

## 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.