

Provider Notice

To: All Providers
From: Dan Eisenhauer, Director of Operations
Date: September 6, 2022
Subject: AD 22 107 Revised OMHSAS Telehealth Bulletin and Requirements

OMHSAS issued OMHSAS-22-02 - Revised Guidelines for Delivery of BH Services Through Telehealth 7.1.22. In addition, OMHSAS released Final - OMHSAS Telehealth FAQ 2 8.16.22. The most significant change in OMHSAS 22-02 is that verbal consent is no longer permitted unless the verbal consent is captured and retained and is attributed to the person providing the consent with an audit trail per Act 69 of 1999 Electronic Transaction Act. However, the suspension of various DHS and OMHSAS regulations extended as of 7/1/22 through 10/31/22 is still in effect, and the suspension of regulations supersedes the signature requirements of the OMHSAS 22-02 Telehealth Bulletin where applicable.

Providers should be utilizing HIPAA compliant technology for telehealth and should be prepared to implement the electronic or digital signature requirements of OMHSAS 22-02 and per the clarification in the FAQ dated 8.16.22 when the current suspension of regulations ends. This includes required signatures on treatment plans, encounter forms, consent, and any other instance where regulations require a Member signature.

Please see OMHSAS Telehealth FAQ 2 8.16.22 which includes options for providers to meet the signature requirements of the bulletin. Also please see [PerformCare Notice PC 06](#) which details PerformCare electronic signature requirements. Below are links to information about electronic signature options.

- <https://clinicalcenter.nih.gov/about/news/newsletter/2021/fall/story-07.html>
- <https://www.hhs.gov/ohrp/regulations-and-policy/guidance/use-electronic-informed-consent-questions-and-answers/index.html>
- <https://interlacehealth.com/esignature-solutions/>
- <https://www.mcguirewoods.com/client-resources/Alerts/2015/2/8-Things-Healthcare-Providers-Should-Know-E-Signatures>
- <https://www.docusign.com/blog/digitizing-the-patient-consent-experience-e-signature>
- <https://www.docusign.com/blog/electronic-signature-healthcare-patient-forms>

If you have questions about this notice, please contact your PerformCare Account Executive.

cc: Lisa Hanzel, PerformCare
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PerformCare Account Executives