
COVID-FAQs

1. TELEBEHAVIORAL HEALTH INFORMATION AND COUNSELORS IN HEALTH CARE

Do you have any undated information on the delivery of services using technology, such Telebehavioral Health services?

- Telebehavioral health is the use of a digital platform that provides secure, encrypted, real-time audio-video conferencing to communicate with a client. There are many factors to consider before using telebehavioral health services.
- *Demystifying Law and the Ethics for Telebehavioral Health* is a four-part course which teaches professional counselors how to practice telebehavioral health legally and ethically (CE available). ACA online [continuing professional development](#) courses and videos cover additional related topics, such as cybersecurity, technology assisted distance supervision, selecting an EHR, HPA/HITECH compliance, etc.

Considerations:

- The use of telebehavioral health services does not eliminate the [requirement for licensure](#);
- Carefully review the 2014 ACA *Code of Ethics*, FAQ's on [ethical practices with technology](#), and specifically review Section §H (Distance Counseling, Technology, and Social Media), which outlines standards of care for professional counselors who use technology;
- Review ACA's *COVID-19 State Resources: State Actions on Telebehavioral Health* and then double-check your state regulatory boards' policies and laws regarding your scope of practice and ability to offer telehealth services;
- Research if any declaration of a public health emergency impacts on your scope of practice;
- Ensure your informed consent documents are updated and discuss these updates with each client;
- Contact the health insurance plan of each client to verify coverage and confirm the health insurance plan will reimburse claims (or that the client can be reimbursed);
- Note the physical location of each client, as well as local community resources which may need to be contacted in the event of an emergency or circumstances requiring a mandated report; and,
- Ensure your professional liability insurance covers telehealth services.

2. STUDENTS AND TELEBEHAVIORAL HEALTH

Does the ACA Student Group Liability policy insure training by supervised master-level practicum and internship students who facilitate counseling via telebehavioral health services?

Master-level students with HPSO liability insurance may be covered for telebehavioral health counseling sessions if they are a counselor-in-training (masters level intern) and if they meet the following conditions:

- 1) The scope of practice of the licensed site supervisor permits the practice of telebehavioral health;
 - 2) The site supervisor is trained to provide both clinical services and supervision for this type of service delivery;
 - 3) The counselor-in-training receives proper training to facilitate telebehavioral sessions;
 - 4) The site supervisor is available for the trainee or client; as needed, and
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- 5) Funding sources for each client session allows the trainee to provide counseling (i.e., the supervisor or agency should make sure the trainee is authorized to provide counseling services based on the funding source or contract).

Note that if items 1–5 above are met, and if supervision by both the university and site supervisors are fulfilled, the trainee would presumably be training within their “scope of practice” as an intern. Therefore, HPSO would likely cover their clinical work at an approved site. Volunteering at another unapproved site or “moonlighting” on their initiative, however, would not be covered.

3. MY CLIENTS ARE NO LONGER ABLE TO COME TO THE OFFICE FOR COUNSELING SESSIONS

How do I transition my practice to a telebehavioral health service delivery system?

Consider the following when engaging in an ethical decision-making model:

- a) Review the [ACA Code of Ethics](#) on telebehavioral health (or “distance counseling”) and the use of technology;
- b) Ensure you’re [trained](#) and competent to provide telebehavioral health services (this includes understanding the nuances of providing this services in this delivery form such as the informed consent, HIPAA compliance, ensuring that this service delivery appropriate for the client, etc.)
- c) Ensure the client is appropriate to engage in counseling via telebehavioral health services, complete informed consent with the client, and that they understand how to use the technology;
- d) If a client declines to telebehavioral health services respect client autonomy;
- e) Check your state regulatory boards regarding scope of practice where you’re licensed and where professional services are delivered;
- f) Contacting the health insurance plans for each client to verify coverage, confirm reimbursement issue and related claims issues; and
- g) Ensure your professional liability insurance covers the use of technology.

4. DOES ACA HAVE LIST OF HIPAA COMPLIANT TECHNOLOGIES THAT I CAN USE WITH CLIENTS?

ACA partner, SimplePractice, is a cloud-based EHR which includes an optional feature that integrates telebehavioral health technology into the account. The U.S. Department of Health & Human Services lists [technologies](#) that likely allow a practitioner to conduct HIPAA compliant services.

5. WHAT RESOURCES DOES ACA OFFER TO HELP ME ENGAGE IN TELEHEALTH PRACTICES?

This is a difficult time for the profession. ACA offers numerous [telebehavioral health learning opportunities](#), [ethics consults](#), and other [resources](#).

6. WHAT ARE BUSINESS ASSOCIATE AGREEMENTS AND DO WE NEED THEM TO ENGAGE IN TELEHEALTH?

A “business associate” is a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of, or provides services to, a covered entity. [Business associate agreements](#) usually cover services provided by third party entities who handle protected health information such as the technologies used to provide telehealth. These agreements are necessary to protect both you as the clinician but also the client.