**South Carolina General Assembly**

124th Session, 2021-2022

**A6, R7, S287**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Gambrell and Loftis

Document Path: l:\council\bills\rt\17840wab21.docx

Companion/Similar bill(s): 3327

Introduced in the Senate on January 12, 2021

Introduced in the House on February 10, 2021

Last Amended on February 4, 2021

Passed by the General Assembly on March 10, 2021

Governor's Action: March 15, 2021, Signed

Summary: Physical Therapy Examiners, license qualifications and licensure by endorsement from other jurisdictions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Labor, Commerce and Industry**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 250](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 250](file:///h:\sj\20210112.docx))

2/2/2021 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 6](file:///h:\sj\20210202.docx))

2/4/2021 Senate Committee Amendment Adopted ([Senate Journal‑page 11](file:///h:\sj\20210204.docx))

2/4/2021 Senate Read second time ([Senate Journal‑page 11](file:///h:\sj\20210204.docx))

2/4/2021 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 11](file:///h:\sj\20210204.docx))

2/9/2021 Senate Read third time and sent to House ([Senate Journal‑page 11](file:///h:\sj\20210209.docx))

2/10/2021 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 7](file:///h:\hj\20210210.docx))

3/4/2021 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 27](file:///h:\hj\20210304.docx))

3/9/2021 House Read second time ([House Journal‑page 29](file:///h:\hj\20210309.docx))

3/9/2021 House Roll call Yeas‑118 Nays‑1 ([House Journal‑page 29](file:///h:\hj\20210309.docx))

3/10/2021 House Read third time and enrolled ([House Journal‑page 12](file:///h:\hj\20210310.docx))

3/11/2021 Ratified R 7

3/15/2021 Signed By Governor

3/17/2021 Effective date 03/15/21

3/17/2021 Act No.  6

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=287&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\287_20201209.docx)

[2/2/2021](file:///p:\pprever\2021-22\287_20210202.docx)

[2/4/2021](file:///p:\pprever\2021-22\287_20210204.docx)

[3/4/2021](file:///p:\pprever\2021-22\287_20210304.docx)

(A6, R7, S287)

**AN ACT TO AMEND SECTION 40‑45‑220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, AND SECTION 40‑45‑240, RELATING TO APPLICANTS FOR LICENSURE BY ENDORSEMENT FOR LICENSEES FROM OTHER JURISDICTIONS, BOTH SO AS TO REQUIRE CERTAIN FINGERPRINT‑SUPPORTED STATE AND NATIONAL CRIMINAL RECORDS CHECKS FOR INITIAL LICENSURE APPLICANTS, TO PROVIDE THE RESULTS OF THESE RECORDS CHECKS MUST BE PROVIDED TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO AUTHORIZE THE STATE LAW ENFORCEMENT DIVISION TO RETAIN FINGERPRINTS FOR CERTAIN PURPOSES, TO PROVIDE APPLICANTS MUST BARE RELATED COSTS, AND TO PROVIDE THE DEPARTMENT SHALL KEEP INFORMATION RECEIVED PURSUANT TO THIS ACT CONFIDENTIAL, SUBJECT TO AN EXCEPTION.**

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

**Licensure requirements, background checks added**

SECTION 1. Section 40‑45‑220 of the 1976 Code is amended to read:

“Section 40‑45‑220. (A)(1) To be eligible for licensure as a physical therapist an applicant must:

(a)(i) be a graduate of a physical therapy educational program approved by the board;

(ii) pass an examination administered or approved by the board; and

(iii) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board; or

(b)(i) provide satisfactory evidence that his or her education is equivalent to the requirements of physical therapists educated in United States educational programs as determined by the board. If the board determines that an applicant’s education is not equivalent, it may require completion of additional course work before proceeding with the application process;

(ii) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board;

(iii) pass an examination administered or approved by the board;

(iv) submit evidence satisfactory to the board on a form approved by the board of not less than one thousand clinical practice hours under the on‑site supervision of a licensed physical therapist in this State or in a state with licensure requirements equal to or more stringent than this State.

(2) In addition to other requirements established by law and for the purpose of determining an applicant’s eligibility for initial licensure as a physical therapist, the department may require a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department.

(B)(1) To be eligible for licensure as a physical therapist assistant an applicant must:

(a) be a graduate of a physical therapist assistant program approved by the board;

(b) pass an examination administered or approved by the board; and

(c) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board.

(2) In addition to other requirements established by law and for the purpose of determining an applicant’s eligibility for initial licensure as a physical therapist assistant, the department may require a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department.

(C) The burden is upon the applicant to demonstrate to the satisfaction of the board and in the manner prescribed by the board that the applicant has the qualifications and is eligible for licensure.”

**Licensure by endorsement requirements, background checks added**

SECTION 2. Section 40‑45‑240(B) of the 1976 Code is amended by adding an item at the end to read:

“( ) when applying for initial licensure, submit to a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

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