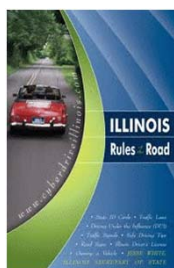
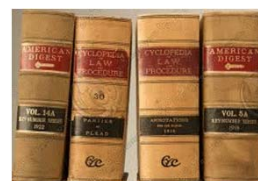


# Ethics - Understanding Participation and Avoiding the Psychologist's Role in Our Courts

*Jonathan D. Nye, J.D.  
The Nye Law Group, Ltd.*

200 Opatrny  
Fox River Grove, Illinois 60021  
847-279-0026 Fax 847-279-0337  
E-Mail office@nyelawyer.com

## DEFINITIONS



# Federal & State Law

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HIPAA

42 CFR Part 2 - Alcohol & Drug Abuse

Illinois Mental Health and  
Developmental Disabilities  
confidentiality act - IMHDDCA

Illinois Alcohol and Drug Abuse  
Confidentiality Act



# IMHDDCA

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Disclosure of Records/Information?

- Child under the age of 12
- Between 12 and under the age of 18
- Over 18

## IMHDDCA

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Either parent or guardian of a child  
less than 12

- Either parent is construed as any parent who's parental rights have not been terminated
- If one parent says disclose and the other says no, the one parent who says disclose is sufficient to make a disclosure
- NOTE: No provision for GAL or Child's Representative

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Between 12 and 18

- If recipient is informed and does not object; or if the therapist does not find that there are compelling reasons for denying the access.
- The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record.
- An attorney or guardian ad litem who represents a minor 12 years of age or older in any judicial or administrative proceeding, provided that the court or administrative hearing officer has entered an order granting the attorney this right

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# IMHDDCA

Parent or guardian absolute right  
to know:

## **If child's age is between 12 and 18**

- Current physical and mental condition,
- diagnosis,
- treatment needs,
- services provided,
- and services needed, including medication, if any

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## GAL vs Child's Representative

### • **Guardian Ad Litem**

- Witness – Report, Deposition, Testimony
- No Confidentiality
- Limited ability to file pleadings
- Can be authorized to disclose MH records 12 an up.

### • **Child's Representative**

- Cannot be called as a witness
- Limited confidentiality
- May file pleadings in the interest of the child.
- Can be authorized to disclose MH records


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# IMHDDCA

## Authority to disclosure recipient over 18?

- The recipient
- The guardian of a recipient who is 18 years or older
- An agent appointed under a recipient's power of attorney for health care or for property, when the power of attorney authorizes the access.



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# ELEMENTS OF A RELEASE

## AUTHORIZATION FOR RELEASE OF MENTAL HEALTH, ALCOHOL & DRUG ABUSE, AND OTHER PERSONAL HEALTH INFORMATION

I, \_\_\_\_\_, hereby authorize \_\_\_\_\_  
(Patient/Parent/Guardian/Power of Attorney) (if adult: Therapist/Consentee)

to exchange/release any and all records or information regarding \_\_\_\_\_  
(Name of Patient)

SPECIFIC NATURE OF INFORMATION TO BE DISCLOSED:

The following items must be **checked and initialed** to be included in the use and/or disclosure of other health information:

Mental Health Information.     Medical records and information.     Psychotherapy Notes.

to \_\_\_\_\_  
(Receiving Agency/person) (Address)

For the purpose of: (please check all that apply)

<input type="checkbox"/> Continuing (health and mental health) treatment or care and continuity of care. <input type="checkbox"/> Therapist transition <input type="checkbox"/> Housing and other arrangements and services	<input type="checkbox"/> Billing, payment and financial matters and arrangements <input type="checkbox"/> Consultation, advice and representation regarding my condition and needs <input type="checkbox"/> Other _____
---	---

This consent is valid until **(calendar date)** \_\_\_\_\_

I understand that I have the right to inspect and copy the information to be disclosed and may revoke this authorization at any time. Any such revocation will not affect materials disclosed prior to the revocation. The above-named person authorized to receive this information may use the information only for the purposes outlined above and may not redisclose it without my written authorization.

