**South Carolina General Assembly**

124th Session, 2021-2022

**A155, R188, S1179**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Shealy

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Introduced in the Senate on March 17, 2022

Introduced in the House on April 7, 2022

Last Amended on April 5, 2022

Passed by the General Assembly on May 4, 2022

Governor's Action: May 13, 2022, Signed

Summary: Telehealth

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/17/2022 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20220317.docx))

 3/17/2022 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20220317.docx))

 3/30/2022 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20220330.docx))

 3/31/2022 Scrivener's error corrected

 4/5/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 46](file:///h%3A%5Csj%5C20220405.docx))

 4/5/2022 Senate Read second time ([Senate Journal‑page 46](file:///h%3A%5Csj%5C20220405.docx))

 4/5/2022 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 46](file:///h%3A%5Csj%5C20220405.docx))

 4/6/2022 Scrivener's error corrected

 4/6/2022 Senate Read third time and sent to House ([Senate Journal‑page 36](file:///h%3A%5Csj%5C20220406.docx))

 4/7/2022 House Introduced and read first time

 4/7/2022 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

 4/27/2022 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 9](file:///h%3A%5Chj%5C20220427.docx))

 5/3/2022 House Read second time ([House Journal‑page 71](file:///h%3A%5Chj%5C20220503.docx))

 5/3/2022 House Roll call Yeas‑95 Nays‑13 ([House Journal‑page 72](file:///h%3A%5Chj%5C20220503.docx))

 5/4/2022 House Read third time and enrolled ([House Journal‑page 23](file:///h%3A%5Chj%5C20220504.docx))

 5/12/2022 Ratified R 188 ([Senate Journal‑page 213](file:///h%3A%5Csj%5C20220512.docx))

 5/13/2022 Signed By Governor

 5/31/2022 Effective date 06/12/22

 5/31/2022 Act No.  155

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**VERSIONS OF THIS BILL**

[3/17/2022](file:///p%3A%5Cpprever%5C2021-22%5C1179_20220317.docx)

[3/30/2022](file:///p%3A%5Cpprever%5C2021-22%5C1179_20220330.docx)

[3/31/2022](file:///p%3A%5Cpprever%5C2021-22%5C1179_20220331.docx)

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[4/27/2022](file:///p%3A%5Cpprever%5C2021-22%5C1179_20220427.docx)

(A155, R188, S1179)

**AN ACT TO AMEND SECTION 40‑63‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSURE OF SOCIAL WORKERS, SO AS TO CLARIFY THAT SOCIAL WORKERS LICENSED IN THIS STATE MAY PROVIDE SERVICES WITHIN THEIR SCOPE OF PRACTICE THROUGH TELEPHONIC, ELECTRONIC, OR OTHER MEANS; BY ADDING SECTION 40‑63‑35 SO AS TO AUTHORIZE INDEPENDENT CLINICAL PRACTICE SOCIAL WORKERS LICENSED IN OTHER STATES OR JURISDICTIONS TO PROVIDE INDEPENDENT SOCIAL WORK SERVICES BY MEANS OF BEHAVIORAL TELEHEALTH TO CLIENTS LOCATED IN THIS STATE IF REGISTERED IN THIS STATE AND PROVIDING SERVICES WITHIN THEIR SCOPE OF PRACTICE, AND TO PROVIDE RELATED DEFINITIONS AND REQUIREMENTS; AND BY ADDING ARTICLE 5 TO CHAPTER 75, TITLE 40 SO AS TO AUTHORIZE PROFESSIONAL COUNSELORS, ADDICTION COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PSYCHO‑EDUCATIONAL SPECIALISTS SERVICES IN OTHER STATES OR JURISDICTIONS TO PROVIDE THEIR PROFESSIONAL SERVICES BY MEANS OF BEHAVIORAL TELEHEALTH TO CLIENTS LOCATED IN THIS STATE IF REGISTERED IN THIS STATE AND PROVIDING SERVICES WITHIN THEIR APPLICABLE SCOPE OF PRACTICE, AND TO PROVIDE RELATED DEFINITIONS AND REQUIREMENTS.**

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

**Social workers licensed in this State, services provided electronically**

SECTION 1. Section 40‑63‑30(B) of the 1976 Code is amended to read:

 “(B) A person providing social work services to a client in this State, through telephonic, electronic, or other means, regardless of the location of the social worker, who is not licensed or registered by this State, is practicing without a license. A social worker licensed by this State may provide services through these means to a client in this State within their appropriate scope of practice.”

**Out‑of‑state social workers authorized**

SECTION 2. Article 1, Chapter 63, Title 40 of the 1976 Code is amended by adding:

 “Section 40‑63‑35. (A) For purposes of this section, ‘behavioral telehealth’ means the practice of Independent Social Work‑CP using electronic communications, information technology, or other means between a registrant located outside this State and a client located in this State with or without an intervening practitioner. A behavioral telehealth provider has the duty to practice in a manner consistent with his scope of practice and the prevailing professional standard of practice for an Independent Social Work‑CP who provides in‑person social work services to clients in this State.

 (B) An Independent Social Work‑CP who holds an active license to provide independent social work services in another state or jurisdiction may provide independent social work services using behavioral telehealth to a client located in this State if the individual is registered with the board and provides the services within the applicable scope of practice established by this State.

