

Title 30: Professions and Occupations

Part 3103: Licensure, Practice, Renewal, Continuing Education, Standard of Conduct & Fee

Part 3103 Chapter 3: Practice

Rule 3.2 Telehealth

1. **Patient Identity and Communication.** The physical therapist/physical therapist assistant using telehealth to deliver physical therapy services or who practices tele-physical therapy, upon an initial contact with the patient shall:
 - a. Verify the identity of the patient prior to **each** session;
 - b. Obtain alternative means of contacting the patient;
 - c. Arrange for the patient to have alternative means of contacting the physical therapist or physical therapy assistant;
 - d. Provide contact methods of alternative communication the physical therapist or physical therapy assistant shall use for emergency purposes;
 - e. Use personal identifying information only in secure communications; and
 - f. Obtain written, informed consent from the patient or other appropriate person with authority to make health care treatment decisions for the patient before services are provided through telehealth.
2. **Informed Consent.** The informed consent shall, minimally, inform the patient and document acknowledgement of the risk and limitations and potential benefits associated with:
 - a. The use of electronic communications in the provision of physical therapy;
 - b. The potential breach of confidentiality, or inadvertent access, of protected health information using electronic communication in the provision of physical therapy; and
 - c. The potential disruption of electronic communication in the use of telehealth;
 - d. Video-taping and recording of treatment session.
3. **Confidentiality.** The licensee shall ensure that the electronic communication is secure to maintain confidentiality of the patient's medical information as required by the Health Insurance Portability and Accountability Act (HIPAA) and other applicable Federal and State laws. Confidentiality shall be maintained through appropriate processes, practices and technology, including disposal of electronic equipment and data.
4. **Competence and Scope of Practice.** A licensee using electronic communication to deliver physical therapy services or who practices tele-physical therapy shall:
 - a. Be responsible for determining and documenting that telehealth is appropriate for provision of physical therapy;
 - b. Limit the practice of tele-physical therapy to the area of competence in which proficiency has been gained through education and training;
 - c. Ensure that confidential communications obtained and stored electronically shall not be recovered and accessed by unauthorized persons when the physical therapist or physical therapy assistant disposes of electronic equipment and data by use of a **secure telecommunication mechanism**;
 - d. Make every attempt to ensure that an on-site physical therapist or physical therapist

- assistant shall provide the appropriate interventions. If it is determined in-person interventions are necessary;
- e. Perform all evaluations, including initial evaluations, re-evaluations and scheduled discharges with use of a secure electronic mode of communication using video/voice or in person;
 - f. Assure the technology proficiency of those involved in patient care.
5. **Maintenance and Retention of Records.** The licensee shall document in the file or record which services were provided by tele-health and adhere to the record-keeping requirements of Part 3103, Rule 8.2.
6. **Compliance with Laws and Regulations.** A licensing practicing tele-physical therapy practitioner must:
- a. Have an active Mississippi license in good standing to practice telehealth in the state of Mississippi.
 - b. Otherwise be authorized by law to practice in another jurisdiction where the patient is physically present or domiciled.
 - c. Abide by the Board's law and rules and regulations and all current standards of care requirements applicable to onsite physical therapy services.
 - d. Comply with all other applicable State and Federal Laws, rules and regulations.

Source: *Miss. Code Ann.* §§73-23-33 and 73-23-43 (Rev. 2008).