

TELEMENTAL Health

LICENSURE LAW COMPARISON



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DISCLAIMERS

- I don't represent any license board
- The research and comments are my own. I don't represent any profession, association or the National Board for Certified Counselors and Affiliates.
- Each person will need to verify the information for their state.



Research Method

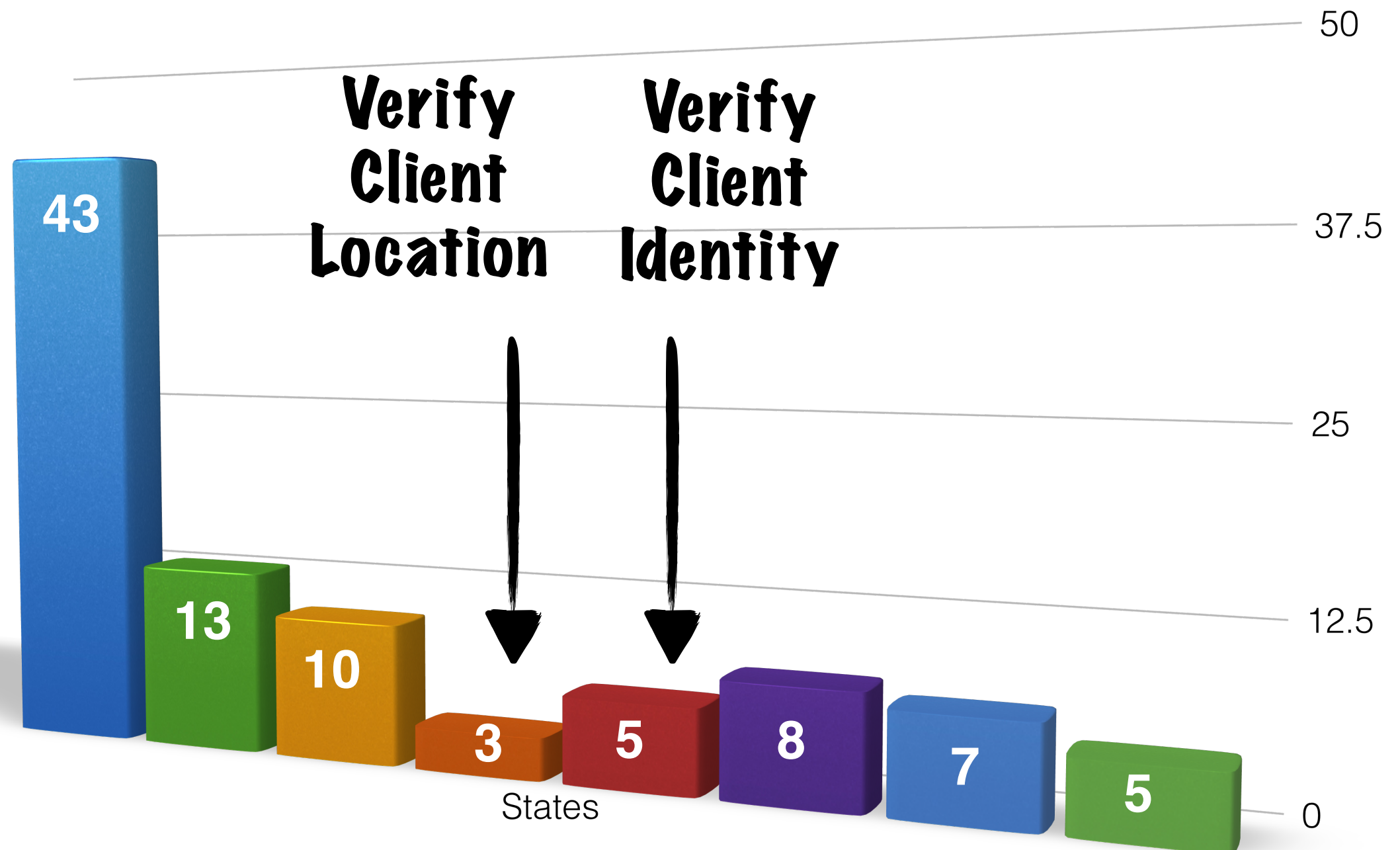
- Searched for Telemental health related laws on **127** licensing board websites for
 - Counselors/ Marriage and Family Therapists
 - Social Workers
 - Psychologists
- Contacted each board via email that did not have a policy displayed.
- Research conducted between Oct. 1, 2013- Jan. 8, 2014
- Data re-verified April 3-May 13, 2014.

