

1974 WL 27919 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 16, 1974

**\*1 Re: Physician's Assistants.**

Miss Hazel M. Peeples, R.N.  
Executive Director  
State Board of Nursing for South Carolina  
2711 Middleburg Drive, Suite 216  
Columbia, S. C. 29204

Dear Miss Peeples:

By letter of recent date you have asked for clarification regarding whether or not a registered nurse or licensed practical nurse must carry out orders for modifications and treatment for patients when these orders are issued by physicians assistants.

Act No. 895, 1974 State Acts and Joint Resolutions, provides that the Medical Practice Act shall not apply:

To any act, task or function performed by an assistant to a physician certified by the Board of Medical Examiners, provided that (a) such assistant is approved and certified by the Board as one qualified by training or experience to function as an assistant to a specified physician or a specified physicians' group or professional association; and (b) such act, task or function is performed at the direction and under the supervision of such physician, or physicians' group or professional association, in accordance with rules and regulations promulgated by the Board.

However, this act has not yet been implemented by the Board of Medical Examiners and consequently all persons presently employed as physicians assistants continue to be subject to the Medical Practice Act. This Act prohibits the unlicensed practice of medicine and provides:

Any person shall be regarded as practicing medicine within the meaning of this chapter who (a) shall as a business treat, operate on or prescribe for any physical ailment of another, (b) shall engage in any branch or specialty of the healing art of (c) shall diagnose, cure, relieve in any degree or profess or attempt to diagnose, cure or relieve any human disease, ailment, defect, abnormality or complaint, whether of physical or mental origin, by attendance or advise, by prescribing, using or furnishing any drug, appliance, manipulation, adjustment or method or by any therapeutic agent whatsoever. S. C. Code § 56-1354 (1962).

Until otherwise authorized by the Board of Medical Examiners, a physician's assistant may not lawfully practice medicine as hereinbefore defined. This is to say that under the law a physician's assistant may neither diagnose illnesses nor prescribe medications or other treatment for them. However, a physician's assistant may serve as a conduit for a physician's express instructions and in such a case the physician's assistants is merely acting as an extension of the physician himself.

No nurse should involve herself in aiding and abetting the illegal practice of medicine by carrying out orders of physicians' assistants which have not been authorized by a physician. Whether or not an order is authorized is a question of fact which must be decided in each case. If there is substantial doubt regarding the authority for any particular order for

medication or other treatment, in the opinion of this office the concerned nurse should refuse to carry out the order until it has been established that the treatment was expressly prescribed by a physician rather than by a physician's assistant.

\*2 If there are further questions, please correspond. Again I point out that the Board of Medical Examiners has the authority to modify physicians' assistants authority through administrative regulations, and it is my best information that this will be done within the next several months.

Very truly yours,

John B. Grimball  
Assistant Attorney General

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