

1976 S.C. Op. Atty. Gen. 292 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4436, 1976 WL 23053

Office of the Attorney General

State of South Carolina

Opinion No. 4436

September 1, 1976

\*1 Mrs. Ruth Seigler, R.N.

Executive Director

State Board of Nursing for South Carolina

1777 St. Julian Place

Suite 102

Columbia, SC 29204

Dear Mrs. Seigler:

You have requested an opinion of this office as to the permissibility of the administration of drugs by unlicensed persons in intermediate care facilities. Although South Carolina law (Section 56-951(g) CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended) would appear to permit the administration of drugs by unlicensed persons under certain circumstances, federal regulations require that if an intermediate care facility wishes to be eligible for federal medical assistance funds under Title XIX of the Social Security Act, even unlicensed persons must complete a State-approved training program in medication administration. 45 CFR 249.12(a)(8)(vi). There is no question that federal authorities may make this requirement a prerequisite to eligibility for federal funds regardless of what State law provides. It is therefore the opinion of this office that the State Board of Nursing should establish a model for the development of a training program in medication administration if there is any reasonable demand by the State's Intermediate Care Facilities for federal assistance.

Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

1976 S.C. Op. Atty. Gen. 292 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4436, 1976 WL 23053