

Legal and Jurisdiction Issues

Week 3

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?

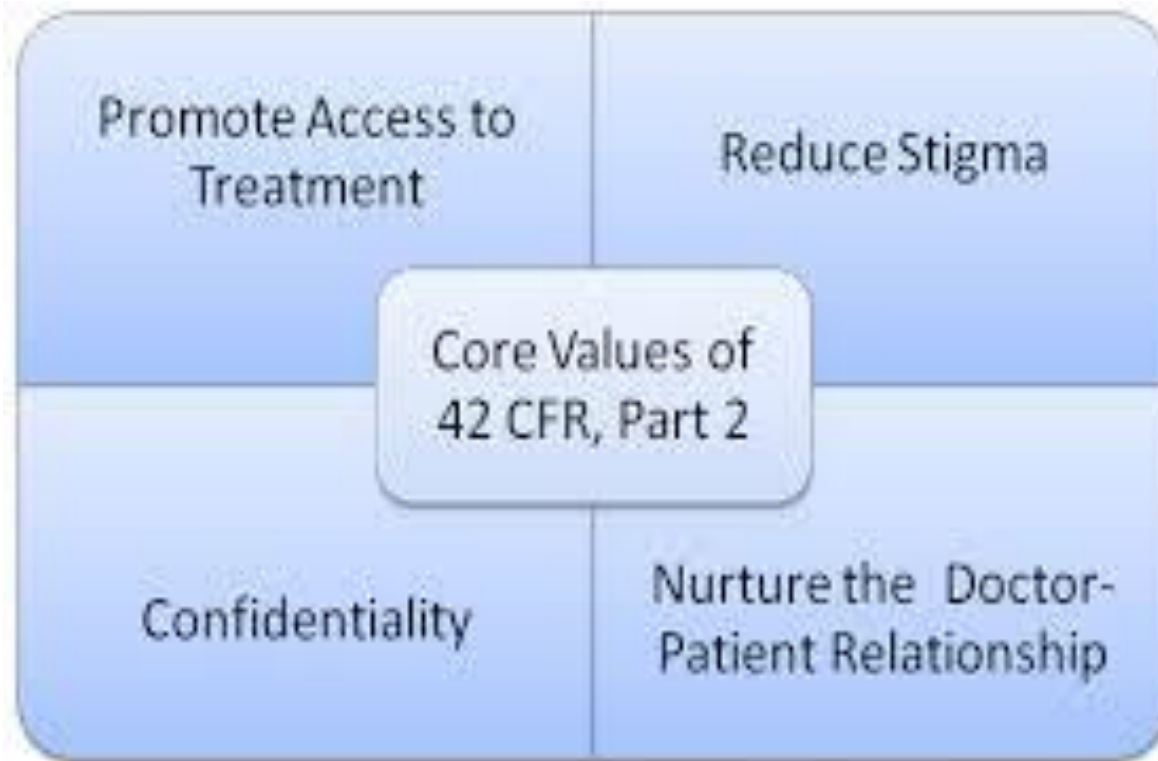


HIPPA



Good job Scotty! You just published 1581 persons' infectious disease information to the public domain

CFR 42 Part 2



Confidentiality

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

*Anonymity =
I don't know*

HIPPA Compliance in Behavioral Telehealth

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

Informed Consent

Informed Consent

- Nature of Treatment
 - Risks
 - Benefits
 - Alternatives
- Opportunity for Questions

What are the risks and benefits of behavioral telehealth?

Learning Activity - Mock Zoom Session



Legal Issues to Consider

- Duty to warn-Second Life issues
- Therapist/Counselor Liability insurance to cover Behavioral Telehealth
- 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>

Sneak Peek at next week....

Focus: Clinical Principles and Standards

Expectation and Learning Activity:

Read the article, Training therapists to work effectively online and offline within digital culture (Anthony, 2015)

Be prepared to identify/share 3 key points for discussion.

