

June 10, 2015

DIRECTIVE:	JOB CORPS PROGRAM INSTRUCTION NOTICE NO. 14-34
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TO: ALL JOB CORPS NATIONAL OFFICE STAFF
ALL JOB CORPS REGIONAL OFFICE STAFF
ALL JOB CORPS CENTER DIRECTORS
ALL JOB CORPS CENTER OPERATORS
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS
ALL OUTREACH, ADMISSIONS, AND CTS CONTRACTORS

FROM: LENITA JACOBS-SIMMONS
National Director
Office of Job Corps

SUBJECT: Applicant Interviews by Job Corps Center Health and Wellness
Consultants and Staff Across State Lines

1. **Purpose.** To encourage Job Corps center Health and Wellness Consultants and staff to familiarize themselves with their states' definition of telehealth services, and their states' laws and regulations regarding the delivery of such services across state lines.
2. **Background.** Telehealth is the delivery of health-related services and information via telecommunications technologies, and is a growing area in health care. Telehealth services can be provided to clients living in the same state as a health provider or in a different state. When health services, including telehealth, are provided across state lines it is considered interjurisdictional practice, which can raise concerns about health providers having appropriate licensure in the state where the client resides.

As part of the Job Corps center applicant file review process, center Health and Wellness Consultants and staff complete interviews by telephone with some out-of-state applicants due to significant health histories. While this has been Job Corps' process for years, it has recently come to light that state professional boards may define Job Corps' interview process as practicing telehealth across state lines, which could be considered interjurisdictional practice.

Currently, national professional health-care boards have recognized the potential restrictions for interjurisdictional practice, and are advocating for more flexibility in providing telehealth services for clients who live across state lines. However, at this time there is much variability around the state laws and regulations. The American Medical Association, Federation of State Medical Boards, National Council of State Boards of Nursing, American Psychological Association, the Association of State and Provincial Psychology Boards, National Association of Social Workers and Association of Social Work Board have provided some initial guidelines to assist in maneuvering the area of telehealth and interjurisdictional practice. A summary for each is provided below with links to the resources.

Medical

- The American Medical Association’s Council on Medical Service provides guidance that prior to delivering services via telemedicine, *a valid patient-physician relationship must be established* through, at a minimum, a face-to-face examination – if a face-to-face encounter would otherwise be required in the provision of the same service not delivered via telemedicine. For the purpose of the Job Corps applicant file review process neither physician-to-physician consultation across state lines nor a telephone interview with a student applicant across state lines would establish a patient-physician relationship. More information is available at:
[http://www.jonesday.com/files/upload/AMA%20Policy%20on%20Telehealth%20\(June%202014\).PDF](http://www.jonesday.com/files/upload/AMA%20Policy%20on%20Telehealth%20(June%202014).PDF)
<http://www.telehealthresourcecenter.org/toolbox-module/licensure-and-scope-practice>
- The Federation of State Medical Boards defines telemedicine as follows: “Telemedicine” means the practice of medicine using electronic communications, information technology or other means between a licensee in one location, and a patient in another location with or without an intervening health-care provider. *Generally, telemedicine is not an audio-only, telephone conversation, e-mail/instant messaging conversation, or fax.* It typically involves the application of secure videoconferencing or store-and-forward technology to provide or support health-care delivery by replicating the interaction of a traditional encounter in person between a provider and a patient. More information is available at:
http://www.fsmb.org/Media/Default/PDF/FSMB/Advocacy/FSMB_Telemedicine_Policy.pdf

Nursing

- Telemedicine regulations vary across states lines, and there is not a central location in which nursing telemedicine laws are addressed. Nurses are encouraged to review their state’s Nurse Practice Act as well as Nurse Practice Acts from Job Corps applicants’ home states. More information is available at:
<http://www.nursingworld.org/statelawandregulation>
- The National Council of State Boards of Nursing provides the Nurse Licensure Compact (NLC) which allows registered nurses (RN) and licensed practical/vocational nurses (LPN/VN) to have one multistate license, with the ability to practice in both their home states and other NLC states. Currently there are 24 states in the NLC. More information is available at:
<https://www.ncsbn.org/34.htm>
- Laws governing telemedicine for nurse practitioners also vary between states. More information is available at:
<http://www.aanp.org/legislation-regulation/state-legislation-regulation/state-practice-environment>

