

South Carolina Board of Examiners in Speech-Language Pathology and Audiology Policy Regarding Telepractice

Pursuant to S.C. Code Ann. § 40-67-70, the South Carolina Board of Examiners in Speech-Language Pathology and Audiology (“Board”) is responsible for the regulation and discipline of speech-language pathology and audiology licenses issued in South Carolina. Further, § 40-67-70 (2) authorizes the Board to establish policies and procedures necessary to carry out its duties in accordance with the Practice Act.

S.C. Code Ann. § 40-67-110 sets forth the actions warranting disciplinary action against South Carolina licensees. With the advent of telepractice in many dimensions of healthcare, the Board has been asked to interpret whether it is unprofessional conduct for a South Carolina licensed speech-language pathologist or audiologist to engage in telepractice. The statutory language in question is found in §40-67-110(7)(d), which states:

“In addition to grounds for disciplinary action as set forth in Section 40-1-110 and in accordance with Section 40-67-120, the board may take disciplinary action against a licensee who:

(7) commits an act of dishonest, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology including, but not limited to:

(d) diagnosing or treating individuals for speech or hearing disorders by mail or telephone unless the individual had been previously examined by the licensee and the diagnosis or treatment is related to the examination.”

The American Speech-Language-Hearing Association (“ASHA”) has developed a comprehensive Telepractice Overview, which can be accessed at www.asha.org. The materials compiled by ASHA include Ethical Considerations and general guidelines for the telepractice roles and responsibilities of the licensee, as well as the remote facilitator. The Board endorses the guidelines developed by ASHA, subject to the following considerations specific to South Carolina law.

First, the Board does not believe it is unprofessional conduct for a licensee to utilize telepractice so long as the licensee has determined that the initial evaluation for a client and subsequent treatment is appropriate for telepractice. Prior to the initial evaluation, the licensee shall obtain informed consent from the client or parent or guardian to the following: (1) the risks and limitations of the use of technology to provide services; (2) the potential for unauthorized access to protected health information; (3) the potential for disruption of technology during a telepractice visit; and (4) the right to refuse or discontinue telepractice services. Should the licensee determine that the client is ineligible for subsequent treatment via telepractice during the initial evaluation or at any point during the course of treatment, traditional in-person treatment shall resume as the licensee deems necessary for the treatment and care of the client.

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Telepractice services may be provided by the initial evaluator licensee or another qualified speech-language pathology or audiology licensee pursuant to a treatment plan arising out of the initial evaluation. The standard of care for delivery of services shall be the same as if conducted face-to-face. The licensee must know and comply with existing laws, rules and regulations regarding security, privacy protections, confidentiality, reimbursement for services, ethics, and any other matter related to the delivery of services.

Second, the Board maintains that practice occurs where the client is located. Accordingly, anyone providing services that fall within the scope of practice of speech-language or audiology as defined in the Practice Act to clients located in the State of South Carolina must be licensed in South Carolina, as well as the jurisdiction in which the licensee is physically located at the time services are offered.

However, the Board only has jurisdiction to discipline practitioners in South Carolina who are engaged in a scope of practice for which a license is required and who are licensed. For example, individuals who are exempt from licensure pursuant to § 40-67-300 are not subject to disciplinary action by this Board and, therefore, are exempt from the guidance provided by this statement on telepractice as well. If, however, an otherwise exempt individual is licensed by the Board, he or she is subject to the Board's jurisdiction at all times.

Finally, the Board acknowledges that healthcare technology is advancing very quickly. The Board urges its licensees to bear in mind that the quality of care and client safety must be the licensee's primary concern at all times. It is the Board's responsibility to promote access to care and facilitate efficient and affordable treatment whenever possible, while maintaining the highest professional standards. These guidelines are offered to the Board's licensees with these principles in mind.