

**MARYLAND DEPARTMENT OF HEALTH**  
**Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND**  
**THERAPISTS**

**10.58.06 Teletherapy**

*Authority: Health Occupations Article, §§1-901—1-903, Annotated Code of Maryland; and Ch.505, Acts of 2008*

**.01 Scope.**

*This chapter applies to the following who provide behavioral health services using teletherapy in Maryland:*

- A. Certified associate counselor—alcohol and drug (CAC—AD);*
- B. Certified professional counselor (CPC);*
- C. Certified professional counselor — alcohol and drug (CPC—AD);*
- D. Certified professional counselor—marriage and family therapist (CPC—MFT);*
- E. Certified supervised counselor—alcohol and drug (CSC—AD);*
- F. Licensed clinical alcohol and drug counselor (LCADC);*
- G. Licensed clinical marriage and family therapist (LCMFT);*
- H. Licensed clinical professional art therapist (LCPAT);*
- I. Licensed clinical professional counselor (LCPC);*
- J. Licensed graduate alcohol and drug counselor (LGADC);*
- K. Licensed graduate marriage and family therapist (LGMFT);*
- L. Licensed graduate professional art therapist (LGPAT); or*
- M. Licensed graduate professional counselor (LGPC).*

**.02 Definitions.**

*A. In this chapter, the following terms have the meanings indicated.*

*B. Terms Defined.*

- (1) "Board" means the Maryland Board of Professional Counselors and Therapists.*
- (2) "Client" means the individual, couple, family, group, business, agency, school, organization, or association that the counselor or therapist provides, or has provided, with professional services.*
- (3) "Counselor or therapist" means an individual who is licensed or certified by the Board to practice:*
  - (a) Certified associate alcohol and drug counseling;*
  - (b) Certified professional counseling;*
  - (c) Certified professional alcohol and drug counseling;*
  - (d) Certified professional marriage and family therapy;*
  - (e) Certified supervised alcohol and drug counseling;*
  - (f) Clinical marriage and family therapy.*
  - (g) Clinical professional alcohol and drug counseling;*
  - (h) Clinical professional art therapy;*
  - (i) Clinical professional counseling;*
  - (j) Graduate alcohol and drug counseling;*
  - (k) Graduate marriage and family therapy;*
  - (l) Graduate professional art therapy; or*
  - (m) Graduate professional counseling.*
- (4) "Synchronous" means simultaneously or quickly enough to allow two or more individuals to conduct a conversation.*
- (5) Teletherapy.*
  - (a) "Teletherapy" means the use of interactive audio, video, or other telecommunications or electronic media by a counselor or therapist to deliver counseling services:*
    - (i) Within the scope of practice of the counselor or therapist; and*
    - (ii) At a location other than the location of the client;*
  - (b) "Teletherapy" does not include:*
    - (i) An audio-only telephone conversation between a counselor or therapist and a client;*
    - (ii) An electronic mail message between a counselor or therapist and a client;*
    - (iii) A facsimile transmission between a counselor or therapist and a client; or*
    - (iv) A text message or other type of message sent between a counselor or therapist and a client by a short message service or multimedia messaging service.*

**.03 Licensure.**

*A counselor or therapist licensed or certified in Maryland may provide counseling services using teletherapy if one or both of the following occurs:*

- A. The individual practicing teletherapy is physically located in Maryland; or
- B. The client is in Maryland.

**.04 Standards of Practice for Teletherapy.**

- A. Before providing teletherapy services, a counselor or therapist shall develop and follow a procedure to:
  - (1) Verify the identification of the client receiving teletherapy services;
  - (2) Obtain oral and written acknowledgement from the client;
  - (3) Prevent access to data by unauthorized persons through encryption, or other means;
  - (4) Notify clients in the event of a data breach;
  - (5) Ensure that the teletherapy practitioner provides a secure and private teletherapy connection and complies with federal and state privacy laws; and
  - (6) Establish safety protocols to be used in the case of an emergency.
- B. A counselor or therapist shall:
  - (1) Obtain or confirm an alternative method of contacting the client in case of a technological failure;
  - (2) Determine whether the client is in Maryland and identify the client's practice setting;
  - (3) For an initial teletherapy interaction only, disclose the counselor or therapist's name, location, license number, and contact information;
  - (4) Identify all individuals present at each location and confirm they are permitted to hear the client's health information; and
  - (5) Be held to the same standards of practice and documentation as those applicable for in-person sessions.
- C. A counselor or therapist may not treat a client based solely on an online questionnaire.

**.05 Client Evaluation.**

- A. A counselor or therapist shall perform a client evaluation adequate to establish diagnoses and identify underlying conditions or contraindications to recommended treatment options before providing treatment.
- B. If the evaluation is adequate to comply with §A of this regulation, a counselor or therapist may use:
  - (1) Live synchronous audio-visual communication;
  - (2) Other methods of performing a counseling examination remotely; or
  - (3) A counseling evaluation performed by another counselor or therapist providing coverage.

**.06 Discipline.**

- A. The Board shall use the same standards in evaluating and investigating a complaint and disciplining a counselor or therapist who practices teletherapy as it would use for a counselor or therapist who does not use teletherapy technology.
- B. The failure of a counselor or therapist to comply with this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.

**ROBERT R. NEALL**

**Secretary of Health**