Research Methods (cont.)

- **127** boards contacted (Kentucky has an extra Board)
 - **12** states have the same board
 - **Minimal** means - mentioned use of technology, electronic means, internet, etc.
 - Identified if they had a policy
 - Measured if it included the top 8 ethics elements
 - Temporary licensure

Types of Requirements

- License in State
- License where Client Located
- Telesupervision
- ID Client Location
- Verify Client Identity
- Alt Comm Means
- Refer to Ethics
- Local Emergency Services



Problem: Language

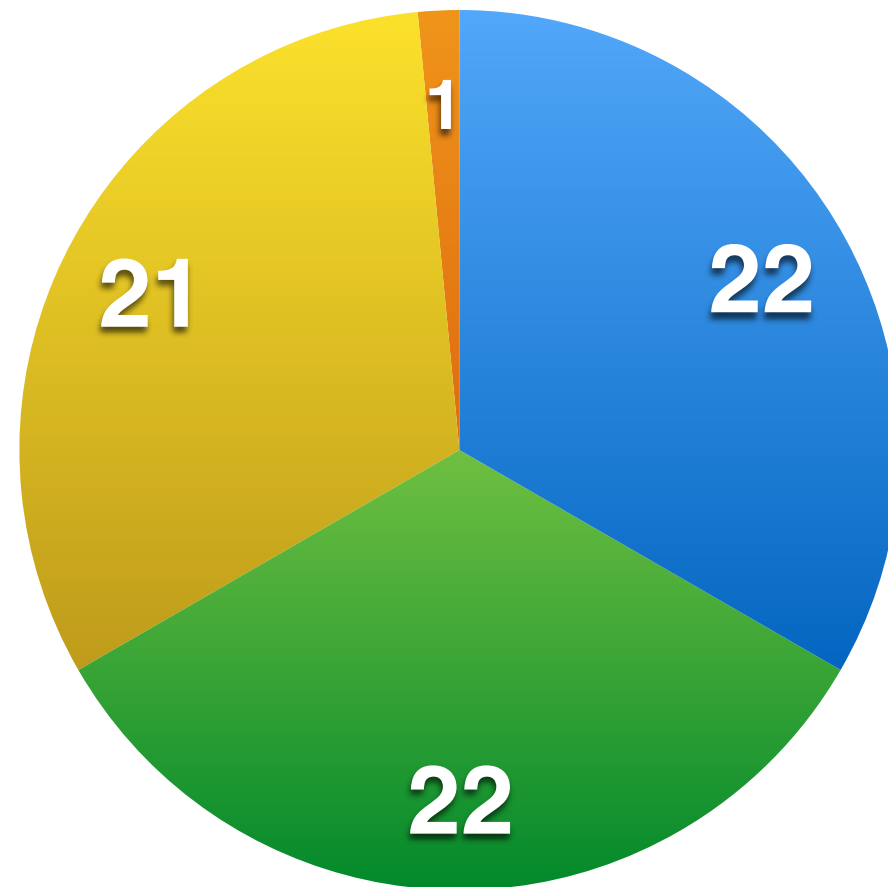
11 terms were used by the boards.

(30+ are used in the industry as a whole.)

Top 5

- **25** use **Electronic** or “other means”
- **8** use **Telepractice**
- **7** use **Telehealth**
- **6** use **Distance**
- **4** use **Telepsychology**