I also understand that if I refuse to consent to this release of information the following may occur \_\_\_\_\_

\_\_\_\_\_  
(Illness recipient, 1217 (a), Signature)                      (Signature of adult patient or parent)                      (Witness)


**NOTICE TO PATIENT AND RECEIVING AGENCY:**  
Under the provisions of the Illinois Mental Health and Developmental Disabilities Confidentiality Act, HIPAA, and applicable Federal and State Alcohol and Substance Abuse Confidentiality Acts, there may not be redisclosure of any of the information provided pursuant to this release unless the patient, and/or parent of the patient who is a minor, specifically authorizes such disclosure. A separate release is required for psychotherapy notes.

**REVOCAION OF AUTHORIZATION**

The undersigned hereby revokes the above authorization for disclosure.

\_\_\_\_\_  
(Patient/parent/guardian)                      (Witness)

\_\_\_\_\_  
(Authorized agent/ Power of attorney attachable)                      (Witness)



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### VALID MENTAL HEALTH CONSENT CHECKLIST

The release must contain ALL of the following components:

- Is the person authorizing a person who is designated under Section 5/740 ILCS 1104/4 of the Confidentiality act?
- Is the person or agency to whom disclosure is to be made identified?
- Is the purpose for which disclosure is to be made identified?
- Is the specific nature of the information to be disclosed identified?
- Are the check boxes checked for all types of data to be disclosed?
- Are the blank lines next to the check boxes initialed for all types of data to be disclosed?
- Does the release identify that there is a right to inspect and copy the information to be disclosed?
- Does the release provide for the consequences of a refusal to consent, if any?
- Is there a calendar date on which the consent expires, provided that if no calendar date is stated, information may be released only on the day the consent form is received by the therapist?
- Is there a right to revoke the consent at any time provided?
- Is the consent form signed by the person entitled to give consent?
- Is the signature witnessed by a person who can attest to the identity of the person?

If any above element is missing the release is fatally flawed.

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Emergency disclosure without consent

- **Imminent risk of:**
  - Physical or Emotional Harm or Disease or Death
- Disclosure to any person or entity who can protect from the harm.

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what if... you are Subpoenaed?

- No one shall serve a subpoena seeking to obtain access to records or communications unless the subpoena is accompanied by either:
  - A **RELEASE** or
  - **WRITTEN ORDER** issued by a judge **AFTER SERVICE OF MOTION ON PROFESSIONAL**
- Release or Order must be authorizing the disclosure of the records and the issuance of the subpoena.
- No person shall comply with a subpoena for records or communications otherwise.
- Juvenile Court considerations -Abuse and Neglect vs Delinquency. FDS Department of Health and Human Services

# Subpoena with Court Order



March 23, 1998 Atty. #16623  
 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 COUNTY DEPARTMENT -- DOMESTIC RELATIONS DIVISION

**IN RE THE MARRIAGE OF:**

John Doe, )  
 ) NO. 83 D 99999  
 Petitioner, )  
 )  
 - and - )  
 )  
 Jane Doe, )  
 Respondent. )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 COUNTY DEPARTMENT -- DOMESTIC RELATIONS DIVISION

**IN RE THE MARRIAGE OF:**

John Doe, )  
 ) NO. 83 D 99999  
 Petitioner, )  
 )  
 - and - )  
 )  
 Jane Doe, )  
 Respondent. )

**SUBPOENA**

TO: Mental Health Provider  
 28 N. Clark Street  
 Chicago, IL 60601

YOU ARE COMMANDED to appear to give your deposition before a notary public at Nye Law Group, Ltd., 200 Opatzmy Dr., Fox River Grove, Illinois, 60021 on June 19, 2018 at 9:00 a.m.

