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## Guidance Utilization of Telehealth/Telemedicine by Psychiatric Emergency Screening Service Providers in Response to COVID-19

In light of the Coronavirus (COVID-19) public health concerns and both State and Federal declarations of emergency, the Department of Human Services, Division of Mental Health and Addiction Services (Division) has received inquiries from provider agencies of psychiatric emergency screening services (PESS) regarding the utilization of telehealth/telemedicine. These inquiries have included reference to telehealth/telemedicine practice by Certified Screeners, who conduct “screening outreaches” as defined in N.J.A.C 10:31-1.3. The Division is providing this guidance to address provider agencies inquiries related to telemedicine/telehealth.

### Telemedicine/Telehealth by a Designated PESS Provider

Pursuant to NJAC 10:31-2.3(f)2i and -2.3(i), the designated PESS provider may provide psychiatric assessments through telehealth/telemedicine. The attached attestation is to be returned by **MARCH 31, 2020** and is to be submitted electronically to John Verney at [John.Verney@dhs.nj.gov](mailto:John.Verney@dhs.nj.gov). The Division will be available for technical assistance, if necessary. The PESS will also create its policies and procedures for screening services according to the requirements listed below and according to the requirements of the attestation.<sup>1</sup>

The Division will host a call on Monday, March 30<sup>th</sup> at 1:00 pm to discuss different options that may be helpful as the provider community presents its plans to the Division and moves towards telehealth implementation. The time, date and call-in information are listed in the transmittal letter for this guidance.

In consideration of the development of internal policies and procedures for the provision of PESS through telemedicine/telehealth, Designated PESS providers should be guided by and consider the items and criteria listed below.

1. Provider agencies will comply with:
  - a. The New Telehealth/Telemedicine law, P.L. 2017 c. 117 and P.L. 2020 c.3; and
  - b. Any Federal and State confidentiality laws and regulations including, but not limited to, HIPAA according to current guidance provided by the Office of Civil Rights <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html> and the Substance Abuse and Mental Health Administration (SAMHSA) indicating waivers and interpretations to address COVID-19 behavioral health; and

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<sup>1</sup> The attestation will be utilized to comply with NJAC 10:31-2.3(i) and DHS Contracting Policy 1:11.

c. NJ Medicaid Newsletter dated March 21, 2020 entitled Temporary Telehealth Guidelines  
<https://nj.gov/humanservices/library/slides/Temporary%20Telehealth%20Medicaid%20Newsletter%20FINAL.pdf>.

2. Provider agencies must ensure that staff providing treatment services via telemedicine or telehealth are doing so within their applicable scope of practice and in accordance with any professional licensing laws and regulations governing telemedicine and telehealth.

### **Duration**

Please be advised that the provision of PESS through telemedicine/telehealth, beyond its use in telepsychiatry, will expire upon notification of the Department of Human Services, Division of Mental Health and Addiction Services.