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What is the definition of “telemedicine” or “telehealth”?

“Telemedicine’ means the practice of medicine using electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening practitioner.”

[S.C. CODE ANN. § 40-47-20\(52\).](#)

PSYCHIATRISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

The rendering of telemedicine services must be done by an individual “licensed to practice medicine in South Carolina; provided, however a licensee need not reside in South Carolina as long as he or she has a valid, current South Carolina medical license; further, provided, that a licensee residing in South Carolina who intends to practice medicine via telemedicine to treat or diagnose patients outside of South Carolina shall comply with other state licensing boards. . . .”

[S.C. CODE ANN. § 40-47-37\(C\)\(9\).](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

“A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall adhere to the same standard of care as a licensee employing more traditional in-person medical care and be evaluated according to the standard of care applicable to the licensee's area of specialty. A licensee shall not establish a physician-patient relationship by telemedicine pursuant to Section 40-47-113(B) for the purpose of prescribing medication when an in-person physical examination is necessary for diagnosis. The failure to conform to the appropriate standard of care is considered unprofessional conduct under Section 40-47-110(B)(9).”

[S.C. CODE ANN. § 40-47-37\(A\).](#)

“[A] licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall:

1. adhere to current standards for practice improvement and monitoring of outcomes and provide reports containing such information upon request of the board;



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2. provide an appropriate evaluation prior to diagnosing and/or treating the patient, which need not be done in-person if the licensee employs technology sufficient to accurately diagnose and treat the patient in conformity with the applicable standard of care; provided, that evaluations in which a licensee is at a distance from the patient, but a practitioner is able to provide various physical findings the licensee needs to complete an adequate assessment, is permitted; further, provided, that a simple questionnaire without an appropriate evaluation is prohibited;
3. verify the identity and location of the patient and be prepared to inform the patient of the licensee's name, location, and professional credentials;
4. establish a diagnosis through the use of accepted medical practices, which may include patient history, mental status evaluation, physical examination, and appropriate diagnostic and laboratory testing in conformity with the applicable standard of care;
5. ensure the availability of appropriate follow-up care and maintain a complete medical record that is available to the patient and other treating health care practitioners, to be distributed to other treating health care practitioners only with patient consent and in accordance with applicable law and regulation;
6. prescribe within a practice setting fully in compliance with this section and during an encounter in which threshold information necessary to make an accurate diagnosis has been obtained in a medical history interview conducted by the prescribing licensee; provided, however, that Schedule II and Schedule III prescriptions are not permitted except for those Schedule II and Schedule III medications specifically authorized by the board, which may include, but not be limited to, Schedule II-nonnarcotic and Schedule III-nonnarcotic medications; further, provided, that licensees prescribing controlled substances by means of telemedicine must comply with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program set forth in Article 15, Chapter 53, Title 44. . . .
7. maintain a complete record of the patient's care according to prevailing medical record standards that reflects an appropriate evaluation of the patient's presenting symptoms; provided that relevant components of the telemedicine interaction be documented as with any other encounter;
8. maintain the patient's records' confidentiality and disclose the records to the patient consistent with state and federal law; provided, that licensees practicing telemedicine shall be held to the same standards of professionalism concerning medical records transfer and communication with the primary care provider and medical home as licensees practicing via traditional means; further, provided,



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- that if a patient has a primary care provider and a telemedicine provider for the same ailment, then the primary care provider's medical record and the telemedicine provider's record constitute one complete medical record;
9. be licensed to practice medicine in South Carolina; provided, however, a licensee need not reside in South Carolina so long as he or she has a valid, current South Carolina medical license; further, provided, that a licensee residing in South Carolina who intends to practice medicine via telemedicine to treat or diagnose patients outside of South Carolina shall comply with other state licensing boards; and
 10. discuss with the patient the value of having a primary care medical home and, if the patient requests, provide assistance in identifying available options for a primary care medical home.”