State Policy Breakdown

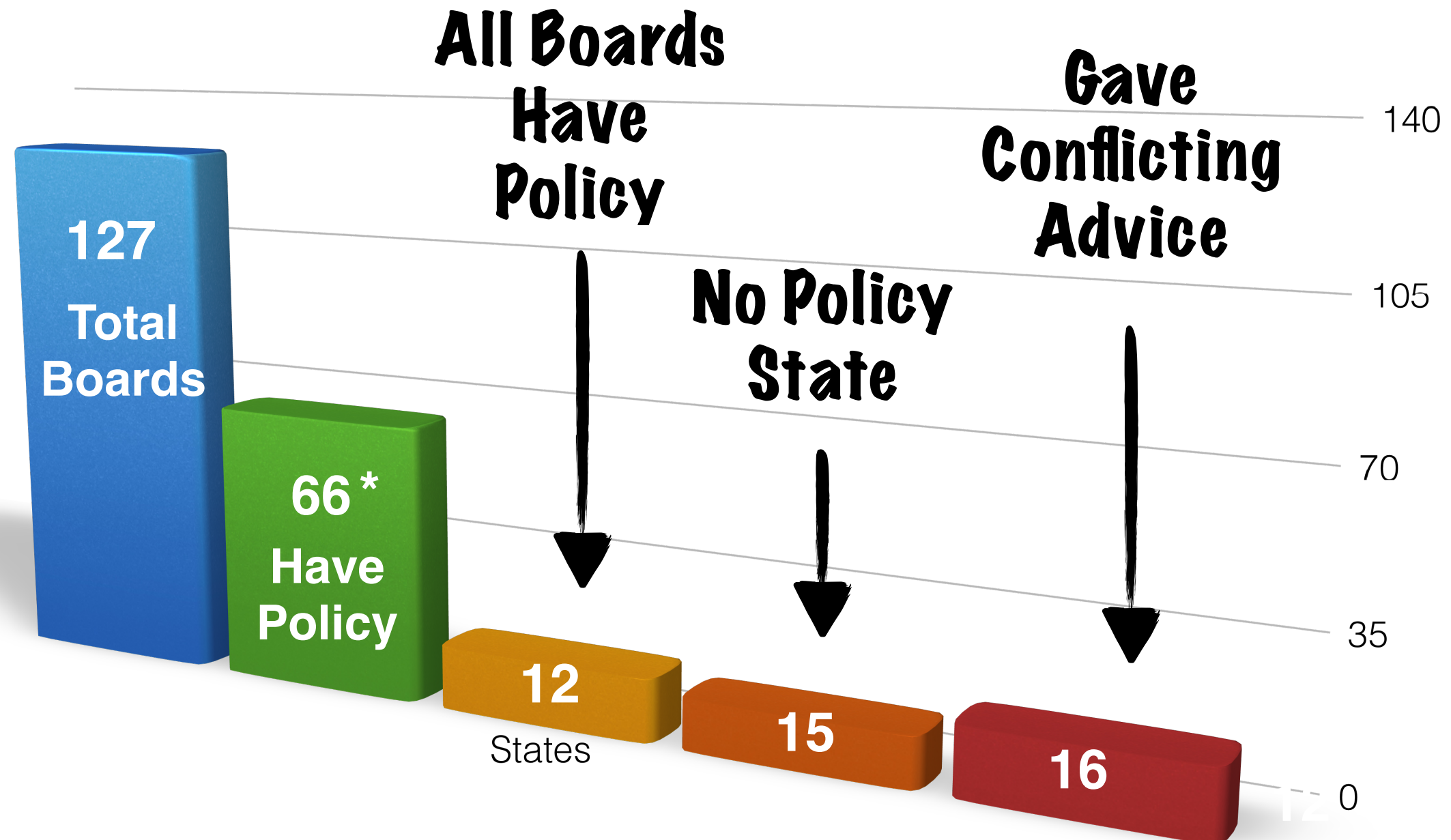


- Counselors
- Psychologists
- Social Workers
- Marriage and Family Therapy Board

Results (cont.)