YOU ARE COMMANDED ALSO to bring any and all documents, records, statements, reports, recordings and/or summaries regarding any and all mental health services provided by you to any member of the above identified plaintiff in your possession or control.

YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

*No person shall comply with a subpoena for mental health records or communications pursuant to Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10, unless the subpoena is accompanied by a written order that authorizes the issuance of the subpoena and the disclosure of records or communications or by the written consent under Section 5 of that Act of the person whose records are being sought.*

The Law Offices of Nye & Associates, Ltd.  
 200 Opatzmy Dr.  
 Fox River Grove, Illinois 60021  
 847-259-0026  
 Fax 312-565-0458  
 E-Mail office@nyelawyer.com

WITNESS,  
 \_\_\_\_\_  
 Clerk of Court/Attorney

**CERTIFICATE OF SERVICE BY MAIL, E-MAIL, FAX, OR PERSONAL**  
 The undersigned hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109 that the above notice and any attached pleadings were \_\_\_\_\_ personally delivered, \_\_\_\_\_ faxed to the above fax numbers, \_\_\_\_\_ e-mailed to the above address, \_\_\_\_\_ placed in the U.S. Mail properly addressed, with first class postage prepaid, to the parties at the addresses set forth above before 5:00 P.M. on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 (Print Name) (Signature)

**ORDER AUTHORIZING THE ISSUANCE OF A SUBPOENA FOR MENTAL HEALTH AND/OR ALCOHOL AND DRUG ABUSE RECORDS AND INFORMATION**

THIS CAUSE HAVING COME ON TO BE HEARD before the Honorable Judge \_\_\_\_\_, of the Circuit Court of \_\_\_\_\_ County, and all parties having been given Notice as required by (20 ILCS 305/8-102, 42 USC sec. 2906d-2, and 42 CFR Part 2.) (and/or) (740 ILCS 110/10(d)) and the Court having been informed in the premises.

**IT IS HEREBY ORDERED:**

1. The Office of the \_\_\_\_\_ is authorized to cause to be issued and served a subpoena for the disclosure of records and/or communications in their possession or control regarding \_\_\_\_\_, D.O.B. \_\_\_\_\_, to \_\_\_\_\_ (hereinafter Provider) at ( ) \_\_\_\_\_ for in camera inspection thereof, only such information as is relevant, not otherwise privileged, and which further meets the requirements of the above said (statute and/or regulations) on or before \_\_\_\_\_ 19\_\_\_\_.

2. Said Provider shall tender said Records and/or Communications directly to Judge \_\_\_\_\_, Calendar \_\_\_\_\_, Courtroom \_\_\_\_\_, located at \_\_\_\_\_, for in camera inspection thereof, only such information as is relevant, not otherwise privileged, and which further meets the requirements of the above said (statute and/or regulations) on or before \_\_\_\_\_ 19\_\_\_\_.

3. Upon in camera review of said records and information, the Court shall make findings as provided in said statutes and/or regulations and shall enter such protective orders as are appropriate with regard to said records and information.

ENTER: \_\_\_\_\_  
 JUDGE \_\_\_\_\_  
 Date \_\_\_\_\_

The Law Offices of Nye & Associates, Ltd.  
 200 Opatzmy Dr.  
 Fox River Grove, Illinois 60021  
 847-259-0026  
 Fax 312-565-0458  
 E-Mail office@nyelawyer.com

# Subpoena – Mandatory Language



**"No person shall comply with a subpoena for mental health records or communications pursuant to Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10, unless the subpoena is accompanied by a written order that authorizes the issuance of the subpoena and the disclosure of records or communications or by the written consent under Section 5 of that Act of the person whose records are being sought."**

## IMHDDCA

what is the potential Liability upon violation of the act?

§ 15. Any person aggrieved by a violation of this Act may:

- Sue for damages,
- An injunction, or
- Other appropriate relief.
- Reasonable attorney's fees and costs may be awarded to the successful plaintiff.

