

# Skills-based Videoconferencing

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**ENHANCED PROFESSIONAL  
LEARNING SERIES**



Mountain Plains ATTC (HHS Region 8)

**ATTC**

Addiction Technology Transfer Center Network  
Funded by Substance Abuse and Mental Health Services Administration



# Legal and Jurisdictional Issues

Week 3



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# Learning Objectives

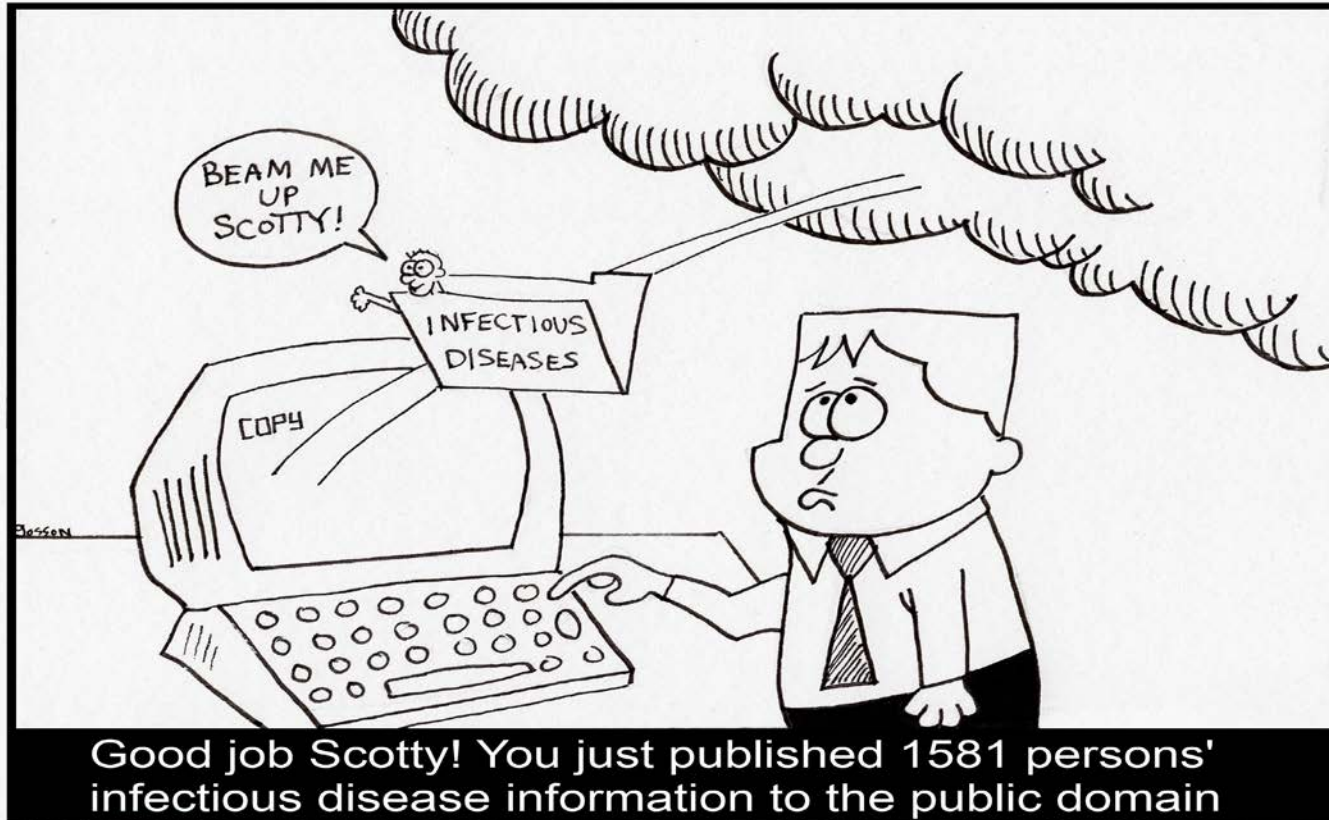
- Gain knowledge of jurisdictional issues in Tele-Behavioral Health.
- Understand the need for a secure environment for practice of Tele-Behavioral Health.
- Demonstrate the ability to discuss informed consent and confidentiality as it pertains to Tele-Behavioral Health.

