



Monterey County Behavioral Health Policies and Procedures

Policy Number	149
Policy Title	Telehealth
References	California Code of Regulations (CCR title 9 section 1810.253); Monterey County Health Department Policies; Monterey County Behavioral Health Polices; Medi-Cal Provider Manual. “Medicine: Telehealth” (Updated January 2023); Section 2290.5 of the Business and Professions Code Welfare and Institutions Code (W&I) 14197(e)(4), Section 14132.72(c)(d)(e); Monterey County Behavioral Health Member Agreement for Use of Personal Device for Telehealth Services; Title 42 Code of Federal Regulations (CFR) Part 438.68, as specified in Chapter 738, Statutes of 2017 (Assembly Bill 205) 42 C.F.R. §§ 438.350(a) and 438.320; Department of Health Care Services (DHCS) Behavioral Health Information Notice (BHIN) 23-018e; AB1241
Effective	March 8, 2018 Revised: July 1, 2023 Revised: 3/18/2024 Revised: 07/08/2024

Policy

Monterey County Behavioral Health (MCBH) aims to help individuals stay healthy while living in their communities, and to provide individuals with timely access to specialty mental health and substance use disorder services (SUD). Telehealth is one strategy to achieve these goals. This policy applies to both MCBH and its contacted providers.

Telehealth is not a distinct service, but an allowable mechanism to provide clinical services. For this Policy, Telehealth refers specifically to both audio only (telephone or voice-only web calls such as zoom without video) and audio/video interactions (videoconferencing, i.e. zoom) to help meet the individual’s specialty mental health needs and/or substance use disorder needs.

MCBH uses the guidelines provided in Medi-Cal Provider Manual: “Medicine: Telehealth.” The Telehealth Advancement Act of 2011 defines telehealth as the mode of delivering health care services and public health utilizing information and

communication technologies to facilitate the diagnosis, consultation, treatment, education, care management and self-management of a patient's health care while the patient is at the originating site and the health care provider is at the distant site.

MCBH adheres to telecommunications technology, consistent with the requirements of Section 2290.5 of the Business and Professions Code. This includes telehealth, e-visits, or other evolving and innovative technological solutions that are used to provide care from a distance. (W&I 14197(e)(4)). The telehealth services offered through MCBH include medication support services, along with other approved mental health services such as assessment, therapy, case management, crisis assessment services (i.e. W&I 5150 evaluations and 5151 assessments as per W&I 5008(a) and W&I 5150(b)).

In-person contact between MCBH staff and persons in care is not *required* for services provided through telehealth. Services provided via telehealth are subject to reimbursement policies adopted by the Department of Health Care Services to compensate a licensed health care provider who provides health care services through telehealth that are otherwise reimbursable pursuant to the Medi-Cal program (Welfare and Institutions Code [W&I Code], Section 14132.72[c]). All medical information transmitted during the delivery of telehealth services is part of the person in care's health record and is maintained in their health record.

A person's choice must be preserved; therefore, they have a right to request and receive *in-person* services. As such, the person in care retains the right to withdraw consent for telehealth services at any time.

This policy in no way changes the confidentiality requirements and standards set forth in prior established policies. All covered SMHS and DMC-ODS services delivered via telehealth shall be provided in compliance with the privacy and security requirements contained in the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 found in Parts 160 and 164 of Title 45 of the Code of Federal Regulations, Part 2 of Title 42 of the Code of Federal Regulations, the Medicaid State Plan, and any other applicable state and federal statutes and regulations.

Procedure

1. All MCBH Staff and contracted providers shall complete the Telehealth Consent Acknowledgement when at any point throughout treatment a service is rendered via telephone and/or audio/visual (i.e. Zoom)
2. Prior to the initial delivery of covered services via telehealth, providers are required to obtain verbal or written consent for the use of telehealth as an acceptable mode of delivering services.

