

Chapter 135-11 TELEMENTAL HEALTH

Rule 135-11-.01 TeleMental Health

Purpose: The purpose of this rule is to define TeleMental Health and to establish minimum standards for the delivery of services by a licensed Professional Counselor, Social Worker, or Marriage and Family Therapist using technology-assisted media.

(a) Definitions:

1. Asynchronous store and forward - means the transmission of a client's information from an originating site to a licensee at a distant site without the presence of the client.
2. Distant site - means a site or location from which services are delivered by a licensee via a technology-assisted media.
3. Licensee - means a person licensed in the state of Georgia as a Professional Counselor, Social Worker or Marriage and Family Therapist, including Associate licensees.
4. Originating site - means a site where a client is located at the time TeleMental Health services are provided via technology-assisted media or where the asynchronous store and forward services originates.
5. Synchronous interaction - means a real-time interaction between a client and a licensee located at a distant site.
6. TeleMental Health - means the mode of delivering services via technology-assisted media, such as but not limited to, a telephone, video, internet, a smartphone, tablet, PC desktop system or other electronic means using appropriate encryption technology for electronic health information. TeleMental Health facilitates client self-management and support for clients and includes synchronous interactions and asynchronous store and forward transfers.
7. TeleMental Health Supervision - means the delivery of supervision via technology-assisted media by a supervisor at one site while the supervisee is located at a distant site. Telemental health supervision may include, without being limited to, the review of case presentation, audio tapes, video tapes, and observation in order to promote the development of the practitioner's clinical skills.

(b) Provisions

1. Training for Licensee:
 - (i) Prior to the delivery of clinical TeleMental Health, the licensee shall have obtained a minimum of six (6) continuing education hours. The continuing education hours may include but are not limited to the following, in the discretion of the Board:

- (I) Internet use dependency and psychological problems - an overview of how Internet users become dependent upon the Internet to such an extent that their Internet use is causing serious problems in their lives.
 - (II) Research in Telemental Health - review of evidence base for mental health practice conducted using telemental health.
 - (III) Intake and Assessment- initial intake and assessment necessary to determine a client's suitability for telemental health, including informed consent.
 - (IV) Delivery Methods - recognize appropriate use of telecounseling, asynchronous email/message posting, synchronous digital chat, video-assisted therapy and other electronically supported modes of delivery.
 - (V) Theory Integration - understand how to adapt counseling/therapy theory and effective in-person techniques to telemental health.
 - (VI) Termination - recognize similarities and differences between in-person and telemental health closure while providing technology-assisted strategies for reestablishing contact if and/or when necessary.
 - (VII) Risk Management - understanding privacy and security standards of applicable laws such as Health Insurance Portability and Accountability Act ensuring high quality practices and procedures that are legally sound and ethically protect clients and safeguard against litigation, including protection of electronic information.
 - (VIII) Business of Telemental Health - review of ethically sound ways to advertise and incorporate telemental health into an existing suite of therapeutic/clinical services.
- (ii) If the licensee has taken the hours required in this section within the last 5 years, those hours do not need to be repeated in order to meet requirements in this section.

2. Supervision:

- (i) Training of the TeleMental Health Supervisor: Prior to the delivery of supervision via telemental health, the supervisor shall have obtained a minimum of nine (9) hours of continuing education. The continuing education hours may include the same eight (8) categories identified under "Training for Licensee", rule section (b)(1)(i)(I-VIII) above, **plus**, must also include three (3) hours in the category of: Supervising TeleMental Health Therapy - understanding the key components necessary to supervise effective, and efficient delivery of telemental health therapy.

- (ii) If the supervisor has taken the hours required in this section within the last 5 years, those hours do not need to be repeated in order to meet requirements in this section.
 - (iii) Board rules 135-5 define the acceptable requirements for a Board recognized supervisor and supervision for the Counselor, Social Work and Marriage and Family Therapy professions. Supervisors and supervision must meet the requirements of the specialty found in the applicable section of Board rules 135-5 that define supervisor and supervision for the Counselor, Social Work and Marriage and Family Therapy professions.
 - (iv) Informed Consent: Prior to the delivery of supervision via TeleMental Health, the supervisor at the distant site shall inform the supervisee that TeleMental Health will be used and obtain verbal and written consent from the supervisee for this use.
 - 3. Informed Consent - Prior to the delivery of TeleMental Health services by a licensee via technology-assisted media, the licensee at the distant site shall inform the client that TeleMental Health services via technology-assisted media will be used, and the licensee shall obtain verbal and written consent from the client for this use. The verbal and written consent shall be documented in the client's record. Consent must include disclosure of the use of any third party vendor such as a record keeping, billing service or legal counsel.
 - 4. Client Assessment - Careful assessment using assessment instruments referenced in Rule 135.-7-.05 as appropriate is required in order to determine whether an individual may be properly assessed and/or treated via TeleMental Health services through technology-assisted media. Clients who cannot be treated properly via TeleMental Health services should be treated in person, or else they should not be accepted as clients or, if already accepted, properly terminated with appropriate referrals.
 - 5. Code of Ethics -The failure of a licensee to comply with these requirements shall constitute unprofessional conduct under the Code of Ethics as described in Board rule 135-7. A licensee delivering health care services via TeleMental Health shall comply with all Code of Ethics requirements as described in Board rule 135-7.
 - 6. Scope of Practice - This rule shall not be construed to alter the scope of practice of any licensee or authorize the delivery of services in a setting, or in a manner, not otherwise authorized by law.
 - 7. Out-of-State Clients - Licensees who want to offer TeleMental Health services outside the state are advised to check with the state board in which the client resides for information about telemental health regulations outside of Georgia.
- (c) Continuing education hours obtained pursuant to this rule within a two year licensure cycle may be applied to the required thirty-five (35) hours for that licensure cycles renewal/expiration date.