§ 16. Any person who knowingly and willfully violates any provision of this Act is guilty of a Class A misdemeanor.

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## HIPAA

Not just Technicalities Anymore

- Minimum level of confidentiality for all healthcare disciplines
- Protection of Mental Health Information and Psychotherapy Notes
- Paper vs Electronic Medical Records
- Insurance and Other Third Party Disclosures
- Process – Required forms
- Security Plan
- Access in a Clinically reasonable time!

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# HIPAA

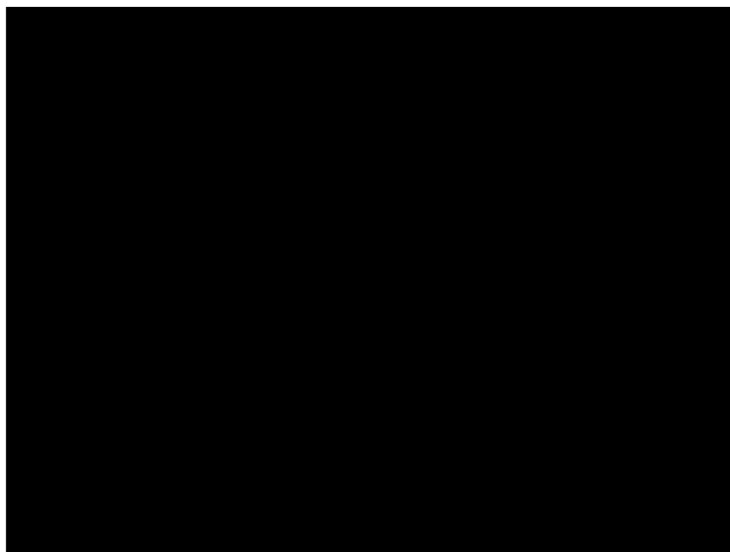
## Forms

- Privacy Statement
- Business Associates Agreement
- Consent for Service
- Security Plan
  - Physical – Hard Files
  - Electronic Files

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# HIPAA BREACH



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# HIPAA

## Electronic Data

- Best Practices
- Anti-Virus - All Software Up to Date
- Computers, Tablets, Smart Devices
- Business Associates Agreement
  - EMR
  - Billing
- Email and Texting
- Security Plan
  - Encryption

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# MOBILE DEVICE SECURITY



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## CLIENT COMMUNICATIONS

### Email & Texting

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- **Inherently Insecure!**
  - Email - IDFPR
    - Gmail
    - Private Domain
    - Public vs Private Servers
  - Texting - IDFPR
    - Spoofing
    - Proving
- **HIPAA Compliant?**
  - Email
  - Texting

## CLIENT COMMUNICATIONS

### Facebook, Twitter, Instagram...

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- **Who are your friends**
  - Fake Profiles
  - Cyber Stalking
  - Security
  - Example – psych inpatient ward.
- **Dual Relationships**
- **Individual and/or Agency Policy**

CHILD ABUSE AND REPORTING

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Illinois Department of  
**DCFS**  
Children & Family Services

ANCRA  
Abused & Neglected Reporting Act

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When must you make a DCFS report?

A mandatory reporter having reasonable cause to believe a child known to them in their professional or official capacity may be abused child or neglected child **SHALL IMMEDIATELY** report or cause a report to be made to the Department of Children and Family Services.

# ANCRA

Upon whom do you make a DCFS report?

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- A parent,
- family member, or
- person charged with a child's welfare
  - Teacher
  - Bus Driver
  - Coach
  - Tutor
  - Babysitter

# ANCRA

When is a report made?

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All reports of suspected child abuse or neglect made under this Act shall be made immediately by telephone to the central register established via the toll-free telephone number.