 (C) To be registered, the individual must:

 (1) complete an application in the format prescribed by the board;

 (2) be licensed with an active, unencumbered license that is issued by another state, the District of Columbia, or a possession or territory of the United States and that is substantially similar to a license issued by South Carolina to an Independent Social Worker‑CP;

 (3) have not been the subject of disciplinary action relating to his license during the five‑year period immediately prior to the submission of the application; and

 (4) pay a ten-dollar fee.

 (D) The website of a behavioral telehealth registrant must prominently display a hyperlink to the board’s website containing information required under subsection (F).

 (E) The individual may not register under this section if his license to provide social work services is subject to a pending disciplinary investigation or action or has been revoked in any state or jurisdiction. A social worker registered under this section must notify the board of restrictions placed on his license to practice, or any disciplinary action taken or pending against him, in any state or jurisdiction. The notification must be provided within five business days after the restriction is placed or disciplinary action is initiated or taken.

 (F) The board shall publish on its website a list of all registrants and include, to the extent applicable, each registrant’s:

 (1) name;

 (2) address;

 (3) out‑of‑state social work license type with the license number; and

 (4) South Carolina behavioral telehealth registration number.

 (G) The board may take disciplinary action against an out‑of‑state registrant registered under this section if the individual:

 (1) fails to notify the board of any adverse actions taken against his license as required under subsection (E);

 (2) has restrictions placed on or disciplinary action taken against his license in any state or jurisdiction;

 (3) violates any of the requirements of this section; or

 (4) commits any act that constitutes grounds for disciplinary action under the board’s statutes or regulations.

 (H) For the purposes of this section, the delivery of behavioral telehealth services by a registrant licensed by another state or jurisdiction to a client residing in this State is deemed to occur in this State, and the registrant consents, as a condition of registration, to the personal and subject matter jurisdiction and disciplinary authority of the board.

 (I) Nothing in this section requires or authorizes an individual licensed by this State pursuant to this chapter to obtain a behavioral telehealth registration in order to provide behavioral telehealth services to a client residing in this State.”

**Out‑of‑state counselors and related therapists authorized**

SECTION 3. Chapter 75, Title 40 of the 1976 Code is amended by adding:

“Article 5

Behavioral Telehealth

 Section 40‑75‑800. (A) For purposes of this chapter, ‘behavioral telehealth’ means the practice of professional counseling, addiction counseling, marriage and family therapy, and licensed psycho‑educational specialty using electronic communications, information technology, or other means between a registrant located outside this State and a client located in this State with or without an intervening practitioner. A behavioral telehealth provider has the duty to practice in a manner consistent with his scope of practice and the prevailing professional standard of practice for a behavioral health care professional who provides in‑person professional counseling, addiction counseling, marriage and family therapy, and licensed psycho‑educational specialist services to clients in this State.

 (B) Individuals who hold an active license to provide professional counseling, addiction counseling, marriage and family therapy, and licensed psycho‑educational specialist services in another state or jurisdiction may provide these services using behavioral telehealth to a client located in this State if the individual is registered with the board and provides the services within the applicable scope of practice established by this State.

 (C) To be registered, the individual must:

 (1) complete an application in the format prescribed by the board;

 (2) be licensed with an active, unencumbered license that is issued by another state, the District of Columbia, or a possession or territory of the United States and that is substantially similar to a license issued by South Carolina to a professional counselor, addiction counselor, marriage and family therapist, or licensed psycho‑educational specialist;

 (3) have not been the subject of disciplinary action relating to his license during the five‑year period immediately prior to the submission of the application; and

 (4) pay a ten-dollar fee.

 (D) The website of a behavioral telehealth registrant must prominently display a hyperlink to the board’s website containing information required under subsection (F).

 (E) The individual may not register under this subsection if his license to provide professional counseling, addiction counseling, marriage and family therapy, or licensed psycho‑educational specialist services is subject to a pending disciplinary investigation or action, or has been revoked in any state or jurisdiction. An individual registered under this section must notify the board of restrictions placed on his license to practice or any disciplinary action taken or pending against him in any state or jurisdiction. The notification must be provided within five business days after the restriction is placed or disciplinary action is initiated or taken.

 (F) The board shall publish on its website a list of all registrants and include, to the extent applicable, each registrant’s:

 (1) name;

 (2) address;

 (3) out‑of‑state professional license type with the license number; and

 (4) South Carolina behavioral telehealth registration number.

 (G) The board may take disciplinary action against an out‑of‑state registrant registered under this section if the individual:

 (1) fails to notify the board of any adverse actions taken against his license as required under subsection (E);

 (2) has restrictions placed on or disciplinary action taken against his license in any state or jurisdiction;

 (3) violates any of the requirements of this section; or

 (4) commits any act that constitutes grounds for disciplinary action under the board’s statutes or regulations.

 (H) For the purposes of this section, the delivery of behavioral telehealth services by a registrant licensed by another state or jurisdiction to a client residing in this State is deemed to occur in this State, and the registrant consents, as a condition of registration, to the personal and subject matter jurisdiction and disciplinary authority of the board.

 (I) Nothing in this section requires or authorizes an individual licensed by this State pursuant to this chapter to obtain a behavioral telehealth registration in order to provide behavioral telehealth services to a client residing in this State.”

**Time effective**

SECTION 4. This act takes effect thirty days after approval by the Governor.

Ratified the 12th day of May, 2022.

Approved the 13th day of May, 2022.

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