Social Work

- The National Association of Social Workers and the Association of Social Work Boards have developed “Standards for Technology and Social Work Practice” to create a uniform document for the profession. Technology has changed social work practice offering new ways to perform services and obtain information. The challenges that it brings require a special set of skills and knowledge to provide the best practice available. This document is designed to inform clients, government regulatory bodies, insurance carriers, and others about the professional standards for the use of technology in the provision of social work services. More information is available at:
<http://www.socialworkers.org/practice/standards/NASWTechnologyStandards.pdf>

Psychology

- The Joint Task Force on the Development of Telepsychology Guidelines for Psychologists developed “Guidelines for the Practice of Telepsychology.” The Task Force was comprised of members representing the American Psychological Association, the Association of State and Provincial Psychology Boards, and the American Psychological Association Insurance Trust. The expanding role of technology in the provision of psychological services and the continuous development of new technologies that may be useful in the practice of psychology present unique opportunities, considerations, and challenges to practice. With the advancement of technology and the increased number of psychologists using technology in their practices, these guidelines have been prepared to educate and guide them. More information is available at:
<http://www.apapracticecentral.org/ce/guidelines/telepsychology-guidelines.pdf>
- The American Psychological Association, Practice Directorate’s Office of Legal & Regulatory Affairs, published a summary of telehealth-relevant statutes and regulations in a document entitled, “Telehealth 50-State Review.” This document helps guide psychologists in navigating the regulations and provisions in their respective states of licensure. More information is available at:
<http://apapracticecentral.org/advocacy/state/telehealth-slides.pdf>
- The Association of State and Provincial Psychology Boards has established an Interjurisdictional Practice Certificate (IPC®). The IPC grants temporary authority to practice based on notification to the licensing board of intention to practice temporarily, and verification of one’s qualifications for such practice by the Association of State and Provincial Psychology Boards. The IPC allows psychologists to provide temporary psychological services in jurisdictions that accept the IPC for at least 30 work days (a day being defined as any part of a day in which psychological work is performed) per year without obtaining full licensure in that jurisdiction. Currently there are only five states that recognize the IPC. More information is available at:
<http://www.asppb.net/?page=IPC>

Oral Health

- Neither the American Dental Association nor the American Association of Dental Boards have an opinion about teledentistry. Dentists are encouraged to familiarize themselves with state licensing regulations.

Substance Use

- The Association for Addiction Professionals (NAADAC) does not have a policy to reference regarding telemedicine. Trainee Employee Assistance Program Specialists are encouraged to familiarize themselves with state licensing regulations.

3. Action. Job Corps is aware of how this may impact out-of-state applicant file reviews and is in the process of reviewing our current system and developing a solution. In the interim, we encourage Job Corps center Health and Wellness Consultants and staff to make reasonable effort to be familiar with and, as appropriate, address the laws and regulations that govern telehealth service delivery within the jurisdictions in which they are situated and the jurisdictions where any out-of-state applicant who will be interviewed by phone is located.

Additionally, in an effort to ensure that applicants understand the goals of the pre-enrollment interview and that *there is not a patient/doctor or client/therapist relationship established*, Job Corps is developing a “Consent for Pre-Enrollment Interview” form for applicants (and parents/guardians if applicant is a minor) to review and sign during the Outreach and Admissions (OA) process.

Addressees are to ensure this Program Instruction is distributed to all appropriate staff.

4. Expiration Date. Until superseded
5. Inquiries. Inquiries should be directed to Carol Abnathy at (202) 693-3283 or abnathy.carol@dol.gov; or Johnetta Davis at (202) 693-8010 or davis.johnetta@dol.gov.

Attachment

Consent for Pre-enrollment Interview