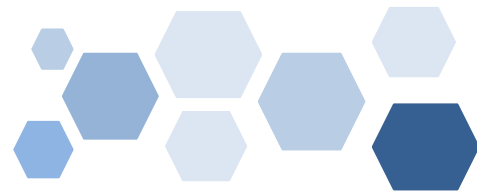


Adirondack Health Institute

Lead Empower Innovate



Created by the AHI Telehealth Technical Assistance Center

Telehealth Regulation - NYS Office of Mental Health

The NYS Office of Mental Health (OMH) has expanded Part 596 of Title 14 NYCRR to include multiple regulatory changes. OMH has changed the title from “Telepsychiatry” to “Telemental Health”; expanded the eligible practitioner types to also include psychologists, social workers, mental health counselors, marriage and family therapists, creative arts therapists, and psychoanalysts; expanded the hub/distant site; expanded the spoke/originating site; and included ACT and PROS as eligible treatment settings.

Please visit <https://omh.ny.gov/omhweb/guidance/telemental-guidance.pdf> for full guidance.

Note: This guidance is only applicable to OMH licensed or designated providers. A program applying to utilize telemental health **must complete** a “Telemental Health Services Standards Compliance Attestation” form found on the OMH website.

Eligible practitioners to provide Telemental Health:

- Physicians;
- Psychiatrists;
- Nurse Practitioners in Psychiatry;
- Licensed Mental Health Counselors;
- Marriage and Family Therapists;
- Creative Arts Therapists;
- Psychoanalysts;
- Psychologist;
- Social Worker (LCSW or LMSW).



The originating/spoke site is now anywhere the recipient is located in NYS, or other temporary location within/outside NYS.

The originating/spoke site where the patient is admitted is authorized to bill Medicaid for telemental health services. Such services are covered when medically necessary and under the following circumstances:

- The person receiving services is located at the originating/spoke site and the telemental health practitioner is located at the distant/hub site;
- The person receiving services is present during the telemental health encounter or consultation;
- The telemental health practitioner is not conducting the encounter or consultation at the originating/spoke site;
- The telemental health practitioner at the distant/hub site is licensed in NYS, practicing within his/her scope, is affiliated with the originating/spoke site facility, and is credentialed and privileged if the originating/spoke site is a hospital.

Telehealth Regulation - NYS Office of Mental Health

Telemental Health in ACT and PROS sites:

Approval in a Personalized Recovery Oriented Services (“PROS”) setting:

- Telemental health services may only be delivered in a PROS setting by psychiatrists and nurse practitioners in psychiatry. The spoke site will be the physical location of the PROS program in which the participant is enrolled;
- Telemental health services may only be used for purposes of delivering PROS clinical treatment services for a limited period of time, not to exceed one year;
- Upon demonstration of a continued shortage, such time may be extended for a period not to exceed one additional year and the originating/spoke site is limited to the physical location of the PROS program in which the patient is enrolled.

Approval for use in Assertive Community Treatment (“ACT”) teams:

- Telemental health services may only be delivered within an ACT team by psychiatrists and nurse practitioners in psychiatry, where there is a demonstrated shortage of psychiatrists and nurse practitioners in psychiatry;
- When an ACT visit is conducted in the community, ACT staff must be present during the delivery of telemental health services.

Telemental health services may only be delivered for a limited period of time, not to exceed one year. Upon demonstration of a continued shortage, such time may be extended for a period not to exceed one additional year.

Additional Guidance: Pan, tilt, zoom (PTZ) are not a requirement within the regulation. They will remain within guidance as a strong recommendation.

Prior to initiating telemental health services, *policies and procedures* at both the originating and distant sites should be in place and address the below topics:

- General program procedures – scheduling, documentation, role of support staff;
- Physical environment – location, room setting, lighting;
- Site and check-in procedures – addressing technical concerns that may arise;
- Emergency procedures – designation of an emergency contact, education and training;
- Recipient enrollment for telemental health – process for assessment of appropriateness;
- Informed consent – providing recipients with sufficient information and education about telemental health;
- Documentation – what is included in the progress notes;
- Collaborating with recipient’s interdisciplinary treatment team;
- Care between telemental Health Encounters;
- Prescriptions, labs, and orders;
- Confidentiality and privacy of health information;
- Quality review – tracking connectivity failures, recipient and provider satisfaction.

For more information on telehealth, please review the resources available in the AHI Telehealth Technical Assistance Center Resource library.

<https://ahihealth.org/telehealth-technical-assistance-center/#about>