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April 2025

# School Telemental Health V. 4

## Information and Resources



## Introduction

The Oregon Department of Education (ODE) is providing this resource in response to questions from school districts and community mental health providers related to the delivery of mental and behavioral health services and supports via Telehealth. Telehealth is an umbrella term to describe the use of digital information and communication technology, such as instant chat, voice and video conferencing, to provide health services remotely. Telehealth is a modality for delivery of service, not a service in and of itself. Telehealth (or Tele-mental health services and supports) must be provided in alignment with a mental health provider's licensing board rules and regulations. The scope of practice for those providing mental health services and supports are defined by each profession's respective licensing board requirements, codes of conduct, standards and ethics of practice, and established district policies and procedures.

Nothing in this document should be interpreted as guidance that licensed providers are permitted to operate outside of their appropriate scope of practice.

## The Provision of a Free Appropriate Public Education (FAPE)

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 require that school districts and programs provide health services if needed by a student to access their education. The requirement for school districts and programs to ensure every student access to a free appropriate education (FAPE) provides a guarantee that every student can learn regardless of ability or health need. The services listed in a child's Individualized Family Service Plan (IFSP), Individual Education Program (IEP), or Section 504 plan must be provided, and teams should work with students and families to determine the methodology for delivering the services. The provision of health services via Telehealth is one methodology that may be utilized to help ensure a FAPE.

## Types of Mental Health Services and Supports

ODE recognizes that there are many staff within a school setting who support the mental health and well-being of students. Staff providing mental health services and supports to students in a school setting may include staff who are qualified mental health professionals (QMHP), licensed by the Teachers Standards and Practices Commission (TSPC), and/or by a mental health-related state licensing board (i.e. Oregon Board of Licensed Professional Counselors and Therapists, Oregon Board of Licensed Social Workers, Oregon Board of Psychology, etc.) in accordance with the scope of practice of their licensure, education, and training.

It is important to distinguish between board licensed mental health services, and mental health services and supports unique to the school setting. In relation to this document and for clarity, the ODE defines the provision of mental health services and supports as follows.

### **Mental and Behavioral Health Providers Unique to the School Setting**

It is important to distinguish between board-licensed mental and behavioral health services, and mental and behavioral health services and supports unique to the school setting. ODE recognizes that a number of school professionals have received formal education and/or explicit training in mental and behavioral health-related topics that enables them to provide mental and behavioral health services and supports to students. Staff who are providing mental and behavioral health services and supports to students in a school setting may be licensed by the Teachers Standards and Practices Commission (TSPC) and may not be required to be licensed in a mental and behavioral health-related discipline. Examples of school mental and behavioral health providers include but are not limited to:

- **School Counselors:** [OAR 584-005-0005](#) (43) "School Counselor:" A [TSPC] licensed employee of the district assigned to assist students to: develop decision-making skills, obtain information about themselves, understand opportunities and alternatives available in educational programs, set tentative career and educational goals, accept increasing responsibilities for their own actions, develop skills in interpersonal relations, and utilize school and community resources. See [OAR 584-245-0100](#) (Scope of School Counselor License)
- **School Psychologists:** [OAR 584-005-0005](#) (46) "School Psychologist:" A [TSPC] licensed employee of the district assigned to: assessment of students mental aptitude, emotional development, motor skills, or educational progress; designing educational programs for students and conferring with licensed personnel regarding such programs; and consulting with parents/guardians and students regarding interpretation of assessments and the design of educational programs. See [OAR 584-245-0200](#) (Scope of School Psychologist)
- **School Social Workers:** [OAR 584-245-0300](#) (Scope of School Social Worker Licensure): A [TSPC] licensed School Social Worker provides services to students including assessment, casework, school-wide prevention activities, group work, and special education services. TSPC licensed School Social Workers provide services to parents and families, provide services to school personnel, act as a community liaison, provide services to school districts, and support critical incident management.
- **Other Qualified School Personnel:** Mental and behavioral health services required under the IDEA or Section 504 must be provided by appropriately qualified individuals; however, neither the IDEA nor Section 504 limits those individuals to school counselors, school psychologists, or school social workers. Emotional supports may be provided to students by other staff who have completed formal education and/or explicit training in mental and behavioral health-related topics. School districts are responsible for ensuring that all school personnel providing mental and behavioral health services or supports are sufficiently trained, credentialed, and skilled to provide these services.

School mental and behavioral health services and supports may include, depending upon qualifications and training, educational evaluations and assessments (such as functional behavioral assessment and behavior intervention plans), student check-ins and/or advising, facilitating mental health-related skill-building for individual students or in groups, counseling, psychological counseling, classroom social-emotional instruction, building crisis response, and referral to crisis response and mental and behavioral health services.

### **Board-Licensed Mental and Behavioral Health Providers**

Mental health and behavioral services are provided by board-licensed providers within the scope of practice of their professional licensing board. These include but are not limited to psychiatrists, psychologists, clinical social workers, professional counselors, marriage and family therapists, and registered nurses. In addition, a qualified mental health professional (QMHP), as defined by the Oregon Health Authority under [OAR 309-039-0510](#) may provide mental health services. For additional information related to QMHP qualifications and requirements see [OAR 309-019-0125](#). Mental and behavioral health providers may include a board-licensed clinical social worker, marriage and family therapist, professional counselor, and psychologist. In addition, a behavioral health provider may be licensed by the Behavior Analysis Regulatory Board as behavior analysts, assistants, or interventionists.

