This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.
Teleservices
What qualifies as teleservice?

Telehealth or Telemedicine
Teleservices Defined

**Telehealth**
Health-care services delivered by a health professional acting within the scope of the health professional’s license to a patient...

**Telemedicine**
Health-care services delivered by a physician acting within the scope of the health professional’s license to a patient...

at a different physical location other than the health professional using telecommunications or information technology.
Different delivery modality

Delivery of services aligned to a student’s IEP
CMS clarified “multimedia communications equipment that includes, at a minimum, audio and video equipment permitting two-way, real-time interactive communication between the patient and distant site physician or practitioner.”

CMS Interim Final Rule, March 26, 2020, pg. 49
Allowable

Synchronous audiovisual interaction

Asynchronous store and forward with synchronous audiovisual interaction

Other forms of audiovisual telecommunication technologies

Subsection 3.2.2, “Telemedicine Medical Services Delivery Modalities” in the Provider Handbooks (Vol. 2, Telecommunication Services Handbooks)
Synchronous vs Asynchronous
Synchronous

Working together at the same time

- Allow people to explore
- Enable real time discourse
- People's comments to each other are relayed immediately
- Adapt to the needs of students
- Build bridges between different ideas and concepts
- Help retain information more effectively
- Immediate feedback

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Asynchronous

Relay information with a time lag

- Emails
- Any time, any where
- Discussion forums
- Allows students to formulate thoughts
- Gives time for research
- Respond in detail
- Internalize the information
- Time is lost waiting for a response

Discussion forums
Emails
Allows students to formulate thoughts
Respond in detail
Internalize the information
Time is lost waiting for a response
Gives time for research
Any time, any where
The methodology must allow distant site provider to meet the in-person visit standard of care with the client.

Subsection 3.2.2, “Telemedicine Medical Services Delivery Modalities” in the Provider Handbooks (Vol. 2, Telecommunication Services Handbooks)
<table>
<thead>
<tr>
<th>Not Allowable</th>
</tr>
</thead>
<tbody>
<tr>
<td>An audio-only telephone consultation</td>
</tr>
<tr>
<td>A text-only email message</td>
</tr>
<tr>
<td>A facsimile transmission</td>
</tr>
</tbody>
</table>

Subsection 3.2.2, “Telemedicine Medical Services Delivery Modalities” in the Provider Handbooks (Vol. 2, Telecommunication Services Handbooks)
Parental Consent

“The SHARS parental consent and annual notice guidance remain unchanged.”

TEA: COVID-19 FAQ: Special Education in Texas, pg. 10, Question 10
Teleservice Delivery Consent

“The distant site provider must obtain informed consent to treatment from the patient, patient’s parent or the patient’s legal guardian prior to rendering a telehealth service.”

Subsection 3.3.1, “Distant Site” in the Provider Handbooks (Vol. 2, Telecommunication Services Handbooks)
IEPs

HHSC does not require IEPs be amended for remote delivery of SHARS services.

SHARS Services Provided Through Telemedicine or Telehealth, April 9, 2020
teleservice delivery modality clearly indicated

statement “services were clinically appropriate in the providers judgment”

Subsection 3.3.1, “Distant Site” in the Provider Handbooks (Vol. 2, Telecommunication Services Handbooks)
To Do List for Teleservice

- Know what’s allowed and what’s not
- Seek training on best practices
- Educate parents on processes
- Take privacy seriously – understand tech impact
- Document, document, document (just like always)
- Responsibilities don’t change when delivering services via telehealth
- Stay connected with your peers in telehealth

American Physical Therapy Associations, “Thinking About Providing Telehealth? Here’s Our Top 10 'To-Do' List”, March 27, 2020
ASHA Telepractice Checklist for School Based Professionals

Updated 6/3/2020

ASHA TELEPRACTICE CHECKLIST FOR SCHOOL-BASED PROFESSIONALS

This checklist is designed to assist educational audiologists and school-based speech-language pathologists to provide service delivery via telepractice. Each section includes step-by-step considerations—from preparation to implementation:

- Preparation: Familiarize yourself with federal, state, and ASHA resources.
- Planning: Begin laying the groundwork for effective telepractice service delivery.
- Environment: Create a professional environment in your workplace.
- Technology/Equipment: Tips and techniques to optimize your technology and equipment.
- Tips for Working with Parents and Caregivers as Facilitators: Help parents/caregivers understand their roles and the value they add to the session.

| Preparation: Familiarize yourself with federal, state and ASHA resources. |
|-----------------------------|-------------------|-----------------|
| STEPS | COMPLETE | IN PROCESS | NOTES |
| Review: U.S. Dept of Education (PDF) guidance relevant to telepractice including: | | | |
| - FERPA and COVID-19 (PDF) [includes sample consent form] | | | |
| - HIPAA for Professionals | | | |
| Learn: state laws and guidelines for telepractice, including state licensure and teacher certification laws. | | | |
| Read: Medicaid (PDF) guidance applicable to telepractice. | | | |
| ASHA Resources: | | | |
| - ASHA Telepractice Practice Portal | | | |
| - ASHA Telepractice Evidence Map | | | |

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Bottom line

Ongoing Communication + Effective Care = Positive Outcomes
Thank you!

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