



**SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL CONTROL**

**PUBLIC HEALTH ORDER No. COVID-19-10**

**WHEREAS**, on March 13, 2020, Governor Henry McMaster declared a State of Emergency based on a determination that Coronavirus Disease 2019 (COVID-19) posed an actual or imminent public health emergency for the State of South Carolina; and

**WHEREAS**, on March 13, 2020, the Governor also directed the South Carolina Department of Health and Environmental Control (DHEC) to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with Section 44-4-500 of the South Carolina Code of Laws, as amended, the Governor ordered that DHEC shall "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment"; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 ("Stafford Act"); and

**WHEREAS**, on March 24, 2020, the Governor requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act; and

**WHEREAS**, on March 27, 2020, the President of the United States granted the Governor's request and declared that a major disaster exists in the State of South Carolina and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, in addition to declaring an initial State of Emergency on March 13, 2020, the Governor has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56,

2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, 2021-03, 2021-07, 2021-08, and 2021-10; and

**WHEREAS**, in addition to the directive from the Governor on March 13, 2020, requiring DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency, the Governor has included the same directive in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, 2021-03, 2021-07, 2021-08, and 2021-10; and

**WHEREAS**, as of April 5, 2021, COVID-19 is widespread throughout the state and in all 46 counties, with 467,750 confirmed cases statewide and 8,111 confirmed deaths; and

**WHEREAS**, the collection and understanding of rapid and accurate COVID-19 vaccination data from the state's vaccine providers is necessary for dose-level accountability and critical decision-making, including decisions regarding allocation of resources; and

**WHEREAS**, DHEC must enforce or prescribe preventive measures as may be needed to suppress or prevent the spread of these diseases by proper quarantine or other measures of prevention, as may be necessary to protect citizens of the State (S.C. Code Ann. § 44-1-80(A)); and

**WHEREAS**, DHEC is invested with all the rights and charged with all the duties pertaining to organizations of like character and is the sole advisor of the state in all questions involving the protection of public health within its limits (S.C. Code Ann. § 44-1-110); and

**WHEREAS**, DHEC shall have, upon request, full access to the medical records, tumor registries, and other special disease record systems maintained by physicians, hospitals and other health facilities as necessary to carry out its investigation of epidemic and endemic diseases (S.C. Code Ann. § 44-1-110); and

**WHEREAS**, DHEC is granted the authority to make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in the State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease (S.C. Code Ann. § 44-1-140(12)); and

**WHEREAS**, DHEC may also make separate orders and rules to meet any

emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other danger to the public life and health (S.C. Code Ann. § 44-1-140); and

**WHEREAS**, all health care providers shall report to DHEC the administration of any immunization in a manner and including such data as specified by DHEC (S.C. Code Ann. § 44-29-40(B)); and

**WHEREAS**, in the event of a state or federal declared disaster, state of emergency, or public health emergency, at DHEC's discretion, immunization providers shall report to DHEC the information regarding administration or dispensing of certain drugs, medications, chemicals, vaccines or biological products used in response to the declared disaster, state of emergency, or public health emergency (S.C. Code Ann. Regs. 61-120(C)(6)); and

**WHEREAS**, the South Carolina General Assembly ratified Joint Resolution No. 2 of 2021 (H. 3707) on February 18, 2021, and the Governor signed Joint Resolution No. 2 of 2021 (H. 3707) on February 19, 2021 (the Joint Resolution); and

**WHEREAS**, Section 6 of the Joint Resolution requires DHEC to publish a daily report on its website of various information related to vaccine doses; and

**WHEREAS**, in order for DHEC to obtain all the information that is required to be published, Section 6 of the Joint Resolution also requires COVID-19 vaccine providers to report certain information to DHEC on a daily basis; and

**WHEREAS**, Section 6 of the Joint Resolution also provides that a vaccine provider may satisfy the reporting requirements, subject to DHEC approval, if the vaccine provider makes such information available through the Vaccine Administration Management System (VAMS) or another existing reporting mechanism approved by DHEC; and

**WHEREAS**, on March 5, 2021, DHEC issued Public Health Order No. COVID-19-9, in which it established the time and manner in which vaccine providers should report to DHEC the information required in Section 6 of the Joint Resolution as well as establishing the S.C. Vaccine Provider Reporting Portal (Portal), the on-line system through which vaccine providers should be report the information; and

**WHEREAS**, since the issuance of Public Health Order No. COVID-19-9, and in an effort to reduce the reporting burden on vaccine providers, DHEC has developed information technology solutions that will allow it to capture some of the data required to

be reported by the Joint Resolution through existing systems, including VAMS and the Statewide Immunization Online Network (SIMON); and

**WHEREAS**, so long as vaccine providers continue to report vaccine doses administered and vaccines doses wasted into SIMON and VAMS, respectively, then DHEC can capture that information, publish it in accordance with the Joint Resolution, and eliminate the need for vaccine providers to report it through the Portal; and

**NOW, THEREFORE, IT IS HEREBY ORDERED**, that Public Health Order No. COVID-19-9 is rescinded.

**IT IS ALSO ORDERED** that, pursuant to Section 44-1-140 of the South Carolina Code of Laws and Joint Resolution No. 2 of 2021 (H. 3707), all COVID-19 vaccine providers who have been activated by DHEC and have started receiving vaccines shall report the following information to DHEC on a daily basis, including weekends:

1. The total number of COVID-19 vaccine doses in inventory as of that day, itemized by manufacturer and by first and second doses; and
2. The total number of upcoming appointments for a COVID-19 vaccine scheduled as of that day.

**IT IS ALSO ORDERED** that providers shall provide their daily report no later than 12:00 PM Eastern Standard Time (noon) the following day using the Portal. To illustrate, a provider will have until Wednesday at noon to report Tuesday's data. Such reporting shall be complete and accurate.

**IT IS FURTHER ORDERED** that this revised reporting requirement shall become effective immediately. Daily reporting shall continue thereafter so long as a provider remains activated, including weeks in which the provider may not receive vaccine doses.

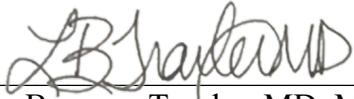
**IT IS FURTHER ORDERED** pursuant to Section 44-1-150 of the South Carolina Code of Laws, that any person or facility that violates this Order is subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) a day for each violation.

This Order shall remain in effect for the duration of the emergency, unless otherwise modified, amended, or rescinded by subsequent order.

**AND IT IS SO ORDERED.**

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Date: April 5, 2021