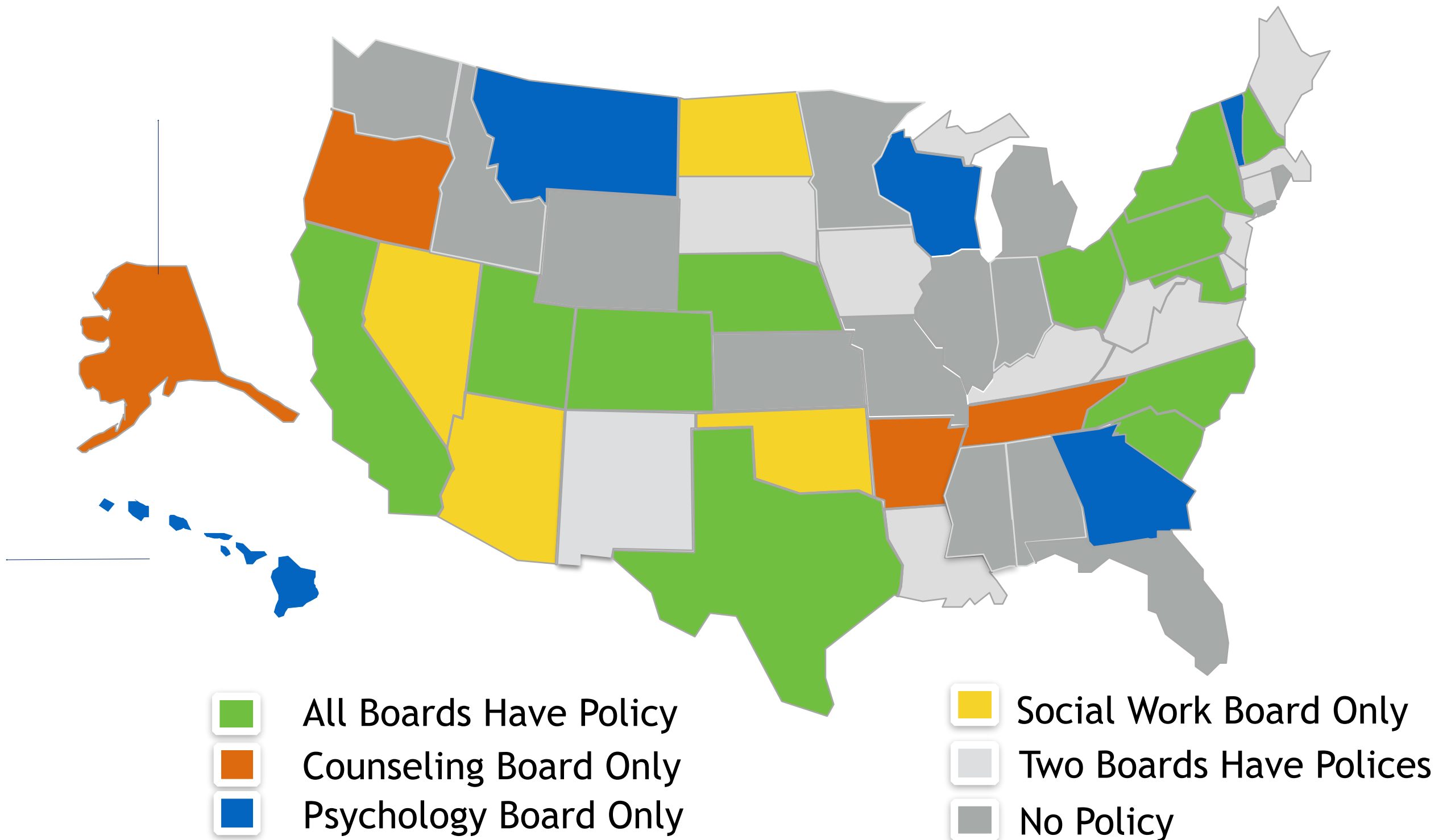
- Total Boards
- Boards That Have Policies
- States In Which All 3 Boards Have A Policy
- No Policy By Any Board
- Boards That Provided Conflicting Advice

State License Boards



* Kentucky Marriage and Family Therapy Board that has a policy

Results (cont.)



Missouri

Subject: Out of State Temporary Counseling Regulations

From: "XXXXXXX" <XXXXXXXXXX@pr.mo.gov>

Date: Fri, Mar 15, 2013 8:56 am

“Missouri does not have separate regulations regarding distance counseling. **If the client is in Missouri and the counselor is licensed in another state** and providing services, **the state where that counselor is licensed has jurisdiction.**”

Washington State

From: XXXXX,XXXX (DOH)

