



## FLORIDA Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

**What is Telehealth?** The use of synchronous (real-time information sharing) or asynchronous (relay of information with lag time) telecommunications technology by a telehealth provider to provide health care services, including, but not limited to, the assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration.

**If I am licensed in Florida, am I required to register to provide telehealth services?** No. Individuals who are fully licensed in Florida can provide telehealth services to patients located in Florida. Telehealth provider registration applies to health care practitioners who are licensed in another state, the District of Columbia, or a possession or territory of the United States and complete the registration application with the department.

**If I am licensed in Florida, can I provide telehealth services to a client in another state?** Not always. If a Florida licensee plans to provide telehealth services to a client outside of Florida, they must review the laws and rules of the jurisdiction where the patient is located. Not all states permit telehealth services... even under emergency circumstances.

**Telehealth providers must practice in a manner consistent with his or her scope of practice AND the prevailing professional standard of practice for a health care professional who provides in-person health care services to patients in Florida.**

### **Intake and Screening**

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A telehealth provider may use telehealth to perform a patient evaluation and should assess whether the client is suitable for telehealth services including, but not limited to, consideration of the client's psychosocial situation. If not deemed appropriate for telehealth services at any time, the clients should be referred to face to face treatment.

Written informed consent is required for both in-person and telehealth based services and should be documented in the client's records. Limitations and parameters of telehealth services should be included.

The provider should take reasonable steps to verify the identity, physical address location of the client and others present in the location at each session. Visual review of an identification card and confirmation that the session is not being conducted in a public place are recommended. Visual review of identification also facilitates confirmation of the client's age and status as a minor for legal age of consent considerations.

It is recommended that the provider confirm the client's ability to use basic technology and provide information on how to handle the situation of a technology failure occurs during the session.

### **Recommended Disclosure Considerations**

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Provide counseling credentials, license state, and license number. Include proper titles when identifying with a specific profession. Out of state providers who have a website must also include a prominently displayed hyperlink to the Florida Department of Health website where registrant information is published.

### **Technology & Confidentiality**

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Telehealth providers must use the same standard of maintaining patient medical records as used for in-person services. Medical records must be confidentially maintained, as required in ss. 395.3025(4), F.S. Service providers are required to understand and apply Health Insurance Portability and Accountability Act (HIPAA) compliance standards in both in-person as well as telehealth encounters. Providers should also familiarize themselves with Health Information Technology for Economic and Clinical Health (HITECH) Act. Providers should stay informed of technology changes and updates to utilize the industry's best practices of ensuring confidentiality.

## **Practice Considerations**

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Providers are required to perform within the scope of practice where the provider is located AND where the client is located. For disciplinary purposes, any act that constitutes the delivery of health care services is deemed to occur at the place where the patient is located at the time the act is performed or in the patient's county of residence.

It is recommended that licensees and registrants provide telehealth services only after engaging in appropriate education, study, training, consultation or supervision for professionals who are competent in the use of technology-based treatment.

As with all mental health services, treatment provided by telehealth must be conducted in a sensitive manner that is responsive to cultural and gender differences and special needs. Mental health services must be provided without regard to race, religion, national origin, gender, physical disability, or other characteristics.

Providers should always be aware of local services available where the patient is located in the event of a crisis situation. Relevant resources, including emergency services, should be documented in the client's records. At a minimum, contact information for local first responders is recommended. When providing services at a distance, use of the 911 system is unavailable.

## **Documentation**

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A telehealth provider shall document in the patient's medical record the health care services rendered using telehealth according to the same standard as used for in-person services. Medical records, including video, audio, electronic, or other records generated as a result of providing such services, are confidential pursuant to section 395.3025(4) and section 456.057, Florida Statutes.

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*Although mental health services are authorized by telehealth, it is important to recognize that not every client is well suited for this type of session. On going evaluation of the appropriate use of telehealth with an individual client is recommended.*

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**(Note: Current as of 10/11/2021)**