[S.C. CODE ANN. § 40-47-37\(C\).](#)

Does a psychiatrist have prescribing authority? If so, under what conditions/limits may a psychiatrist prescribe via telemedicine/telehealth?

Yes. South Carolina-licensed physicians who establish physician-patient relationships solely via telemedicine may “prescribe within a practice setting fully in compliance with this section and during an encounter in which threshold information necessary to make an accurate diagnosis has been obtained in a medical history interview conducted by the prescribing licensee; provided, however, that Schedule II and Schedule III prescriptions are not permitted except for those Schedule II and Schedule III medications specifically authorized by the board, which may include, but not be limited to, Schedule II-nonnarcotic and Schedule III-nonnarcotic medications; further, provided, that licensees prescribing controlled substances by means of telemedicine must comply with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program set forth in Article 15, Chapter 53, Title 44. . . .”

[S.C. CODE ANN. § 40-47-37\(C\)\(6\).](#)



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COUNSELORS

What are the restrictions on the scope of practice for counselors practicing via telemedicine/telehealth?

In a November 2015 position statement, the South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists stated that “the SC Licensure Board has confirmed that it has no separate view per se with regard to the provision of services via electronic means as long as the licensee is practicing in a manner consistent with his/her training and experience, is receiving supervision as is appropriate, and the medium for doing so is not an issue.”

South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, [Provision of Services via Electronic, Distance Professional Services](#) (effective Nov. 17, 2015).

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

None identified.

Further, the South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists stated the following in a November 2015 position statement:

The Board considers that the practice of counseling, marriage and family therapy occurs both where the therapist who is providing therapeutic services is located and where the individuals (patients/clients) who are receiving services are located. In order for an individual to provide counseling and therapy services in South Carolina, that individual must be licensed by the South Carolina Board for Counselors, Marriage and Family Therapists and Psycho-educational Specialist. On this basis, if an individual licensed in South Carolina renders services electronically to an out-of-state client, it is recommended that the licensee contact the licensure board for counselors, marriage and family therapist or psycho-educational specialist in the state in which the clients resides to determine whether or not such practices are permitted in that jurisdiction. Licensees are advised to review the South Carolina Licensure Law and the Code of Ethics.

South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, [Provision of Services via Electronic, Distance Professional Services](#) (effective Nov. 17, 2015).



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What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

The South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists stated the following in a November 2015 position statement:

Clients should be informed of the encryption methods used to help ensure the security of communications. Also, counselors and therapists should inform clients as to whether session data is being preserved and if so, for in what manner and for how long. In addition, clients need to be informed regarding the procedures that will be in place in receiving and releasing client information received through the internet and other electronic sources.

South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, [Provision of Services via Electronic, Distance Professional Services](#) (effective Nov. 17, 2015).

MARRIAGE/FAMILY THERAPISTS

What are the restrictions on the scope of practice for marriage/family therapists practicing via telemedicine/telehealth?

In a November 2015 position statement, the South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists stated that “the SC Licensure Board has confirmed that it has no separate view per se with regard to the provision of services via electronic means as long as the licensee is practicing in a manner consistent with his/her training and experience, is receiving supervision as is appropriate, and the medium for doing so is not an issue.”

South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, [Provision of Services via Electronic, Distance Professional Services](#) (effective Nov. 17, 2015).

Note: This information is the same as the information in the Counselors section (above) but is being repeated for clarity.

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

None identified.



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Further, the South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists stated the following in a November 2015 position statement:

The Board considers that the practice of counseling, marriage and family therapy occurs both where the therapist who is providing therapeutic services is located and where the individuals (patients/clients) who are receiving services are located. In order for an individual to provide counseling and therapy services in South Carolina, that individual must be licensed by the South Carolina Board for Counselors, Marriage and Family Therapists and Psycho-educational Specialist. On this basis, if an individual licensed in South Carolina renders services electronically to an out-of-state client, it is recommended that the licensee contact the licensure board for counselors, marriage and family therapist or psycho-educational specialist in the state in which the clients resides to determine whether or not such practices are permitted in that jurisdiction. Licensees are advised to review the South Carolina Licensure Law and the Code of Ethics.

