

## TELEMENTAL HEALTH SERVICES CONSENT FORM

### What is Telemental Health?

#### Key Terms

- **Telehealth** is the support or promotion of long-distance health care via technology.
- **Telemedicine** is the application of telehealth via real-time, interactive audio and/or video.
- **Telemental health** is the use of telehealth for mental health needs specifically.

Technology used in telemental health often require the internet. These include videoconferencing software, email, and more. See "Appendix" for Michigan's legal definitions of key terms.

### Benefits

Telemental health services has various benefits, including but not limited to:

- Receiving services at times or in places where the service may not otherwise be available.
- Receiving services when you are unable to travel to the service provider's office.
- Improving progress on health goals that may not have been otherwise achievable without it.

### Risks

Telemental health services can be impacted by technical failures, may introduce risks to your privacy, and may reduce your service provider's ability to directly intervene in crises or emergencies. Here is a non-exhaustive list of examples:

- Internet connections and cloud services could cease working or become too unstable to use.
- Cloud-based service personnel, IT assistants, and malicious actors ("hackers") may have the ability to access your private information that is transmitted or stored in the process of telemental health-based service delivery.
- Computer or smartphone hardware can have sudden failures or run out of power, or local power services can go out.

### Limitations

- Due to licensure laws, you and your provider **must be physically in the State of Michigan at the time** that telemedicine (e.g., videoconferencing) is provided, even if not using insurance.
- **Not all insurances cover** telemedicine services, **even if** they cover in-person services. Please, see the "FINANCIAL POLICY FORM" for information regarding insurance.
- Interruptions may disrupt services at important moments, and your provider may be unable to reach you quickly or use the most effective tools. Your provider may also be unable to help you in-person.
- **Body language and tone may be inadequately assessed due to technological limitations.**
- The telehealth technology companies (e.g., videoconferencing business) are not liable or responsible for the delivery of any healthcare, medical advice, or other care.

### **Assessing Telemental Health’s Fit for You**

Service delivery via telemental health is not a good fit for every person. Your provider will continuously assess if working via telemental health is appropriate for your case. If it is not appropriate, your provider will attempt to help you identify in-person provider(s) with whom you may be able to continue services.

Please talk to your provider if the telemental health medium seems to be causing problems in benefiting from services. **Raising your questions or concerns will not, by itself, result in termination of services.** You also have a **right to stop** receiving services by telemental health at any time **without prejudice.** If your provider also provides services in-person and you are reasonably able to access the provider’s in-person services, you will not be prevented from accessing those services if you choose to stop using telemental health.

### **Your Telemental Health Environment**

You will be responsible for creating a safe and confidential space during telemedicine sessions. You should use a space that is free of other people. It should also be difficult or impossible for people outside the space to see or hear your interactions with your provider during the session. If you are unsure of how to do this, please ask your provider for assistance.

### **Your Security and Privacy**

Except where otherwise noted, your provider employs software and hardware tools that adhere to security best practices and applicable legal standards for the purposes of protecting your privacy and ensuring that records of your health care services are not lost or damaged. Your provider and The Clinic may not be aware of all technical information (vulnerabilities and/or changes) in the telehealth programs and cannot be expected to be an expert on all software and hardware tools.

As with all things in telemental health, however, **you also have a role** to play in maintaining your security. Please use reasonable security protocols to protect the privacy of your own health care information. For example: when communicating with your provider, use devices and service accounts that are protected by unique passwords that only you know. Also, use the secure tools that your provider has supplied for communications but do not share them with anyone unauthorized. Please do **not record** video or audio sessions without your provider’s consent. Making recordings can quickly and easily compromise your privacy and should be done so with great care. Your provider will not record video or audio sessions unless special arrangements are made and agreed upon.

### **Our Communication Plan**

In case of a sudden telemedicine disconnection, please attempt to re-connect as soon as possible. If necessary, reset your electronic device. If attempts at reconnection are unsuccessful, please call The Clinic at (248) 564-1183. **In the event of an emergency, you should call 911 or go to the nearest emergency room.** Please, see the “COMMUNICATION POLICY FORM” for additional information.

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*I have read the Telemental Health Services Consent Form and agree to its terms. I (and my child, if applicable) will only conduct telemedicine and videoconferencing **while physically in the State of Michigan.** I understand that my insurance might not cover telemental health services. I have been given an opportunity to ask questions and express any concerns that I may have.*

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**Client, Parent, or Guardian Signature      Date**

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**Clinician Signature      Date**

## APPENDIX: TELEMENTAL HEALTH SERVICES CONSENT FORM

### Current Services, Software, Tools & Apps

The Behavioral Change Clinic, PLLC currently uses the following telecommunication technologies. The Clinic **reserves the right to change** any and all services at any time (e.g., add, modify, remove) with or without notification, as long as the changes falls within HIPAA and ethical guidelines. See “NOTICE OF PRIVACY PRACTICES & HIPAA INFORMATION FORM” for further details.

Purpose	Company	HIPAA	BAA
Electronic Health Record (EHR) <i>(incl. practice management and billing; progress notes; treatment plan; multi-factor authentication enacted)</i>	TherapyNotes <a href="https://www.therapynotes.com/">(https://www.therapynotes.com/)</a>	Yes	11/20/2019
Email	Hushmail <a href="https://www.hushmail.com/">(https://www.hushmail.com/)</a>	Yes	12/03/2019
Fax	MedSender <a href="https://medsender.com/">(https://medsender.com/)</a>	Yes	10/26/2019
Phone (and/or VoIP)	iPlum <a href="https://iplum.com/">(https://iplum.com/)</a>	Yes	08/27/2023
Telemedicine <i>(audio &amp; video)</i>	Doxy.me <a href="https://doxy.me/">(https://doxy.me/)</a>	Yes	04/09/2020

\* BAA = Business Associate Agreement, which safeguards your Protected Health Information (PHI)

### Legal Definitions

Below are the legal definitions of “telehealth” and “telemedicine” according to the State of Michigan. “Telemental health” is not a legally recognized word by the State.

- **Telehealth:** ‘Telehealth’ means the use of electronic information and telecommunication technologies to support or promote long-distance clinical health care, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine. As used in this subdivision, “telemedicine” means that term as defined in section 3476 of the insurance code of 1956, 1956 PA 218, MCL 500.3476.
  - **Mich. Comp. Laws § 333.16283(c).** (<http://legislature.mi.gov/doc.aspx?mcl-333-16283>)
- **Telemedicine:** Michigan’s parity law defines “telemedicine” as “the use of an electronic media to link patients with health care professionals in different locations. To be considered telemedicine under this section, the health care professional must be able to examine the patient via a real-time, interactive audio or video, or both, telecommunications system and the patient must be able to interact with the off-site health care professional at the time the services are provided.
  - **Mich. Comp. Laws § 500.3476(2)(b).** (<http://legislature.mi.gov/doc.aspx?mcl-500-3476>)

### Source

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