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To: Telehealth Committee

Date: March 6, 2023

From: Steve Sodergren
Executive Officer

Subject: Telehealth Best Practice Guidance Documents

At the last Telehealth Committee meeting on December 8, 2022, the discussion regarding the development of a telehealth best practice document centered around the concept of creating two separate documents: one document focusing on the use of videoconferencing for supervision and another focusing on the general use of telehealth when delivering mental health services. The goal of the Board's best practice documents is to help employers and supervisors better assess acceptable work settings and conditions for telehealth, and to clarify the expectations for all parties utilizing telehealth, using industry standards and ethical guidelines.

Board staff have developed three separate guidance documents designed to assist licensees, their employers, and consumers in making sound decisions when utilizing or providing telehealth. The considerations presented in these documents are based upon the Standards for Practice of Telehealth established in the California Code of Regulations, Title 16, §1815.5. Additionally, these documents include links to Board publications and pertinent resources from the following organizations:

- American Counseling Association (ACA)
- American Psychological Association (APA)
- Association of Social Work Boards (ASWB)
- California Association of Marriage and Family Therapist (CAMFT)
- California Telehealth Resource Center
- National Association of Social Work Boards (NASW)
- National Association of School Psychologists (NASP)
- U.S. Department of Health and Human Services
- U.S. Social Security Administration

The intent is to publish these guidance documents on the Frequently Asked Questions and Telehealth pages of the Board's website.

Recommendation

Conduct an open discussion regarding the proposed guidance documents shown in **Attachments A, B, and C**. Direct staff to make any discuss changes and any non-substantive changes and proceed with finalizing the guidance documents for publication and posting.

Attachments

Attachment A: Providing Telehealth Services in California

Attachment B: Providing Tele-Supervision in California

Attachment C: Receiving Telehealth Therapy in California

ATTACHMENT A

Suggested Language for Guidance Document: Providing Telehealth Services in CA

ARE YOU GOING TO PROVIDE TELEHEALTH SERVICES IN CALIFORNIA?

You must have a current and active California license to provide marriage and family therapy, educational psychology, clinical social work, and professional clinical counseling service to clients located in California.

When initiating telehealth services with a client in California, you must:

- Obtain and document verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering services.
- Inform the client of the potential risks and limitations of receiving treatment via telehealth.
- Provide the client with your license or registration number.
- Document your efforts to ascertain the contact information of relevant resources, including emergency services, in the patient's geographic area.

During any additional session with a client in California, you must:

- Verbally obtain and document the client's full name and address of present location at the beginning of each telehealth session.
- Assess whether the client and the session are appropriate for telehealth, including, but not limited to, consideration of the client's psychosocial situation.
- Utilize industry best practices for telehealth to ensure both client confidentiality, the security of the communication medium, and client safety.

Additional Resources that may be helpful:

[American Counseling Association Code of Ethics \(2014\): Distance Counseling, Technology, and Social Media](#)

[Association of Social Work Boards Technology and Social Work Regulations Resources](#)

[California Association of Marriage and Family Therapists Code of Ethics](#)

[National Association of Social Workers Code of Ethics](#)

[Telehealth: Virtual Service Delivery Updated Recommendations \(National Association of School Psychologists\)](#)

[Telehealth Resources for Health Care Providers \(U.S. Dept. of Health and Human Resources\)](#)

[Telehealth Best Practice Guides for Providers \(U.S. Dept. of Health and Human Services\)](#)

[Guidelines for the Practice of Telepsychology \(American Psychological Association\)](#)

[HIPPA & Telehealth: A Stepwise Guide to Compliance \(U.S. Social Security Administration\)](#)

ATTACHMENT B

Proposed Language for Guidance Document; Providing Tele-supervision in CA

Planning to Supervise by Tele-supervision?

Proper supervision is an essential component to the development of future therapists and for consumer protection. While the legal requirements for supervision are the same whether supervising in-person or through tele-supervision extra considerations should be taken when deciding to supervise remotely.

Before beginning tele-supervision, consider:

Do I have the necessary HIPAA Compliant software and hardware to conduct tele-supervision?

Do I understand the different types of devices that can be used for tele-supervision and have I assessed and understand the varying levels of risk?

Do I have the proper training in tele-mental health counseling and remote supervision?

Do I have the skills and ability to provide effective tele-supervision?

