



Telepsychiatry Guidance for Contracting with Telepsychiatry/Telemedicine Companies

Introduction

The use of telepsychiatry provides increased access to mental health services and enhances services to adults, children and families. Through Title 14 NYCRR Part 596, the NYS Office of Mental Health (OMH) has expanded the authority for the use of telepsychiatry beyond the clinic setting to that of any OMH licensed programs, except ACT and PROS. The provisions of Part 596 apply to those originating/spoke sites (i.e., where the patient is sitting) that are currently licensed by OMH. The distant/hub site does not need to be licensed by OMH, but must be enrolled as a NYS Medicaid site. An OMH licensed program may function as a distant/hub site for another non-OMH program, without any prior approval from OMH. In such instances, though, the OMH licensed program must simply notify their local OMH field office of their intent to function as a distant/hub site.

"Telepsychiatry", for the purpose of these regulations, is defined as the use of two-way, real-time, interactive audio and video equipment to provide and support clinical psychiatric care at a distance. Such services do not include a telephone conversation, electronic mail message or facsimile transmission between a program and a recipient, or a consultation between two professional or clinical staff. Part 596 regulations prescribe that, when authorized by OMH, telepsychiatry services can be utilized for the delivery of assessment and treatment services provided by physicians or psychiatric nurse practitioners (NPP) from a site distant from the location of a recipient, where the recipient is physically located at a program site licensed by the Office. It is important to remember that "telepsychiatry" is not a service – rather, it is a means for delivering a service the licensed program is already otherwise authorized to provide by possession of its license.

The purpose of this document is to provide guidance to OMH-licensed providers approved to utilize telepsychiatry pursuant to Part 596 and interested in contracting with Telepsychiatry/Telemedicine companies for distant/hub services, as long as those companies have practitioners located within NYS.

Implications for the OMH Operating Certificate

Programs seeking to contract with a Telepsychiatry/Telemedicine company must be approved by OMH to deliver services in this manner. All requirements related to Part 596 must be requested, and approved, prior to engaging in a contractual relationship with a company to utilize telepsychiatry.

These requirements include, but are not limited to:

- Attestation
- Inspection

- Policies and procedures at both the originating/spoke site and the distant/hub site
- Emergency procedures
- Real time access to the medical record and e-prescribe
- Informed consent
- Documentation
- Credentialing and privileging, and
- Technology standards

A complete description and listing of OMH requirements for telepsychiatry can be found at:

https://www.omh.ny.gov/omhweb/clinic_restructuring/telepsychiatry.html

Contract with a Telepsychiatry/Telemedicine Company

Programs seeking to enhance psychiatry services via a contract with a telepsychiatry/telemedicine company must submit a regulatory waiver request. Specifically, approved providers must submit a 14 NYCRR Part 501 waiver request from OMH of 14 NYCRR 596.7(b)(8)(iii) [pertaining to reimbursement for distant/hub site practitioner services only when provided from a site that participates in New York Medicaid] for the purposes of contracting with a Telepsychiatry/Telemedicine company's practitioner as the distant/hub site. While the waiver will allow for practitioners that are employed by the telepsychiatry companies to be located in a private office or an office in their home, the location of the office or home must be within NYS.

If the proposed contracted Telepsychiatry/Telemedicine company is accredited by a generally accepted and nationally recognized telepsychiatry/telemedicine accrediting entity acceptable to the Commissioner of the NYS Office of Mental Health, OMH will accept accreditation as evidence of regulatory compliance for a subset of Part 596. The specific regulations considered to be in compliance will be dependent upon the accreditation requirements of the organization that has granted the accreditation. The requesting program will need to demonstrate compliance for any regulations that are not deemed to be covered via accreditation.

If the proposed contracted Telepsychiatry/Telemedicine company has not be awarded the above noted accreditation, then the program requesting the waiver must demonstrate how the contracted company and the practitioner will be compliant with all of Part 596. Of particular emphasis will be a review of the practitioner's access to the program's medical record and their e-prescribe program. In addition, the practitioner must be:

- Licensed to practice in NYS
- Enrolled in the NYS Medicaid program
- Located in an office (in a facility, private office, or home office) in New York State
- Credentialed and privileged at the spoke program, and
- Has the capacity for alternate communication means should the video transmission fail.

In addition, it is the expectation that the contracted practitioner will be available for emergency consultations, or that the program will have alternate practitioners available to assist in a clinical emergency.