## The Provision of Telehealth

A board licensed mental health professional and/or a QMHP may provide mental health services via Telehealth. Board licensed mental health providers must meet all requirements set forth by their respective licensing boards.

### TSPC-Only Licensed and Unlicensed Staff

School mental health services and supports may be provided to students/families/guardians by TSPC-only licensed personnel and other staff who have been trained in mental health supports. There are no additional federal or state requirements beyond what districts have to do for general online learning services. However, school districts, professional organizations, and/or best practices may require or suggest additional requirements, such as consent for mental health services and supports provided by TSPC-only licensed mental health personnel and other staff who have been trained in mental health supports.

### Consent for Tele-mental Health Services and Supports

To provide services via Telehealth, board licensed mental health providers must align Telehealth consent practice with licensing board rules and regulations. A school district may adopt policies that add to the consent process.

For TSPC-only licensed school counselors, school social workers, and school psychologists, consent is not required per FERPA. However, professional ethical standards and best practice may support obtaining consent when providing mental health services and supports virtually. School professionals, including but not limited to, school counselors, school social workers, or school psychologists, should follow consent procedures outlined in district policy as well as their respective professional ethical standards and best practices.

If your school/district already has a policy or process for obtaining consent for mental health services and supports, determine how it may be used virtually or if it needs to be adapted.

### Privacy Considerations and Virtual Platforms

All records created during the provision of school health services and supports, whether provided in-person or through Telehealth, **are considered education records** as defined by FERPA at 34 CFR § 99.2. As such, emails, case notes, recordings, photographs, spreadsheets, notes in student cumulative files, and notes in student electronic data systems are education records, fall under FERPA, and can be subpoenaed. Also, consider that there are limitations to sole-possession notes/your own notations about students, as these are considered part of a student's education record as well.

Make sure you post limitations to confidentiality virtually just as you would in your office (e.g., harm to self, harm to others, harm is being done to them). If a student begins to discuss these topics with you, remind them of the limitations, and follow your school/district response protocols and [ODE guidance on Mental Health and Social Supports](#). It is also important to ensure procedures are in place for non-emergency and emergency situations per licensing board rules and district policies and procedures.

See [Student Privacy Considerations and Remote/Online Education Platforms](#), [Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) and the Health Insurance Portability Act of 1996 \(HIPAA\) To Student Records \(December 2019 Update\)](#), and [Guidance for School Officials on Student Health Records, and FERPA Protections for Student Health Records](#) for more information about FERPA, HIPAA, and digital privacy.

## **Use of Skype, Zoom, or Google to provide Telehealth**

There are multiple factors to consider when using telehealth technology. The Office for Civil Rights (OCR) at the Department of Health and Human Services (HHS) is responsible for enforcing certain regulations issued under the Health Insurance Portability and Accountability Act (HIPAA). Telehealth services provided by “[covered entities](#)” are subject to HIPAA requirements for security, transmission, and confidentiality. Compliance with HIPAA requires that covered entities have appropriate administrative, physical, and technical safeguards in place and that they have reasonably implemented those safeguards. See the [HIPAA Security Series 101](#) for more information.

## **School Based Health Services (SBHS) Medicaid Billing**

An education agency may bill SBHS Medicaid for covered health services provided and documented by a medically qualified practitioner to a Medicaid-enrolled child or young adult pursuant to an Individual Plan of Care. The SBHS Medicaid rules for Telehealth can be found at [OAR 410-133-0070](#).

## **Resources for Implementation of Telehealth**

- [Northwest Regional Telehealth Resource Center](#)
- [Roadmap for Action Advancing the Adoption of Telehealth in Child Care Centers and Schools to Promote Children’s Health and Well-Being](#)
- [The National Consortium of Telehealth Resource Centers](#)
- [Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) and the Health Insurance Portability Act of 1996 \(HIPAA\) To Student Records \(December 2019 Update\)](#)

## **Additional Resources**

- The Oregon Health Authority School-based Mental Health Partnerships [Website](#)
- Oregon Board of Licensed Professional Counselors and Therapists [Website](#)
- Oregon Board of Licensed Social Workers [Website](#)
- Oregon Board of Psychology [Website](#)
- [American School Counselor Association’s Ethical Standards](#) for confidentiality, group counseling, student records, and virtual/distance school counseling
- [National Association of School Psychologist](#)

## **Oregon Department of Education Contacts**

For information about school mental health services please contact ODE at [ode.healthyschools@ode.oregon.gov](mailto:ode.healthyschools@ode.oregon.gov).

For information on comprehensive school counseling programs please contact Beth Wigham, Ed.D., School Counseling Education Specialist, at [beth.wigham@oregon.gov](mailto:beth.wigham@oregon.gov).

For information on School Medicaid billing please contact Jennifer Dundon, School Medicaid Operations and Policy Analyst, at [jennifer.dundon@oregon.gov](mailto:jennifer.dundon@oregon.gov).