

# Laws & Ethics in Telemental Health

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**Protection**



**Mitigate Risk**



**Best Practices**

# Learning Objectives:

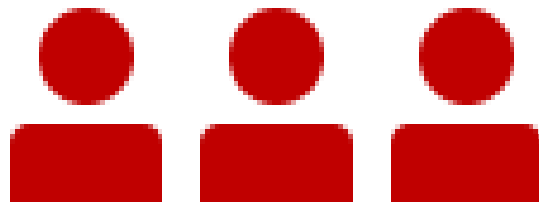
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- List key legal & ethical issues in TMH/TBH
- Describe policies & protocols to mitigate risk
- Clinic-to-Clinic (CTC) practice protocols
- Direct-to-Consumer (DTC) practice protocols
- Remote client crisis management



## Training



All of the codes of ethics require us to obtain education, training & supervision when learning a new technique

# The Same but Different



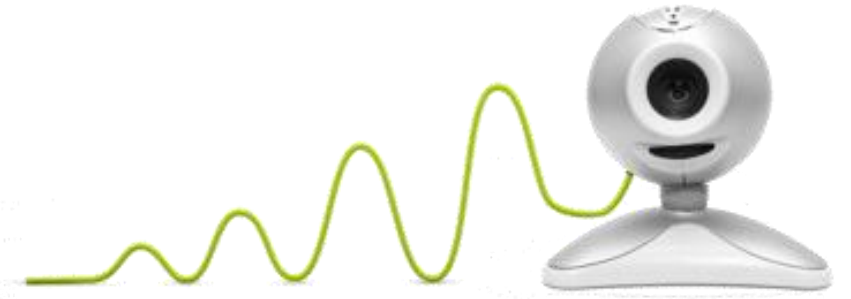
- Competence
- Quality
- Confidence



Utilize your ethics & apply to TMH



# Licensing & Jurisdiction



“Where Are Services Provided?”



\*actual physical location



# Licensing & Jurisdiction



Client Location

\*not legal residence

Provider Location





# Informed Consent



- Specific to TMH/TBH
- Inclusive of Code of Ethics

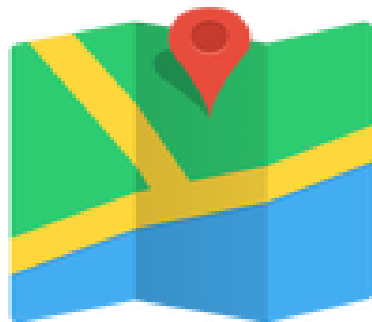




# Verification



The identity & age of client  
must be verified



Client physical location





# Verification



Provider identity and qualifications  
Display verifiable credentials  
on all promotional spaces  
(i.e. virtual office, informational documents)



## Emergency Services



Establish alternate communication plan



Identify an emergency contact



Local emergency resources



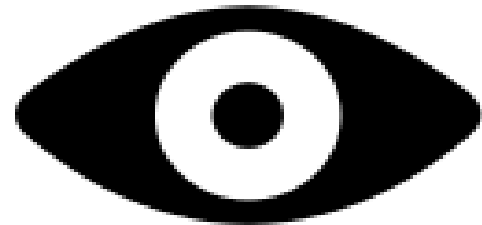
## Suitability



Assess for appropriate fit  
for clients & providers



## Verify Psychological Safety



Client location should be a private space



Confirm technology & data security for the client



## Ethical Guidance



**2013 American Telemedicine Association  
Practice Guidelines for Video-Based Online Mental  
Health Services**

**2013 American Psychological Association Guidelines  
for the Practice of Telepsychology**

**2014 ACA Code of Ethics  
Section H Distance Counseling, Technology, and  
Social Media**



## Ethics Guidance



2012 National Board for Certified Counselors  
(NBCC) Policy Regarding the Provision of  
Distance Professional Services

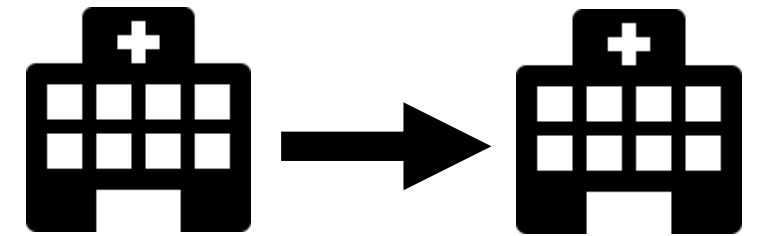
2005 NASW & ASWB Standards for Technology  
and Social Work Practice



