



NORTH CAROLINA DEPARTMENT OF
HEALTH AND HUMAN SERVICES
 Division of Mental Health, Developmental
 Disabilities and Substance Abuse Services

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

Kody H. Kinsley • Deputy Secretary for Behavioral Health & IDD

March 27, 2020

MEMORANDUM ON TELEHEALTH SERVICES FOR DWI SERVICES PROVIDERS DURING COVID-19 PANDEMIC

Via Email

TO: DWI Services Providers

FROM: Matt Herr, Acting Assistant Director for System Performance, DMHDDSAS

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 MPH

This is a follow-up to informal guidance sent from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (“Division”) to DWI Services providers on March 13, 2020, regarding the Division’s decision to temporarily cease enforcement of certain policies and administrative rules during the COVID-19 pandemic due to the unprecedented circumstances of this public health emergency. Retroactive to March 10, 2020, and continuing through the period of Governor Cooper’s declaration of a state of emergency due to the COVID-19 public health emergency, and to the extent necessary to continue providing DWI Services during the COVID-19 public health emergency, DWI Services providers may:

- Utilize telephonic and/or telehealth solutions as needed to conduct group and individual activities specific to the DWI Services Program, including without limitation, clinical interviews and assessments, provided:
 - The decision to engage with a client via telephonic and/or telehealth means must be individualized and appropriate for each client’s needs/goals and consistent with relevant standards of program activities. The method(s) and reason(s) for using telephonic and/or telehealth means must be documented appropriately in the client’s record.
 - Client consent to interact via telephonic and/or telehealth means, in situations where that would not be typical, should also be obtained whenever possible and documented in the client’s record according to the provider’s procedures for documenting consent.
 - For providers facilitating ADETS, in order maintain the fidelity of the Prime for Life curriculum, phone delivery only is not an option. The provider must use an audio/video web-based platform so that all images and videos can be viewed by each participant. Also, each participant is still required to have a workbook, either as a digital PDF or traditional paper.
- Implement relaxed attendance policies and flexibility regarding the timeframe for completion of services to facilitate continued service delivery. Providers should excuse any absences for clients due to the COVID-19 pandemic circumstances and implement precautionary measures for interacting in person with clients (especially those over the age of 65 or with preexisting health conditions) consistent with guidance regarding COVID-19 mitigation measures on the [North Carolina Department of Health and Human](#)

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

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[Services website](#) and the [CDC website](#). Clients experiencing any COVID-19 symptoms such as fever and cough should not attend groups. Please notify active clients via phone, email, and/or posted notice that if they are feeling ill or have been in close contact with others that have tested positive for COVID-19, that they are asked not to attend groups at this time.

- Make exceptions to DWI Services policy that DWI-Related Assessments are effective for only a maximum six months in the event that the client could not begin education/treatment services within the six-month timeframe due to illness or other COVID-19 pandemic circumstances.

If a provider elects to suspend groups because staff is experiencing symptoms of COVID-19 or has come in contact with someone who has tested positive, please make attempts to notify active clients who may be impacted, as well as the DWI Services Program at the email below.

This temporary regulatory discretion is being exercised by the Division for the purpose of increasing flexibility to help facilitate continued access to clinically appropriate and necessary DWI Services in response to the unprecedented COVID-19 pandemic.

Throughout the COVID-19 public health emergency, please continue reviewing the NC DHHS website and the CDC website for current guidance and information regarding appropriate COVID-19 response and protective measures. Throughout the COVID-19 pandemic, please also be aware of and continue to consult the current guidance from (a) [the US DHHS Office for Civil Rights regarding discretionary enforcement of HIPAA privacy and security rules in connection with the good faith delivery of telehealth services](#) and (b) [SAMHSA regarding the applicability of 42 CFR Part 2 limitations on use and disclosure of individual-identifying information](#). Providers are encouraged to implement appropriate safeguards, consistent with current guidance from OCR and SAMHSA, to continue to protect the confidentiality and security of client information throughout the COVID-19 pandemic.

Please direct any questions you may have regarding any of the above Donna Brown at Donna.m.brown@dhhs.nc.gov.