**800-25-ABUSE**



# ANCRA

Report shall include, if known:

- The name and address of the reporter, child, and his parents or other persons having his custody;
- The child's age;
- The nature of the child's condition including any evidence of previous injuries or disabilities; and
- Any other information that the person filing the report believes might be helpful in establishing the cause of such abuse or neglect and the identity of the person believed to have caused such abuse or neglect.

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# ANCRA

Who is a "Mandated reporter"


Professional or professional's delegate **while engaged in**: social services, law enforcement, education, the care of an eligible adult or eligible adults, or any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, ... the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, ... the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, ..., the Professional Counselor and Clinical Professional Counselor Licensing Act, ... and the Illinois Public Accounting Act;

**Just about anyone else in a profession or who works for a state agency**

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**ANCRA**  
If THERE IS A POSSIBILITY  
THAT a child is abused or neglected?



**CALL D.C.T.S.!!!!**

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**Elder Abuse/Vulnerable Adults**  
Omitted from IMHDDCA.

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**However: The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply and shall not constitute grounds for failure to report as situations involving:**

- **abused,**
- **neglected, or**
- **financially exploited eligible adults**

## Illinois Marriage and Dissolution of Marriage Act

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- **Court Ordered Counselling**

- Are you Obligated?
- Waiver of Privilege?
- Alcohol and Drug Abuse
- Anger Counseling
- Evaluations for “Good Cause Shown” {215 evaluations}

- **Custody ... no more...**

- Parenting Time & Responsibilities
- 146 days – Child Support

- **Maintenance**

- Guidelines – taken before child support

## Confidential Counseling?

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Sec. 607.6. Counseling.

(a) The court may order individual counseling for the child, family counseling for one or more of the parties and the child, or parental education for one or more of the parties, if it finds one or more of the following:

- (1) both parents or all parties agree to the order;
- (2) the child's physical health is endangered or that the child's emotional development is impaired;
- (3) abuse of allocated parenting time under Section 607.5 has occurred; or
- (4) one or both of the parties have violated the allocation judgment with regard to conduct affecting or in the presence of the child.

(b) The court may apportion the costs of counseling between the parties as appropriate.

(c) The remedies provided in this Section are in addition to, and do not diminish or abridge in any way, the court's power to exercise its authority through contempt or other proceedings.

(d) **All counseling sessions shall be confidential. The communications in counseling shall not be used in any manner in litigation nor relied upon by any expert appointed by the court or retained by any party.**



## FAMILY LAW

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### Parental Job Description - "Caretaking functions"

Includes, but is not limited to, the following:

- Satisfying a child's nutritional needs;
- Managing a child's bedtime and wake-up routines;
- Caring for a child when the child is sick or injured;
- Being attentive to a child's personal hygiene needs, including washing, grooming, and dressing;
- Playing with a child and ensuring the child attends scheduled extracurricular activities;
- Protecting a child's physical safety; and
- Providing transportation for a child;

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### Developmental Functions:

- Developmental needs, including the acquisition of motor and language skills, toilet training, self-confidence, and maturation;
- Providing discipline, giving instruction in manners, assigning and supervising chores, and performing other tasks that attend to a child's needs for behavioral control and self-restraint;
- Ensuring the child attends school, including remedial and special services appropriate to the child's needs and interests, communicating with teachers and counselors, and supervising homework;
- Helping a child develop and maintain appropriate interpersonal relationships with peers, siblings, and other family members;
- Ensuring the child attends medical appointments and is available for medical follow-up and meeting the medical needs of the child in the home;
- Providing moral and ethical guidance for a child; and
- Arranging alternative care for a child by a family member, babysitter, or other child care provider or facility, including investigating such alternatives, communicating with providers, and supervising such care.