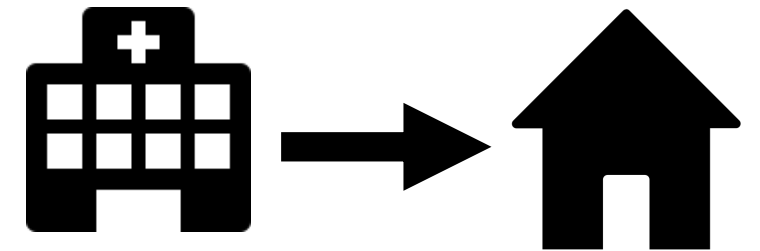
# Settings



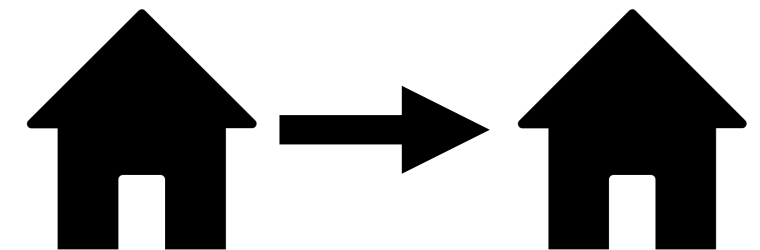
Clinic to clinic



Clinic to client home



Clinician home to client home  
(DTC = Direct-to-Consumer)







## Documentation Best Practices



As with office based services  
**DURING THE FIRST SESSION**

- Assess client suitability for TMH
- Emergency Services & an emergency contact
- Obtain informed consent
- Verify identity including age
- Establish alternative communication method



## Documentation Best Practices



As with office based services  
**PLUS++**

### **DURING EACH SESSION**

- The client location at the time of service
- Confirm alternate communication plan
- Psychological safety & private space
- Access to emergency services
- Privacy protections & informed consent
- Security of Data at login, in route & at rest



# Documentation Best Practices



As with office based services

**LAST SESSION**

Provide viable referrals



## Supervision



- Workforce development opportunity
- Determined by licensure boards
- Extend current providers & improves access
- Allows for diversity
- Ongoing learning for supervisors



# Professional Liability Insurance



- “Scope of Practice”
- Provide documentation of security standards
- Use safe technology & platform



## Protocol for each session



- Validate client identity
- Verify:
  - Connection & alternative way of contact
  - Physical location
  - Emergency services & contact person
  - Psychological safety
  - Review risks, privacy protection & security
- Monitor client satisfaction & make in session adjustments as needed

# Conclusion



Prepare yourself & clients  
Know & adhere to ethics & laws  
Informed Consent



Obtain training & supervision  
Establish back up plan & emergency services  
Maintain insurance



Apply best practices to care & documentation



THANK YOU!



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# Best Practices and Emerging Laws in TMH



		Core Concept	Implementation
1		Training in telemental health	One time and annually updated CEs
2		Abide by association or credentialing body ethics	One time - set up protocol
3		Jurisdiction - Verify location/Jurisdiction	Each session - Location
		Display Verifiable Credentials	At all times on promotional spaces
4		Assess client suitability	1st session and throughout treatment
5		Identify access to emergency services for that client	1st session, each time different location
6		Professional services - Informed consent	1st session
7		Verify the client identity	1st session
8		Verify the client's age	1st session
9		Provide Alternate communication means	1st session
10		Emergency contact - person to contact in case of emergency	1st session
11		Verify the clients location at the time of services	Each session
12		Verify psychological safety - no one else in client's room & private space	Each session
13		Privacy protection - informed consent	Each session
14		Data Security - ensure data protected at login, in route and at rest	Each session
15		Provide viable referrals	Last session
		2 One time, 7 first session only, 5 each session	