# Tele-Behavioral Health guidelines in your region or state

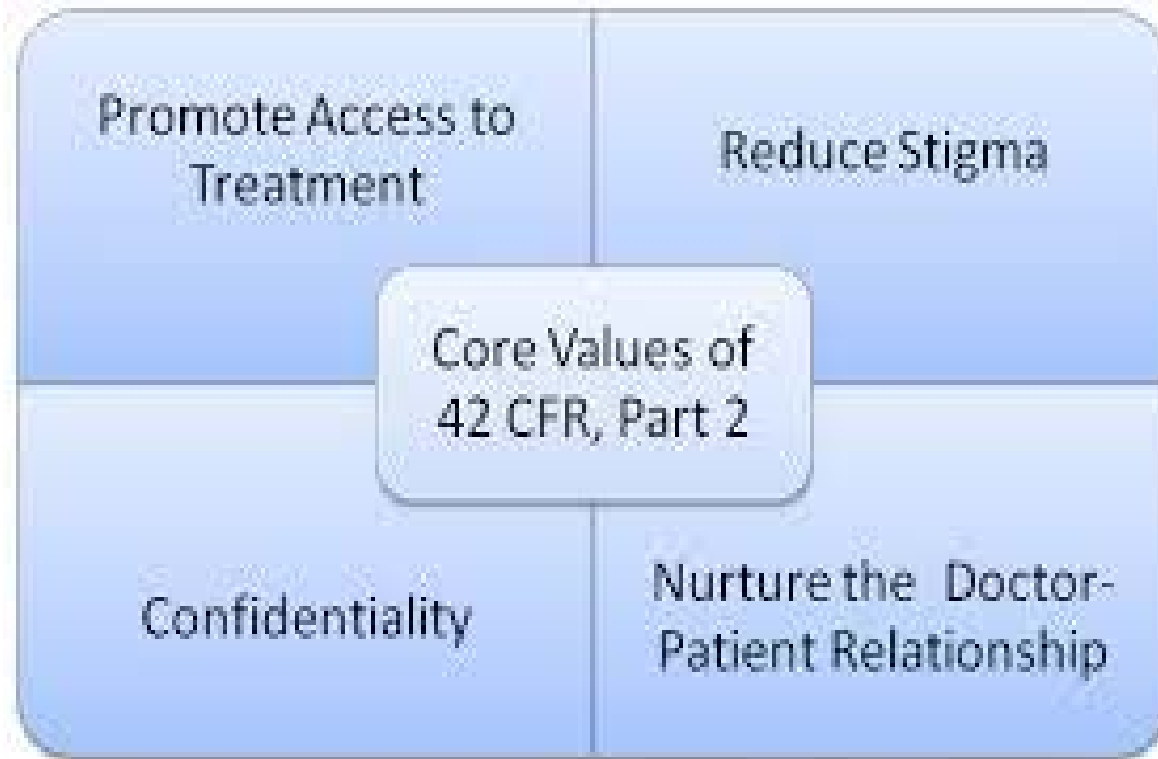
What do you know?



# HIPAA



# CFR 42 Part 2



# Confidentiality

*Confidentiality =  
I can't tell anyone  
what I know*

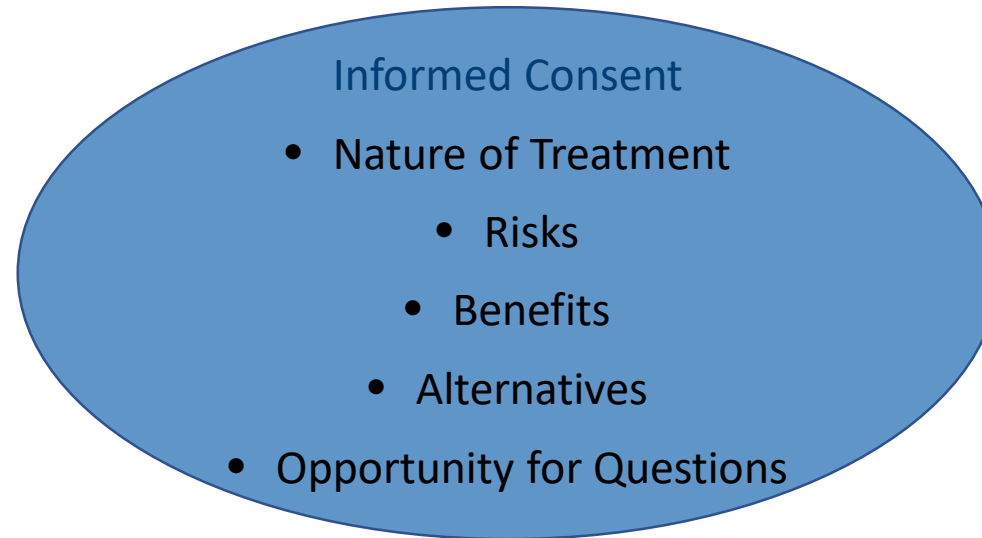
*Anonymity =  
I don't know*

# HIPAA Compliance in Behavioral Tele-Health

- How does the Platform Secure the Virtual Environment
- ZOOM Security Measures



# Informed Consent



What are the risks and benefits of Behavioral Tele-Health?

# Assignment-Mock Zoom Session



# Legal Issues to Consider

- Duty to warn-Second Life issues
- Therapist/Counselor Liability insurance to cover Behavioral Tele-Health
- Fee Structure
- Invalid pre-screening of clients



# Legal Issues to Consider (continued)

- Truth in advertising-who is providing the service?
- Competence-What is the counselors qualifications?
- Dual relationships-subsequent sessions outside of agency.
- Valid treatment-How to inform?
- Consistent standards for licensure

# Acceptance of Tele-Behavioral Health

- Reimbursement and Funder Issues
  - Insurance
  - Medicaid
  - CFBHN
  - Grants
- Judicial Issues

# Additional Information on State Regulations/Reimbursement

- <http://www.telehealthresourcecenter.org/toolbox-module/cross-state-licensure>
- Epstein, Becker, Green-50 State Survey of Telemental/Telebehavioral Health
- <https://www.healthit.gov/providers-professionals/faqs/are-there-state-licensing-issues-related-telehealth>
- [https://www.zurinstitute.com/telehealth\\_across\\_state\\_lines-zur.html#overview](https://www.zurinstitute.com/telehealth_across_state_lines-zur.html#overview)
- <http://cchpca.org/state-laws-and-reimbursement-policies>
- <http://www.ncsl.org/documents/health/telehealth2015.pdf>