



County of San Diego

NICK MACCHIONE, FACHE
AGENCY DIRECTOR

HEALTH AND HUMAN SERVICES AGENCY
1600 PACIFIC HIGHWAY, ROOM 206, MAIL STOP P-501
SAN DIEGO, CA 92101-2417
(619) 515-6555 • FAX (619) 515-6556

CHRISTY CARLSON
GROUP PROGRAM MANAGER COMPLIANCE

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TO: HHSA Contractors
Health and Human Services Agency

FROM: Christy Carlson, Group Program Manager, Compliance
Health and Human Services Agency

GUIDANCE FOR COUNTY STAFF AND CONTRACTORS REGARDING TELEHEALTH

Agency Compliance has been monitoring notices issued from federal agencies in response to COVID-19 and ensuring access and continuity of care. In developing the County of San Diego guidance for delivery of services via telehealth, Health and Human Services Agency (HHSA) Compliance, in coordination with County Counsel, notes the following critical elements:

1. County of San Diego staff and contractor partners provide critical services to County clients, including public, medical, behavioral, and substance use care, in addition to many non-medical, but equally critical client support services;
2. County of San Diego clients encompass some of the most vulnerable populations in our region, and continuity of services delivered is critical to our region;
3. On Feb. 14, the County declared a local health emergency and proclaimed a local emergency to deal with COVID-19;
4. On March 4, Governor Gavin Newsom proclaimed a state of emergency in California concerning COVID-19;
5. On March 13, President Donald Trump proclaimed a National Emergency concerning COVID-19;
6. On March 17, The Office for Civil Rights at the Department of Health and Human Services issued guidance regarding the use of telecommunications in the delivery of services to clients during the COVID-19 emergency (see: <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>)
7. On March 19, The Substance Abuse and Mental Health Services Administration issued guidance regarding the use of telecommunications in the delivery of services to clients during the COVID-19 emergency (see: <https://www.samhsa.gov/sites/default/files/covid-19-42-cfr-part-2-guidance-03192020.pdf>)

Based on our evaluation of the above elements, the County of San Diego, HHS Compliance Office issues the following guidance for County staff and County contractor partners in the delivery of services to County of San Diego clients:

Effective immediately, and for the duration of the local health emergency in the County of San Diego, in an effort to minimize the possible transmission of COVID-19, we highly encourage the use of audio or video communication technology to provide telehealth services to clients in lieu of direct client interaction whenever feasible.

This guidance applies to all Public, Medical, Behavioral and Substance Use health service delivery, as well as any other non-medical, but critical client support services.

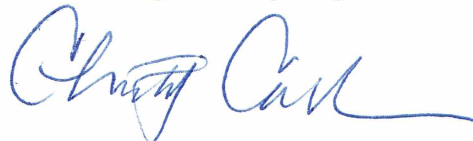
County staff and County contractor partners may utilize any non-public facing communication product that is available to communicate with clients. This exercise of discretion applies to telehealth provided for any reason, regardless of whether the telehealth service is specifically related to the diagnosis and treatment of health conditions related to COVID-19. County staff and County contractor partners may use popular applications that allow for video chats, including, but not limited to, Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, Skype, etc. Public facing solutions such as Facebook Live, Twitch, TikTok should not be utilized in the provision of telehealth services.

Furthermore, while we encourage staff and County contractor partners to obtain written Releases of Information (ROIs) if possible, we recognize the need for a flexible solution during the COVID-19 emergency. Therefore, for the duration of the local health emergency, verbal ROIs will be deemed acceptable, and must be specially documented within client case records, including verbiage as to why written consent was not feasible.

Please note that this guidance regarding the acceptable use of telehealth, including obtaining ROI's, does not discount or eliminate the requirement for maintaining documentation standards to support billable services specific to County programs.

This guidance may be updated should federal and or State directives be amended.

Please contact the HHS Agency Compliance Office with any questions at:
Compliance.HHS@sdcounty.ca.gov



CHRISTY CARLSON
Group Program Manager, Compliance