposes of this section:

(1) ‘Narcotic Treatment Program’ or ‘NTP’ means a program licensed by the Department of Health and Environmental Control that dispenses and administers methadone or other narcotic treatment medications;

(2) ‘NTP permit’ means a permit issued by the South Carolina Board of Pharmacy that allows a practitioner or practitioner’s agent to dispense and/or administer methadone or other narcotic treatment medications in an NTP.

(3) ‘Pharmacist’ means an individual licensed as a pharmacist pursuant to Chapter 43, Title 40.

(4) ‘Practitioner’ means a physician, physician assistant, or advanced practice registered nurse licensed in South Carolina and registered under South Carolina and federal law to prescribe**,** dispense and/or administer opioid drugs.

(5) ‘Practitioner’s agent’ is defined as a pharmacist, physician, physician assistant, advanced practice registered nurse, registered nurse, or licensed practical nurse supervised by and under the order of a practitioner.

(B) Methadone and its salts are restricted to:

(1) use in treatment, maintenance, or detoxification programs, including NTPs, as approved by the Department of Health and Environmental Control.;

(2) dispensing by a hospital for analgesia, pertussis, and detoxification treatment as approved by the Department of Health and Environmental Control; and

(3) dispensing by a retail pharmacy ~~for analgesia as provided for by R. 61‑4, Section 507.5~~.

(C) An NTP facility shall obtain an NTP permit before administering or dispensing methadone or other narcotic treatment medications at that facility.

(D) An NTP facility with an NTP permit shall:

(1) retain a consultant pharmacist who, along with the NTP permit holder, shall sign a new or renewal application for an NTP permit. The consultant pharmacist must agree in writing to assume the responsibilities of a consultant pharmacist and shall conduct and submit to the Board of Pharmacy monthly self‑inspections of the facility and maintain written checklists that are readily available. The NTP permit holder and consultant pharmacist shall notify the Board of Pharmacy in writing within ten days of a change of consultant pharmacist. A designation of an individual as a consultant pharmacist or delegation of duties to a consultant pharmacist by a holder of an NTP permit may not relieve the permit holder of the NTP permit holder’s duties under federal laws or regulations;

(2) be inspected annually by the Board of Pharmacy; and

(3) comply with the security control requirements of 21 C.F.R. Chapter II.

(E) A consultant pharmacist is not required to be on‑site during all hours when methadone is administered at the NTP. A consultant pharmacist may provide medication management services at the NTP within the framework of a written collaborative practice agreement between the consultant pharmacist and the NTP’s medical director or a physician licensed in South Carolina. A consultant pharmacist may only provide medication management services and conduct patient assessments for patients of an NTP with whom the consultant pharmacist has a written collaborative practice agreement. The consultant pharmacist shall spend no less than twenty hours per month, which must be documented by the NTP, ensuring compliance with the collaborative practice agreement

(F) A written collaborative practice agreement between a consultant pharmacist and NTP must outline the following:

(1) the process to assess patients as appropriate to monitor and evaluate medication‑assisted treatment;

(2) the modification of prescribed medications as indicated in a patient‑specific order or preapproved treatment protocol under the direction of a physician. A consultant pharmacist may not, however, modify or discontinue medications prescribed by a health care practitioner who does not have a written collaborative practice agreement with the consultant pharmacist; and

(3) the administration of medications at the NTP.

(G) A consultant pharmacist shall maintain all medication, patient care, and quality assurance records as required by law and, in conjunction with the NTP, shall maintain written collaborative practice agreements that must be available upon request from or upon inspection by the Board of Pharmacy.”

SECTION 2. This act takes effect upon approval by the Governor.

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