When entering into an agreement for supervision includes tele-supervision:

You must assess the appropriateness of the supervisee for conducting tele-supervision. This should include, but not be limited to, the abilities of the supervisee, the preferences of both the supervisee and supervisor, and the privacy of the locations of the supervisee and supervisor while supervision is conducted.

As a best practice, consider conducting one or more initial in-person meetings between the supervisor and supervisee to jump-start the relationship-building process, develop the supervision agreement, and establish protocols for use of the technology.

Establish a protocol for how to handle serious and urgent crisis situations since you will not be physically present to walk the supervisee through these challenges.

Determine how you will maintain privacy during supervisory session. This should include an agreement as to how the supervisor and supervisee will conduct supervision in a confidential space without interruptions as well as how case notes will be reviewed.

Discuss how loss of connections will be addressed during supervision.

Monitoring the Supervisee's Progress Toward Goals:

Consider incorporating at least one method to monitor the supervisee's performance, such as the supervisor reviewing video or audio recorded sessions of the supervisee

working with a client, or on-site managers or other licensed clinicians performing on-going documentation review and/or direct observation of the supervisee's performance. Supervisor should be aware of the quality of supervisee's interpersonal interactions with clients.

Establish lines of communication with any other professionals who are managing the supervisee or monitoring their practice.

Continue to evaluate the effectiveness of tele-supervision for the supervisee. Focus not only on the content of sessions and interpersonal processes but also on the adequacy of technology used.

Security and Confidentiality

Information about HIPAA, HITECH, and PHI (protected health information) should be reiterated.

Supervisors and supervisees need to monitor the location of the supervisory sessions and the auditory and visual privacy of the sessions.

Client identifying information should be kept to a minimum, with initials or codes used to describe the client whenever possible.

When the need arises to discuss sensitive cases or when identifying information needs to be shared, the supervisor and supervisee should ideally arrange to meet in person.

Supervisors and supervisees will need to continuously monitor both the risks that result from people and the risks that result from technology to ensure ethically sound practice while using videoconferencing for supervision.

Resources to assist you in your role as a supervisor:

[HIPPA & Telehealth: A Stepwise Guide to Compliance \(U.S. Social Security Administration\)](#)

[HIPAA For Professionals \(U.S. Dept. of Health and Human Services\)](#)

[American Counseling Association Code of Ethics \(2014\): Distance Counseling, Technology, and Social Media](#)

[Association of Social Work Boards Technology and Social Work Regulations Resources](#)

[California Association of Marriage and Family Therapists Code of Ethics](#)
[National Association of Social Workers Code of Ethics](#)

ATTACHMENT C

Proposed Language for Guidance Document: Receiving Telehealth Therapy in CA

ARE YOU IN CALIFORNIA AND CONSIDERING TELEHEALTH THERAPY?

Providers that offer telehealth therapy in California must hold one of the following California licenses:

Associate Marriage and Family Therapist (AMFT), Associate Social Worker (ASW), Associate Professional Clinical Counselor (APCC), Licensed Marriage and Family Therapist (LMFT), Licensed Clinical Social Worker (LCSW), Licensed Professional Clinical Counselor (LPCC) or Licensed Educational Psychologist (LEP)

During your first session with your therapist, they will:

- Provide you with their license or registration number.
- Obtain your verbal or written consent to use of telehealth when providing you services.
- Inform you of the potential risks and limitations of receiving treatment via telehealth.
- Work with you to ensure that they have contact information of relevant resources, including emergency services, in your geographic area.

During any additional session with your therapist, they will:

- Verify your full name and address of your present location.
- Will consider whether the session is appropriate for telehealth.
- At all times your therapist will utilize industry best practices for telehealth to ensure your confidentiality, security of the communication medium, and your safety.

You can verify if your therapist is a California licensee through our online license look up at www.breeze.ca.gov

If you have concerns about the services that you have received, or believe that your therapist has engaged in unprofessional conduct, related to their professional responsibility, you may submit a complaint to the board at: www.breeze.ca.gov

Some Other Resources to Assist You on Your Telehealth Journey

[Self Empowerment: How to Choose a Mental Health Professional \(BBS\)](#)

[Telehealth Guide for Patients \(U.S. Dept. of Health and Human Services\)](#)

[Telehealth and Behavioral Health \(U.S. Dept. of Health and Human Services\)](#)

[8 Things to Know Before Your First Telehealth Visit \(CA Telehealth Resource Center\)](#)

[Virtual Care Security Tips for Patients \(CA Telehealth Resource Center\)](#)