Sent: Friday, March 15, 2013 7:14 AM

To: DOH HSQA Credentialing Review

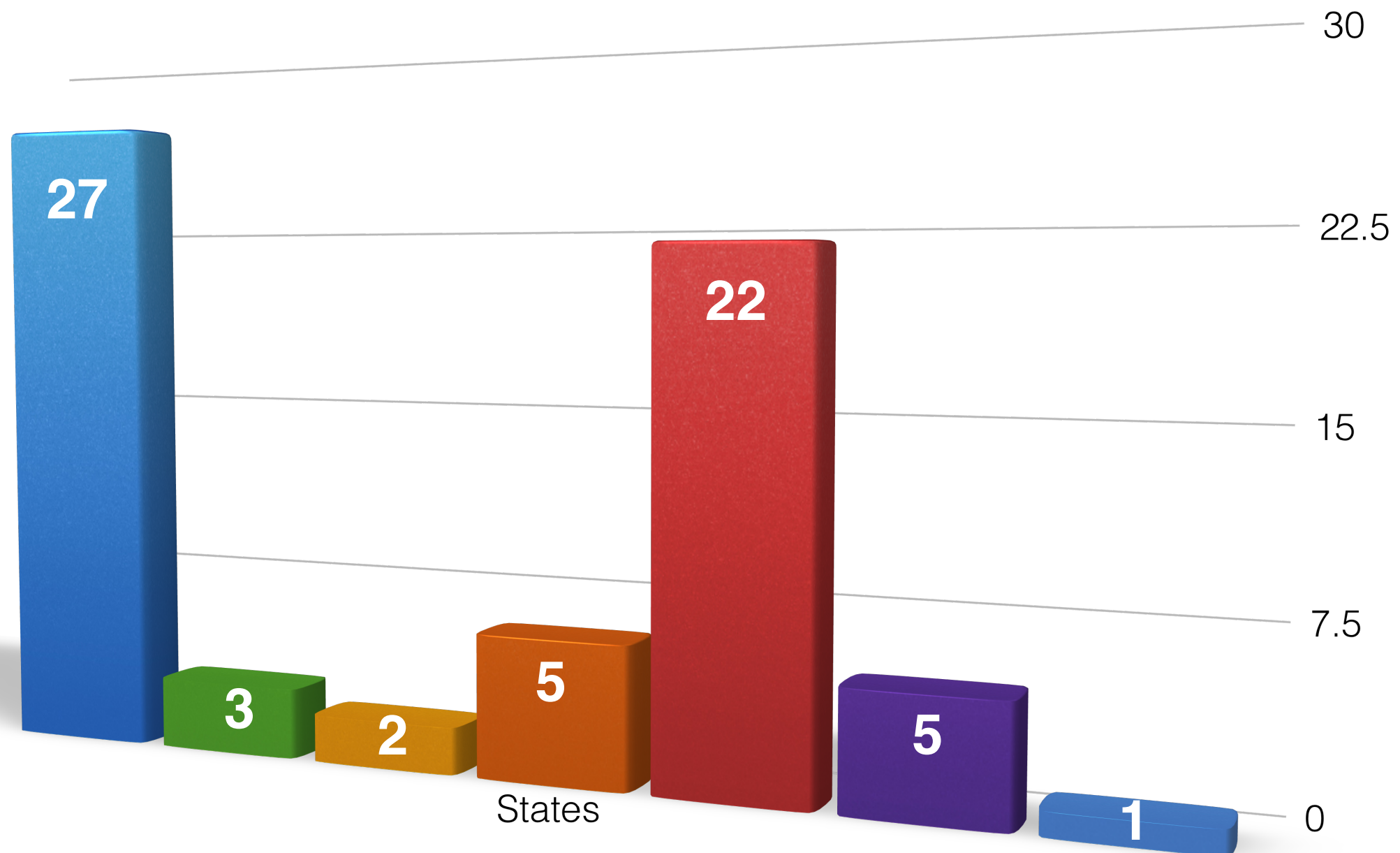
Subject: RE: Out of State Temporary Counseling Regulations