# FAMILY LAW

## Best Interest of Child

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- (1) wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to decision-making;
- (2) child's adjustment to his or her home, school, and community;
- (3) mental and physical health of all individuals involved;
- (4) ability of the parents to cooperate to make decisions, or the level of conflict between the parties that may affect their ability to share decision-making;
- (5) level of each parent's participation in past significant decision-making with respect to the child;
- (6) any prior agreement or course of conduct between the parents relating to decision-making with respect to the child;
- (7) wishes of the parents;
- (8) child's needs;
- (9) distance between the parents' residences, the cost and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate in the arrangement;
- (10) whether a restriction on decision-making is appropriate under Section 603.10;
- (11) willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;
- (12) physical violence or threat of physical violence by the child's parent directed against the child;
- (13) occurrence of abuse against the child or other member of the child's household;
- (14) whether one of the parents is a sex offender, and if so, the exact nature of the offense and what, if any, treatment in which the parent has successfully participated; and
- (15) any other factor that the court expressly finds to be relevant.

# FAMILY LAW

## Allocating parenting time - factors

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- (1) the wishes of each parent seeking parenting time;
- (2) wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to parenting time;
- (3) the amount of time each parent spent performing caretaking functions with respect to the child in the 24 months preceding the filing of any petition for allocation of parental responsibilities or, if the child is under 2 years of age, since the child's birth;
- (4) any prior agreement or course of conduct between the parents relating to caretaking functions with respect to the child;
- (5) the interaction and interrelationship of the child with his or her parents and siblings and with any other person who may significantly affect the child's best interests;
- (6) the child's adjustment to his or her home, school, and community;
- (7) the mental and physical health of all individuals involved;
- (8) the child's needs;
- (9) the distance between the parents' residences, the cost and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate in the arrangement;
- (10) whether a restriction on parenting time is appropriate;
- (11) the physical violence or threat of physical violence by the child's parent directed against the child or other member of the child's household;
- (12) the willingness and ability of each parent to place the needs of the child ahead of his or her own needs;
- (13) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;
- (14) the occurrence of abuse against the child or other member of the child's household;
- (15) whether one of the parents is a convicted sex offender or lives with a convicted sex offender and, if so, the exact nature of the offense and what if any treatment the offender has successfully participated in; the parties are entitled to a hearing on the issues raised in this paragraph;
- (16) the terms of a parent's military family-care plan that a parent must complete before deployment if a parent is a member of the United States Armed Forces who is being deployed; and
- (17) any other factor that the court expressly finds to be relevant; shall not consider conduct of a parent that does not affect that parent's relationship to the child.

# FAMILY LAW

## Restrictions on Parenting

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“**Seriously endangered**” - mental, moral, or physical health or emotional development,

- (1) a reduction, elimination, or other adjustment of the parent's decision-making responsibilities or parenting time, or both decision-making responsibilities and parenting time;
- (2) supervision, including ordering the Department of Children and Family Services to exercise continuing supervision under Section 5 of the Children and Family Services Act;
- (3) requiring the exchange of the child between the parents through an intermediary or in a protected setting;
- (4) restraining a parent's communication with or proximity to the other parent or the child;
- (5) requiring a parent to abstain from possessing or consuming alcohol or non-prescribed drugs while exercising parenting time with the child and within a specified period immediately preceding the exercise of parenting time;
- (6) restricting the presence of specific persons while a parent is exercising parenting time with the child;
- (7) requiring a parent to post a bond to secure the return of the child following the parent's exercise of parenting time or to secure other performance required by the court;
- (8) requiring a parent to complete a treatment program for perpetrators of abuse, for drug or alcohol abuse, or for other behavior that is the basis for restricting parental responsibilities under this Section; and
- (9) any other constraints or conditions that the court deems necessary to provide for the child's safety or welfare.

# FAMILY LAW

## Sec 604.10 Interviews.

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**(a) Court's interview of child.**

in chambers to ascertain the child's wishes as to the allocation of parental responsibilities.

Counsel shall be present at the interview unless otherwise agreed upon by the parties.

Shall be recorded by a court reporter - filed under seal and released only upon order of the court.

