



## Guidance Regarding Telemedicine/Telehealth and Telecommunication Support Services for Behavioral Health Provider Agencies Dealing with COVID-19

In light of Coronavirus (COVID-19) public health concerns, both State and Federal declarations of emergency, and recent actions at the State and Federal level to support the use of telemedicine/telehealth during this public health emergency, the Division of Mental Health and Addiction Services (Division) is recommending that Mental Health (MH) and Substance Use Disorder (SUD) provider agencies (PAs) consider providing programming through telemedicine/telehealth to the extent practicable and where appropriate.

The Division recognizes that the use of telemedicine/telehealth and telecommunication support services during the current COVID-19 public health emergency is an essential tool to reduce patient and staff exposure to COVID-19 and thus, supports the use of such means by PAs. As such, the Division encourages PAs to consider instituting practices that minimize the need for patients/consumers to report onsite for programming through the use of telemedicine/telehealth and telecommunication support. In doing so, PAs should consider the recommendations below.

1. PAs must ensure that the provision of services through telemedicine/telehealth is in compliance with New Jersey's telemedicine/telehealth law. See P.L. 2017, c. 117 and P.L. 2020, c. 3.
2. PAs must ensure that staff providing clinical treatment services via telemedicine/telehealth are doing so within their applicable scope of practice and in accordance with any professional licensing laws and regulations governing telemedicine/telehealth. Certified Alcohol and Drug Counselors (CADCs), with supervision and a supervision plan, are permitted to provide telehealth services. Interns who have an existing license such as LACs, LSWs and LAMFTs may provide services through telemedicine/telehealth under appropriate supervision as outlined by the disciplines' licensing board. Questions regarding professional licensing laws and regulations should be directed to the NJ Division of Consumer Affairs (DCA), and information regarding professional licensing laws and regulations may be found on the DCA's [website](#)<sup>1</sup>
3. PAs with staff providing non-clinical support services like virtual check-ins, care or case management and psychoeducation may consider providing such services using technology.

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<sup>1</sup> DCA link to professional licensing laws. <https://www.njconsumeraffairs.gov/>

4. PAs must comply with all Federal and State confidentiality laws and regulations including, but not limited to, HIPAA and 42 C.F.R. Part 2. The Federal Health and Human Services' [Office of Civil Rights website](#)<sup>2</sup> offers useful information on the subject of privacy.
5. If PAs elect to provide group therapy via telemedicine/telehealth, then PAs should consider how to ensure privacy and confidentiality of group therapy sessions, including limiting number of participants, verbal informed consent, and alternative options such as individual counseling sessions.

### **Face to Face Contacts**

If an onsite visit is required, the Division encourages PAs to assess individuals, both patients and staff, before they enter the PA according to NJ DOH and CDC guidelines. PAs may consider using screening procedures that CDC has established for healthcare facilities, found [here](#)<sup>3</sup>.

### **COVID-19 Guidance**

For additional guidance from the Division related to COVID-19, please visit the Division's [COVID-19 webpage](#)<sup>4</sup>

Medicaid billing guidance, including the [March 21, 2020 Temporary Telehealth Guidelines Newsletter](#)<sup>5</sup>, may be found on the [NJ DHS COVID-19 webpage](#)<sup>6</sup> under the NJ Family Care/Medicaid Section.

The NJ Division of Consumer Affairs (DCA) has issued a "Telehealth Services During the COVID-19 Pandemic" frequently asked questions document. The document may be found [here](#)<sup>7</sup> on the DCA website.

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<sup>2</sup> US Health and Human Services' link to Federal confidentiality guidance. <https://www.hhs.gov/ocr/index.html>

<sup>3</sup> CDC link to guidance. (<https://www.cdc.gov/coronavirus/2019-ncov/hcp/index.html>)

<sup>4</sup> DMHAS link to guidance. <https://www.state.nj.us/humanservices/dmhas/information/stakeholder/index.html>

<sup>5</sup> Division of Medical Assistance and Health Services telehealth guidance.

<https://nj.gov/humanservices/library/slides/Temporary%20Telehealth%20Medicaid%20Newsletter%20FINAL.pdf>

<sup>6</sup> Department of Human Services link to COVID-19 webpage. <https://nj.gov/humanservices/coronavirus.html>

<sup>7</sup> DCA link to telehealth frequently asked questions.

<https://www.njconsumeraffairs.gov/COVID19/Documents/FAQ-Telehealth.pdf>