March 15, 2013

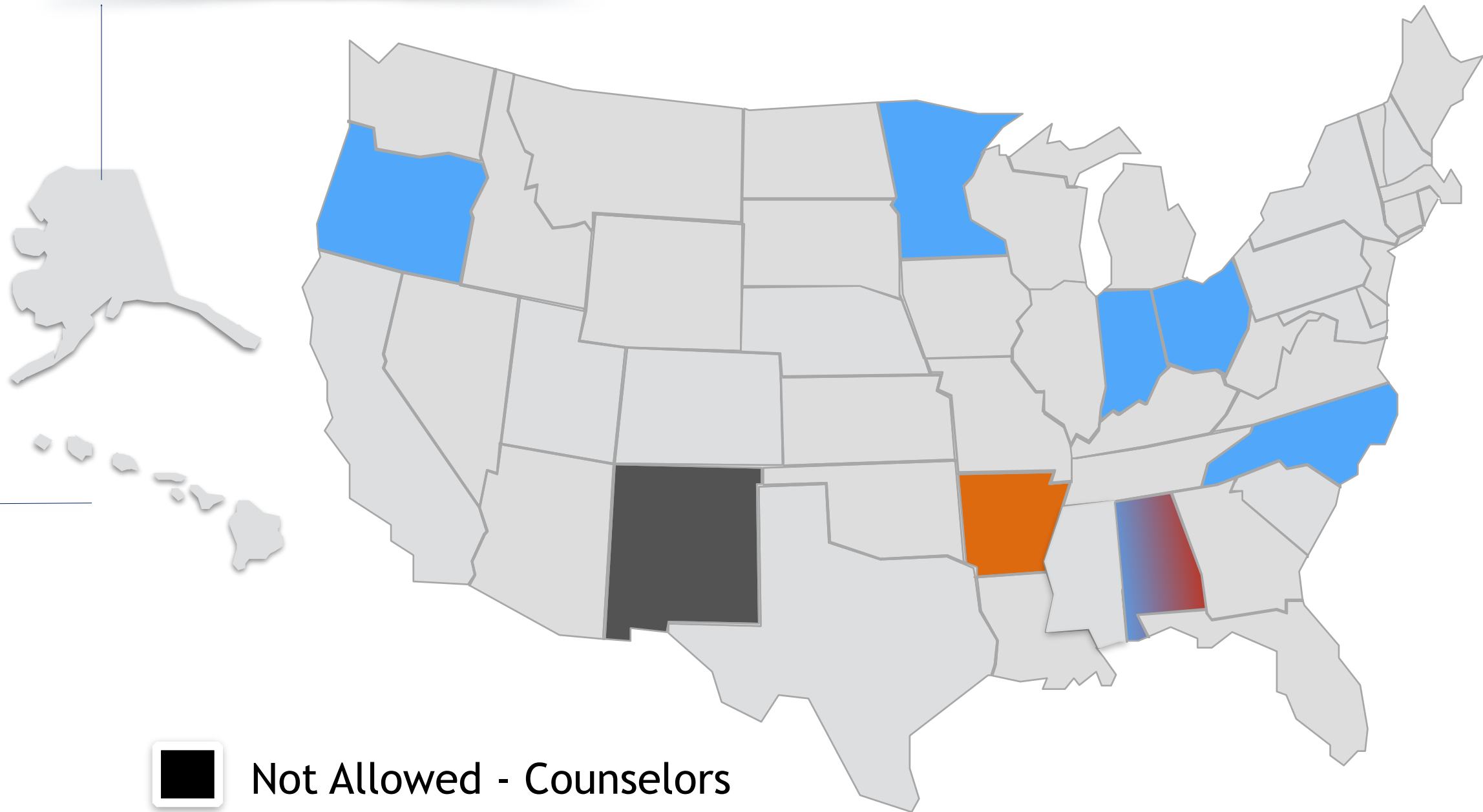
I do not have the answers to your question, I can advise that you search the RCW and WAC regulations.

Types of Requirements (cont.)

- Informed Consent-Risks
- See Face-to-Face First
- Require Special License
- ID Client Location
- Electronic Privacy
- ID Client Age
- Training Required



Outliers (cont.)



- Not Allowed - Counselors
- Temp license clause or allowance if approved by Board*
- Special License Required - Counselors
- Psychologists (only) - Repealed 7/2014

Temporary License (cont)

MN: Subd. 5. Nonresidents.

A nonresident may engage in the practice of professional counseling within the state without a license for **up to 30 days during any calendar year** if the nonresident is authorized to provide the services under the law of the state or country of residence and the nonresident has provided proof of credentials to the board, been found qualified to render services in the state, and been granted permission by the board to practice.

Temporary License (cont)

IN: LMHCs - (3) Not a resident of Indiana if the person performed the services in Indiana for not more than **five (5) days in any one (1) month or fifteen (15) days within any one (1) calendar year** and the person is authorized to perform such services under the laws of the state or country in which the person resides.

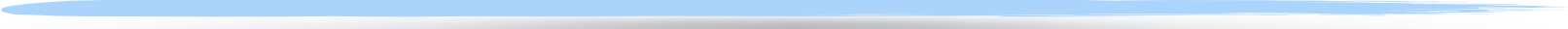
www.pla.in.gov IC 25-23.6-4.5-2 Exemptions

Policy Trends



- Increase in states that have policies
- License where the client resides
- Informed consent
- Security requirements
- Reference to professional association ethics
- Patient identification and age verification
- Identify client's local emergency services

Opportunities



- Overcome perception of license difficulty through education (sometimes of the license boards).
- There are plenty of clients in each state that need help.
- Temporary licensure - some states allow a clinician licensed in one state to practice for period of time in there state without applying for a license.

Recommendations



- Since licensure is a moving target, keep inquiring and educate your board
- Inquire with the license board directly, using several keywords
- Inform your license board of what you are intending to do online in their state
- Abide by your chosen association guidelines for best practices

Thank You

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