

# **Title 10 MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS**

### **Chapter 10 Teletherapy**

**Authority: Health Occupations Article, §§1-901—1-903, Annotated Code of Maryland**

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

This chapter:

A. Applies to a:

- (1) Licensed certified social worker-clinical (LCSW-C);
- (2) Licensed certified social worker (LCSW) under the supervision of an LCSW-C; or
- (3) Licensed masters social worker (LMSW) under the supervision of an LCSW-C.

B. Does not prohibit the following from using electronic means as defined under Regulation .02B(4)(a) within their scope of practice:

- (1) A licensed bachelor social worker (LBSW) under supervision;
- (2) A licensed bachelor social worker (LBSW) practicing independently;
- (3) A licensed certified social worker (LCSW); or
- (4) A licensed masters social worker (LMSW) practicing independently.

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

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

B. Terms Defined.

- (1) “Board” means the Maryland Board of Social Work Examiners.
- (2) “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.
- (3) “Synchronous” means simultaneously or quickly enough to allow two or more individuals to conduct a conversation.

(4) Teletherapy.

(a) “Teletherapy” means the use of interactive audio, video, or other telecommunications or electronic media by a licensed social worker to deliver psychotherapy:

(i) Within the scope of practice of an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW under the supervision of an LCSW-C; and

(ii) At a location other than the location of the client;

(b) “Teletherapy” does not include:

(i) An audio-only telephone conversation between an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW under the supervision of an LCSW-C, and a client;

(ii) An electronic mail message between an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW under the supervision of an LCSW-C, and a client;

(iii) A facsimile transmission between an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW under the supervision of an LCSW-C, and a client; or

(iv) A text message or other type of message sent between an LCSW-C, an LCSW under the supervision of an LCSW-C, or an LMSW under the supervision of an LCSW-C, and a client by a short message service or multimedia messaging service.

### **.03 Licensure.**

The following Board-approved licensees may provide psychotherapy using teletherapy if the client is in Maryland:

A. An LCSW-C;

B. An LCSW under the supervision of an LCSW-C; or

C. An LMSW under the supervision of an LCSW-C.

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

Before providing teletherapy services, a licensee who is permitted to use teletherapy under this chapter:

A. Shall:

(1) Develop and follow a procedure to:

(a) Verify the identification of the client receiving teletherapy services;

(b) Obtain informed consent specific to teletherapy services using appropriate language understandable to the client;

(c) Prevent access to data by unauthorized persons through encryption, or other means;

(d) Notify clients in the event of a data breach;

(e) Ensure that the teletherapy practitioner provides a secure and private teletherapy connection and complies with federal and State privacy laws;

(f) Establish safety protocols to be used in the case of an emergency, including contact information for emergency services at the client's location;

(g) Obtain or confirm an alternative method of contacting the client in case of a technological failure;

(h) Determine whether the client is in Maryland and identify the client's specific location;

(i) For an initial teletherapy interaction only, disclose the name, location, Maryland license number, and contact information of the LCSW-C, the LCSW, or the LMSW; and

(j) Identify all individuals present at each location and confirm they are permitted to hear the client's health information; and

(2) Be held to the same standards of practice and documentation as those applicable for in-person sessions; and

B. May not treat a client based solely on an online questionnaire.

## **.05 Client Evaluation.**

A. A licensee who is permitted to use teletherapy under this chapter shall perform a client evaluation adequate to establish diagnoses and identify underlying conditions or contraindications to recommended treatment options before providing subsequent teletherapy services.

B. If the evaluation is adequate to comply with §A of this regulation, a licensee who is permitted to use teletherapy under this chapter may use:

(1) Live synchronous audio-visual communication;

(2) Other methods of performing social work remotely; or

(3) A social work evaluation performed by another licensee who is permitted to use teletherapy under this chapter providing coverage.

## **.06 Discipline.**

A. The Board shall use the same standards in evaluating and investigating a complaint and disciplining a licensee who is permitted to use teletherapy under this chapter as it would use for a licensee who is permitted to use teletherapy under this chapter who does not use teletherapy technology.

B. The failure of a licensee who is permitted to use teletherapy under this chapter to comply with this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board in accordance with COMAR 10.42.09.

Administrative History

Effective date: October 7, 2019 (46:20 Md. R. 844)