South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, [Provision of Services via Electronic, Distance Professional Services](#) (effective Nov. 17, 2015).

Note: This information is the same as the information in the Counselors section (above) but is being repeated for clarity.

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

The South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists stated the following in a November 2015 position statement:

Clients should be informed of the encryption methods used to help ensure the security of communications. Also, counselors and therapists should inform clients as to whether session data is being preserved and if so, for in what manner and for how long. In addition, clients need to be informed regarding the procedures that will be in place in receiving and releasing client information received through the internet and other electronic sources.

South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, [Provision of Services via Electronic, Distance Professional Services](#) (effective Nov. 17, 2015).



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Note: This information is the same as the information in the Counselors section (above) but is being repeated for clarity.

ADVANCED PRACTICE REGISTERED NURSES (APRNs)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

None identified.

However, a license issued by the South Carolina Board of Nursing is generally required to practice as an APRN in South Carolina.

[S.C. CODE ANN. § 40-33-30.](#)

PRIVACY/CONFIDENTIALITY

Are there privacy/confidentiality requirements specifically related to telemental/telebehavioral/telepsychiatric health services?

According to the South Carolina Telemedicine Act, psychiatrists must

maintain the patient's records' confidentiality and disclose the records to the patient consistent with state and federal law; provided, that licensees practicing telemedicine shall be held to the same standards of professionalism concerning medical records transfer and communication with the primary care provider and medical home as licensees practicing via traditional means; further, provided, that if a patient has a primary care provider and a telemedicine provider for the same ailment, then the primary care provider's medical record and the telemedicine provider's record constitute one complete medical record. . . .

[S.C. CODE ANN. § 40-47-37\(C\)\(8\).](#)

Further, the South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists stated the following in a November 2015 position statement:

It is important for counselors and therapists to use encrypted technology as required by [HIPAA]. Clients should be informed of the encryption methods used to help ensure the security of communications. Also, counselors and therapists should inform clients as to whether session data is being preserved and if so, for in what manner and for how long. In addition, clients need to be informed regarding



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the procedures that will be in place in receiving and releasing client information received through the internet and other electronic sources.

South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, [Provision of Services via Electronic, Distance Professional Services](#) (effective Nov. 17, 2015).

MINORS

What are the requirements/restrictions regarding the provision of telemental/telebehavioral/telepsychiatric health services to minors?

Under South Carolina Medicaid policy, “if the beneficiary is a minor child, a parent and/or guardian must present the minor child for telemedicine service unless otherwise exempted by State or Federal law. The parent and/or guardian need not attend the telemedicine session unless attendance is therapeutically appropriate.”

South Carolina Department of Health and Human Services, [Physicians Provider Manual](#), sec. 2, p. 2-47 (June 2017).

FOLLOW-UP CARE

What are the requirements regarding follow-up care for telemental/telebehavioral/telepsychiatric health services?

“[A] licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall . . . ensure the availability of appropriate follow-up care and maintain a complete medical record that is available to the patient and other treating health care practitioners, to be distributed to other treating health care practitioners only with patient consent and in accordance with applicable law and regulation. . . .”

[S.C. CODE ANN. § 40-47-37\(C\)\(5\)](#).

Further, the South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists stated the following in a November 2015 position statement: “it is important that when providing services through electronic methods, the counselor and therapist be knowledgeable regarding emergency services available in the communities where their clients live.”



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South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, [Provision of Services via Electronic, Distance Professional Services](#) (effective Nov. 17, 2015).

COVERAGE & REIMBURSEMENT

Does Medicaid provide coverage for telemental/telebehavioral/telepsychiatric health services? If so, what are the coverage criteria?

Yes.