- a. Consent may be obtained at Onset or *during the course of treatment* (for already established persons in care)
3. All MCBH Staff and contracted providers who are rendering applicable covered services via *telephone only* must also offer the same services via *audio/video* (i.e. zoom) to preserve beneficiary choice. Further, those who offer *telehealth* must also offer those same services via *in person*, face-to-face contact; or arrange for a referral to, and a facilitation of, in person care that does not require a person in care to independently contact a different provider to arrange for that care.
4. MCBH uses the Telehealth Consent Acknowledgment form in AVATAR as a method to document this consent.
5. Regarding the delivery of covered services via telehealth, MCBH staff and contracted providers will use telehealth applications approved and/or provided by MCBH.
6. MCBH staff and contracted providers must use applications that meet security safeguards to protect confidentiality of personal health information (PHI) and Personally Identifiable Information (PII).
7. MCBH staff and contracted provider medical staff who have responsibility for the care of the patient must be licensed in the State of California and enrolled as a Medi-Cal provider; Services performed via telemedicine whether from California or out of state, are subject to all existing Medi-Cal provider requirements and reimbursement policies (Medi-Cal Provider Manual: Telehealth).
8. Other Licensed providers and non-licensed staff may provide services via telehealth, as long as the service is within their scope of practice and the appropriate co-signatures are obtained.
9. MCBH documentation standards shall continue to be in effect. This policy does not change the documentation requirements or timeliness guidelines established in prior policies.
10. All MCBH staff and contracted providers will ensure any services rendered via telehealth are correctly identified as such within the documentation provided in a person in care's record.
11. In-person contact between the telehealth provider and the person in care is *NOT* required for reimbursement.
12. Telehealth providers are *NOT* required to document a barrier to an in-person visit for Medi-Cal coverage of services provided via telehealth (W&I Code, Section 14132.72[d]).
13. Medi-Cal reimbursement does not apply to electronic mail messages, or facsimile transmission.

Telehealth Consent

If a visit is provided through telehealth, **MCBH staff and contracted providers are required to confirm consent for the telehealth services at least once prior to initiating applicable health care services via telehealth** to a Medi-Cal person in care. Consent to include:

- An explanation that persons in care have the right to access covered services in person.
- An explanation that the use of telehealth is voluntary and that consent for the use of telehealth can be withdrawn at any time by the Medi-Cal person in care without affecting their ability to access covered Medi-Cal services in the future;
- An explanation of the availability of non-medical transportation services for in- person visits when other available resources have been reasonably exhausted;
- The potential limitations or risks related to receiving services through telehealth as

compared to an in-person visit, to the extent any limitations or risks are identified by the provider.

- The availability of translation services

Use of Personal Device for Telehealth Services

Any MCBH clinic sites and/or contracted provider sites that are providing telehealth services must have necessary devices meeting security requirements for the delivery of telehealth services via telehealth suites. MCBH aims to decrease barriers to accessing services. For this reason, and at the request of the person in care, MCBH permits the use of an individual person in care's personal electronic device for accessing services via telehealth. Individuals are NOT required to have or use their own devices to access telehealth services but may choose to do so as long as the service being provided is on a secure platform as mentioned before. If a person in care requests the use of their own personal electronic device for telehealth services, staff will discuss the risks and benefits of using their own personal device for telehealth services. Only after the individual has been informed of risks and benefits and agrees to the risks and benefits of using their own device for telehealth services, may they do so.

Definitions

- i. Telehealth: refers to the use of audio only (telephone or voice-only calls such as zoom without video) and/or audio/video (teleconferencing, i.e. zoom).
- ii. Originating Site: a site where the person in care is located at the time of receiving the services being provided via telecommunications system.
- iii. Distant site: a site where a health care provider is located while providing services via telecommunications system.
- iv. Telecommunications system: refers to equipment that includes, at minimum, audio and video equipment permitting two way, real time interactive communication between a person in care and the distant site provider. Telephones, facsimile machines, and electronic mail systems do not meet the definitions of this.