

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control Alabama State Board of Social Work Examiners

Rule No. 850-X-2-.04

Rule Title: Telehealth

\_\_\_\_\_ New  Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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Does the proposed rule have an economic impact?  
No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date \_\_\_\_\_

REC'D & FILED

JUL 22 2020

(DATE FILED)  
(STAMP)

APA-2

Alabama State Board of Social Work Examiners

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Social Work Examiners

RULE NO. & TITLE: 850-X-2.04 Telehealth


INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: To renumber rule 850-X-2.04 to 850-X-2.03

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be accepted by the Board until 4:30pm on Friday, September 4<sup>th</sup>, 2020. Comments should be directed to Rachel Dickinson, Executive Director at 100 North Union Street, Suite 736, Montgomery, AL 36104 or via electronic mail at [Rachel.dickinson@swb.alabama.gov](mailto:Rachel.dickinson@swb.alabama.gov)

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Friday, October 11, 2019.

CONTACT PERSON AT AGENCY: Rachel Dickinson, Executive Director  
100 North Union Street, Suite 736  
Montgomery, AL 36104  
334-242-5860

  
\_\_\_\_\_  
(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**850-X-2-.04 03 Telehealth.**

(1) An individual who provides social work via telehealth to a client located in Alabama shall have an active license in the State of Alabama and be in good standing with the Board and shall comply with the standards of professional conduct and ethics, section 850-X-9-.01 of the administrative code.

(2) Upon initiation of telehealth services, a licensee shall

(a) Obtain informed consent from the client. The consent shall be documented.

(b) Assess whether the client is appropriate for telehealth.

(c) Utilize best practices for telehealth to ensure both client confidentiality and the security of the communication.

(3) The client must be located within the borders of the State of Alabama.

(4) The licensee shall ensure that the electronic communication is secure to maintain confidentiality of the client's health information as required by the Health Insurance Portability and Accountability Act (HIPAA).

(5) A licensee who uses telehealth to provide services shall make reasonable effort to become and remain knowledgeable about the advantages and drawbacks of professional online relationships.

**Author:** Alabama State Board of Social Work Examiners

**Statutory Authority:** Code of Ala. 1975, §34-30-57(6) (1991).

**History:** Amended: Filed August 20, 2019; effective January 13, 2020; Filed July 31, 2020; effective