South Carolina's Medicaid program defines "telemedicine" as "the use of medical information about a patient that is exchanged from one site to another via electronic communications to provide medical care to a patient in circumstances in which face-to-face contact is not necessary. In this instance, a physician or other qualified medical professional has determined that medical care can be provided via electronic communication with no loss in the quality or efficacy of the care. Electronic communication means the use of interactive telecommunication equipment that typically includes audio and video equipment permitting two-way, real-time interactive communication between the patient and the physician or practitioner at the referring site."

According to South Carolina's Medicaid program manual for physicians, "[t]elemedicine includes consultation, diagnostic, and treatment services. Telemedicine as a service delivery option, in some cases, can provide beneficiaries with increased access to specialists, better continuity of care, and eliminate the hardship of traveling extended distances."

South Carolina Department of Health and Human Services, [Physicians Provider Manual](#), sec. 2, p. 2-44 (June 2017).

Additionally, the South Carolina Medicaid program manual for physicians states, "Providers who meet the Medicaid credentialing requirements and are currently enrolled with the South Carolina Medicaid program are eligible to bill for telemedicine and telepsychiatry when the service is within the scope of their practice."

South Carolina Department of Health and Human Services, [Physicians Provider Manual](#), sec. 2, p. 2-45 (June 2017).

Further, the South Carolina Medicaid program manual for physicians outlines the following list of Medicaid telemedicine services:



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- “Office or other outpatient visits (CPT codes 99201 – 99215)
- Inpatient consultation (CPT codes 99251-99255)
- Psychotherapy (CPT codes 90832, 90834, and 90837)
- Psychiatric diagnostic interview examination (CPT code 90791 and 90792)
- Neurobehavioral status examination (CPT code 96116)
- Electrocardiogram interpretation and report only (CPT code 93010)
- Echocardiography (CPT code 93307, 93308, 93320, 93321, and 93325)”

South Carolina Department of Health and Human Services, [Physicians Provider Manual](#), sec. 2, p. 2-46 (June 2017).

Additionally, the South Carolina Medicaid program manual for physicians states that “Medicaid covers telemedicine when the service is medically necessary and under the following circumstance:

- The medical care is individualized, specific, and consistent with symptoms or confirmed diagnosis of the illness or injury under treatment, and not in excess of the beneficiary’s need; and
- The medical care can be safely furnished, and no equally effective and more conservative or less costly treatment is available statewide.”

Finally, the South Carolina Medicaid program manual for physicians notes that “[p]ractitioners at the distant site who may furnish and receive payment of covered telemedicine services are:

- Physicians
- Nurse practitioners
- Physician Assistants”

South Carolina Department of Health and Human Services, [Physicians Provider Manual](#), sec. 2, pp. 2-45 (June 2017).



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CONTROLLED SUBSTANCES

What are the requirements/laws governing the prescribing of “controlled” substances?”

“Physicians and other practitioners who prescribe or order controlled substances for, or administer controlled substances to, patients in a hospital, shall be registered under the provisions of Article 3 of Chapter 53 of Title 44 of the 1976 Code.”

[S.C. CODE ANN. REGS. § 61-4-1902.](#)

“All prescriptions for controlled substances shall be dated as of the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address, and registration number of the practitioner.

- (a) Written prescriptions. A practitioner shall sign a prescription on the day when issued and in the same manner as he or she would sign a check or legal document (e.g., J. H. Smith or John H. Smith). Where an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or typewriter, or other mechanical means of printing, and shall be manually signed by the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by this regulation. . . .
- (b) Electronic prescriptions. Existing DEA regulations provide practitioners with the option of transmitting electronic prescriptions for controlled substances in lieu of paper prescriptions. In an effort to ensure the integrity of these electronic prescriptions, the electronic application shall comply with the current DEA regulations prior to use.”

[S.C. CODE ANN. REGS. § 61-4-1003.](#)

[L]icensees prescribing controlled substances by means of telemedicine must comply with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program set forth in Article 15, Chapter 53, Title 44”

[S.C. CODE ANN. § 40-47-37\(2\)\(C\)\(6\).](#)