




## LICENSING ALERT 08-2024

### Telehealth-Only Licensure Process

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Department of Drug and Alcohol Programs

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**Effective date:** Immediately

**Purpose:** To identify the steps for a drug and alcohol treatment facility (DATF) to obtain a telehealth-only license from the Department of Drug and Alcohol Programs (DDAP).

**Background:** DATFs have seen a positive impact from the use of telehealth services. In addition, people with substance use disorders have identified a decrease in barriers to treatment and have demonstrated an increase in engagement to services. As a result, DDAP has developed an additional way to obtain a license to provide treatment services to individuals who are located in Pennsylvania seeking intake, evaluation and referral or non-residential treatment. Specifically, DDAP-licensed DATF may provide intake, evaluation, and referral, outpatient and/or partial hospitalization services via telehealth only, without a physical plant location in Pennsylvania, as long as the DATF complies with all applicable federal, state, and local laws. DDAP will issue these DATFs a telehealth-only license.

A DDAP license is required to provide drug and alcohol treatment services to a person in Pennsylvania. 62 P.S. § 1002, 28 Pa. Code § 709.2(a). Violation of that requirement is a summary criminal offense punishable by a fine of up to \$300 for a first offense, with increasing penalties for subsequent offenses. 62 P.S. § 1031. Unlicensed operation could also lead to administrative or civil actions directing the provider to cease and desist operation without a license.

**Requirements:** DDAP's regulatory definition of a facility is "the physical location in which ongoing, structured, and systematic drug and alcohol services are delivered" (28 Pa. Code § 701.1). Historically, DDAP has required all DDAP-licensed DATFs to maintain a physical location in Pennsylvania. Being a DDAP-licensed telehealth-only DATF means the DATF will deliver all services to individuals seeking treatment only via telecommunication technologies and DDAP will not require the provider to maintain a physical location in Pennsylvania. Any DDAP-licensed DATF can also provide some telehealth services as an option to in-person treatment. However, only a telehealth-only DATF may provide 100% of their treatment services via telehealth. All other DDAP-licensed DATFs must provide at least some portion of their treatment services in-person.

This Licensing Alert applies only to DDAP licensure. Providers that are considering applying for a telehealth-only license should consult their public and private insurance payors to confirm whether they will meet conditions for network enrollment and payment. As telehealth continues to develop, those payment conditions will also evolve. In particular, DATFs that will seek to participate in the Pennsylvania Medical Assistance program must be aware of Federal and State rules regarding service locations for enrollment, provision of clinic services based on clinical need and individual request, and payment for services when neither the individual nor the clinician is located at the clinic site.

In addition, counselors who provide telehealth services to persons who are located in Pennsylvania must be aware of the Pennsylvania requirements for their individual professional licensure and how the scope of practice continues to apply. Anyone who provides healthcare by telehealth is subject to the same standard of care that would apply in an in-person setting.

A DDAP-licensed DATF seeking to be licensed as a telehealth-only DATF must:

- Maintain treatment records on a web-based electronic health record system.
- Maintain an electronic system for personnel files, including training records.
- Agree to provide DDAP remote access to facility files and treatment records at any time DDAP requests access in accordance with [42 CFR 2.53 -- Audit and evaluation](#).
- Comply with the regulations that are applicable to the DATF and the activity or activities for which DDAP issued a license.
- Attest to the required policies and procedures DDAP identified in the Application Checklist.

### **Application Process:**

1. Submit the [Application Request Form](#) to [RA-licensureapps@pa.gov](mailto:RA-licensureapps@pa.gov).
2. DDAP will then email the applicable Application Checklist, Administrative Forms, and Application Form to applicants for their completion.

### **Please note:**

- DDAP will automatically grant exceptions to regulations, where applicable.
- DDAP cannot guarantee a DDAP-licensed telehealth-only DATF funding or a contract.
- A DDAP-licensed telehealth-only DATF must discuss funding and contract questions with those entities with which the DDAP-licensed telehealth-only DATF seeks funding and/or a contract.
- A DDAP-licensed DATF wishing to change to a DDAP-licensed telehealth-only DATF must submit to DDAP a letter on official letterhead via email to the DDAP resource account, [RA-licensureapps@pa.gov](mailto:RA-licensureapps@pa.gov)