

1973 WL 27776 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 11, 1973

\*1 Dr. C. P. Ryan, Jr.  
Chief of Staff  
Jasper County General Hospital  
Ridgeland, South Carolina 29936

Dear Dr. Ryan:

By letter dated November 13, 1973, to Attorney General McLeod for ask several questions, which have been referred to my for reply.

First, you inquire whether there is a law which states that only registered nurses and licensed practical nurses are authorized to accept verbal orders from physicians. There is no such law. Unlicensed aides, under Section 56-951, S.C. Code of Laws, as amended, copy enclosed, san act 'pursuant to the instruction and under the direction of a licensed physician.' However, registered nurses and practical nurses, under that same Section, are to administer medications and treatment only at the prescription of a licensed physician or dentist. Otherwise, these nurses could be found to practicing medicine themselves. Consequently, nurses are entitled under existing law to be assured of the true source and accuracy of any verbal orders directed to them affecting treatment of a patient. Unlicenced aides should be similarly assured that the instructions received are from an authorized source, to wit, a licensed physician, dentist, registered nurse or practical nurse, acting within the scope of their responsibilities.

Secondly, you ask whether or not a consultation is required before sexual sterilization. At present the only South Carolina laws addressing themselves to sexual sterilization are contained in Sections 32-671 through 680, S.C. Code of Laws (1962), copy enclosed, which do not expressly require consultation. However, involuntary sexual sterilization of a patient could support a law suit based on any one of several constitutional or tort law theories, despite there not being any State statute on point. Additionally, the U.S. Department of Health, Education and welfare has proposed some guidelines which would affect facilities receiving federal funds. Federal agency dictates in this area should be monitored for applicability to Jasper County General Hospital.

Thirdly, you ask whether a consultation is required before a therapeutic abortion can be performed. In the recent case of State v. Lawrence, decided by the South Carolina Supreme Court in July, 1973, copy enclosed, this State's law against criminal abortion, found in Section 16-83, S.C. Code of Laws (1962), was held unconstitutional and of no present effect. Consequently, consultation requirements required under Section 16-87, S.C. Code of Laws, as amended, copy enclosed, which in 1971 had liberalized Section 16-83, can not be enforced by criminal process. Whether are not they have independent validity apart from Section 16-83 is a question of only academic significance. In summary, for practical purposes a consultation is not required.

Finally, you ask whether nurses are allowed to give routine intravenous medications to obstetric patients without a physcian's being present. I presume that the reference here is to the injection of drugs inducing quick labor. Any registered nurse may, upon a physician's order, legally give such an intravenous injection without the physician's being present. However, the civil liability of the nurse and the prescribing physician for injuries to the mother or child due to unexpected reactions is a question of tort law that can only be answered on a case by case basis.

Sincerely,

\*2 John B. Grimball  
Assistant Attorney General

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