**Pennsylvania’s State System of Higher Education**
**Office of the Chancellor**
**Guidance**

**Provision of In-State Student Counseling Services via Telemedicine**

**March 20, 2020**

**Background:**

**Counseling for State System Students Located within the Commonwealth**

During the COVID-19 emergency, services may continue to be provided by university counselors to State System students via telemedicine where the student is physically located within Pennsylvania at the time that the counseling service is provided. Please note that this relates to students who are located within the Commonwealth at the time of counseling services, and is not dependent on the residency classification of the student. Under guidance issued by the CDC regarding social distancing, and recent guidance issued by the U.S. Department of Health and Human Services (HHS) and the Pennsylvania Department of Human Services (DHS), mental health service providers are encouraged to provide therapy services via telehealth modalities (e.g., Zoom, Skype, FaceTime, etc.) in order to curtail transmission of the COVID-19 virus.

**Authority for Provision of Teletherapy by Pennsylvania Providers to Patients in Pennsylvania**

Pennsylvania does not generally regulate the modality of mental health services for patients in Pennsylvania and [no specialized licensing or certifications are required](https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/SocialWorkersMarriageanFamilyTherapistsandProfessionalCounselors/Documents/Applications%20and%20Forms/Non-Application%20Documents/SWM%20-%20FAQs%20LSW.pdf). 49 Pa. Code § 47.1.[[1]](#footnote-1) Further, to the extent that regulatory concerns may be an issue, recent state and federal guidance has rendered these concerns moot during this emergency. As regards federal HIPAA regulations, the U.S. Department of Health and Human Services (“HHS”) has issued [guidance](https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html) waiving HIPAA regulations that might otherwise have limited use of teletherapy by a HIPAA-covered entity. Further, the Pennsylvania Department of Human Services (“DHS”) has issued [guidance](https://www.dhs.pa.gov/providers/Providers/Documents/Coronavirus%202020/OMHSAS%20COVID-19%20Telehealth%20Expansion-%20Final%203.15.20.pdf) suspending regulation of telehealth requirements that apply under certain DHS-funded medical assistance programs. Additionally, the Pennsylvania Insurance Department, in collaboration with DHS, has issued a [notice](https://www.insurance.pa.gov/Regulations/Laws%20Regulations/Documents/COVID-19%20Bulletin%20Final_3.10.20.pdf) encouraging coverage of costs associated with telehealth (as opposed to traditional) services during the emergency. Thus, it is clear that use of teletherapy is permissible and encouraged for provision of counseling services during the COVID-19 emergency.

**Teletherapy Modalities That Are Permissible Under This Guidance**

As set forth in the guidance issued by HHS and DHS, service may be provided via telephone and via telecommunication applications that are widely available to students on smart phones and other electronic devices, including: Facebook Messenger video chat, Google Hangouts video, or Skype, Skype, Skype for Business, Updox, VSee, Zoom for telehealth, and Doxy.me.

**Guidance for State System Universities**

During this emergency period, State System universities may provide counseling services to students who are physically present in Pennsylvania via teletherapy. To enable this, the State System has contracted with Zoom for provision of telehealth video services at no cost to the universities. Zoom telehealth video services may be obtained by having University personnel with procurement authority complete the Zoom Business Associate Agreement. [A copy of that Agreement (click here)](https://passhe.sharepoint.com/%3Ab%3A/s/covid19/EbBAl2oaF_9Clpd605wUNEcBTKaxPtERKy9Q6EsQKRlk9g?e=qZPTQ7) has been directed to Zoom for signature and will be provided for your use in the near future should you need it.

Presidents are directed to ensure that counselors provide services to our students pursuant to this guidance. Any issues/concerns regarding implementation of these services should be addressed through the University Human Resources office in conjunction with State System Labor Relations and ULC.

(Additional guidance regarding provision of mental health services for students who are outside Pennsylvania at the time of service will be forthcoming.)

1. Please note that this applies only to requirements for providing the service within Pennsylvania. Where a provider engages in teletherapy across state lines, licensing requirements in both the state where the provider is and the state where the patient is physically present at the time the service is provided. As a result, guidance will be issued addressing provision of services for students who may seek assistance while they are present in another state. [↑](#footnote-ref-1)