

## Title 10

### MARYLAND DEPARTMENT OF HEALTH

#### Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

#### Chapter 10 Teletherapy

**Authority: Health-General Article, §15-141.2; Health Occupations Article, §§1-901—1-903 and 1-1001— 1-1006; Insurance Article, §15-139; Annotated Code of Maryland**

##### **.01 Scope.**

A. This chapter governs the practice of social work using teletherapy as an adjunct to, or replacement for, in-person client visits.

B. Nothing in this chapter restricts or limits reimbursement requirements pursuant to the Health-General Article and Insurance Article, Annotated Code of Maryland

##### **.02 Definitions.**

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

B. Terms Defined.

(1) "Asynchronous" means not occurring in real time.

(2) "Board" means the Maryland Board of Social Work Examiners.

(3) "Client" means the individual, couple, family, group, business, agency, school, organization, or association that the licensed social worker provides, or has provided, with professional services.

(4) "In-person" means within the physical presence of the client.

(5) "Synchronous" means occurring in real time.

(6) "Teletherapy" means telehealth as defined in Health Occupations Article, §1-901, Annotated Code of Maryland.

(7) "Teletherapy practitioner" means a Maryland licensed social worker performing teletherapy services within their respective scope of practice.

##### **.03 Licensure.**

Subject to the provisions of Health Occupations Article, Title 19, Subtitle 3, Annotated Code of Maryland, in order to practice teletherapy a teletherapy practitioner shall be licensed in Maryland when providing teletherapy services to a client located in the State.

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

A. Before providing teletherapy services, a teletherapy practitioner shall develop and follow a procedure to:

- (1) Verify the identification of the client receiving teletherapy services through the use of:
  - (a) A government issued photograph identification;
  - (b) An insurance, Medicaid, or Medicare card; or
  - (c) Documentation of the client's:
    - (i) Date of birth; and
    - (ii) Home address;
- (2) For an initial client-telehealth practitioner encounter, disclose the teletherapy practitioner's:
  - (a) Name;
  - (b) Maryland license number and type; and
  - (c) Contact information;
- (3) Obtain oral or written informed consent from a client or a client's parent or guardian if State law requires the consent of a parent or guardian, including informing clients of the risks, opportunities, and obligations associated with services available to the client;
- (4) Securely collect and transmit a client's clinical data and self-reported medical history, as necessary, and prevent access to data by unauthorized persons through encryption, or other means;
- (5) Notify clients in the event of a data breach;
- (6) Ensure that the teletherapy practitioner provides a secure and private communication modality and complies with federal and State privacy laws; and
- (7) Establish safety protocols to be used in the case of an emergency, including contact information for emergency services at the client's location.

B. Except when providing asynchronous teletherapy services, a teletherapy practitioner shall:

- (1) Obtain or confirm an alternative method of contacting the client in case of a technological failure;
- (2) Confirm whether the client is in Maryland and identify the client's specific location; and
- (3) Identify all individuals present at each location and confirm they are permitted to hear the client's health information.

C. A teletherapy practitioner shall be held to the same standards of practice and documentation as those applicable for in-person social work practice sessions.

#### **.05 Client Evaluation.**

A. A teletherapy practitioner shall:

- (1) Perform a synchronous or asynchronous clinical client evaluation that is appropriate for the client and the condition with which the client presents before providing treatment or services through teletherapy; and
- (2) If clinically appropriate for the client, provide or refer a client to:

- (a) In-person treatment; or
- (b) Another type of teletherapy service.

B. A teletherapy practitioner may not treat a client based solely on an online questionnaire.

**.06 Teletherapy Practitioner Discipline.**

A. The Board shall use the same standards in evaluating and investigating a complaint and disciplining a licensee who practices teletherapy as it would use for a licensee who does not use teletherapy technology in the licensee's practice.

B. The failure of a teletherapy practitioner to comply with this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.