**(b) Court's professional. to assist the court in determining the child's best interests.**

Shall be in writing and sent by the professional to counsel for the parties and to the court, under seal.

Admitted into evidence without testimony from its author, unless a party objects.

Shall testify as the court's witness and be subject to cross-examination.

## FAMILY LAW

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### 604.10(b) Report Best Interests of the Child

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- (1) a description of the procedures employed during the evaluation;
- (2) a report of the data collected;
- (3) all test results;
- (4) any conclusions of the professional relating to the allocation of parental responsibilities under Sections 602.5 and 602.7;
- (5) any recommendations of the professional concerning the allocation of parental responsibilities or the child's relocation; and
- (6) an explanation of any limitations in the evaluation or any reservations of the professional regarding the resulting recommendations.

The court shall examine and consider the professional's report only after it has been admitted into evidence or after the parties have waived their right to cross-examine the professional.

## Sec. 607.5.

### Abuse of allocated parenting time.

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- (3) upon consideration of all relevant factors, particularly a history or possibility of domestic violence, **a requirement that the parties participate in family or individual counseling, the expense of which shall be allocated by the court; if counseling is ordered, all counseling sessions shall be confidential, and the communications in counseling shall not be used in any manner in litigation nor relied upon by an expert appointed by the court or retained by any party;**

# GUARDIANSHIP

## Probate

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- Lacks the capacity to make reasoned decisions to protect themselves from harm.
- Minor
- Adult

# GUARDIANSHIP

## TYPES OF GUARDIANSHIP

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Person – limited powers for placement and administration of medications and ECT

Limited = less than all

Plenary = all

Estate – Yearly financial accounting

Limited = less than all

Plenary = all

## GUARDIANSHIP

### Who can Petition the Court

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- Any person over 18 years of age
- Not in an adverse position

## GUARDIANSHIP

### Judicial Process

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- Petition
- Temporary Petition
- Physician's Report
- Appointment of Guardian ad Litem ( GAL)

## GUARDIANSHIP

### Who Pays

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Petitioner can be assessed “reasonable attorney’s fees” for:

- Petitioner’s Counsel
- GAL
- Respondent’s Counsel

## ALTERNATIVE TO GUARDIANSHIP

### Substitute decision maker

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- Power of Attorney
  - Health Care
  - Property
- Mental Health Treatment Preference Declaration Act. (755 ILCS 43/1 et seq. )
- Surrogate Decision Maker act. (755 ILCS 40/35)
- Probate Judges look to the Preference of the Ward

# TELE-THERAPY

## The New Frontier – Therapy Deserts



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- **State Law**
  - Few Prohibitions – Few Prospects
  - **New Hampshire** -Persons licensed by the board who practice electronically shall be subject to standards of care for the practice of telemedicine and tele-health for psychology established by the board pursuant to rules adopted under RSA 541-A.
  - **North Carolina** - Office of Rural Health to oversee and monitor establishment and administration of statewide telepsychiatry program.
- **Federal Only as to Payment Issues -**
  - Veterans Administration
  - Chronically-ill applicable individuals at high risk of hospitalization through a health information technology-enabled provider network that includes care coordinators, a chronic disease registry, and home tele-health technology.
  - Medically underserved areas and facilities of the Indian Health Service telehealth services
- **Ad Hoc – Insurance – BIG COVERAGE ISSUE**

# Nye Law Group, Ltd

## Telephone Consultation Service {TCS}



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- **WHAT IS TCS?**
- **HOTLINE FOR THERAPISTS**
- **HOW THE SERVICE OPERATES**
- **WHAT IS COVERED IN THE TCS CONTRACT**
- **WHAT IS NOT INCLUDED IN THE TCS CONTRACT**
- **ICA DISCOUNT FOR INDIVIDUALS**
- **GROUP DISCOUNTS AVAILABLE**

**Mental Health & Human Services Legal Telephone Consultation Service (TCS)**



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THANK YOU!

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