

## **Draft Practice Advisory #18**

### **Telepsychology**

#### ***DRAFT FOR REGISTRANT FEEDBACK***

#### **Practice Issue**

Technological changes have led some service providers to consider offering psychological services to clients through means other than face-to-face contact. The term telepsychology is used to refer to psychological services that are offered by a provider who is geographically distant from the service recipient. Such services may include those provided via email, telephone, videoconference, or other electronic media. The decision to offer services other than through direct, in-person contact raises a number of potential issues of which registrants should be aware. Telepsychology services and the regulation of those services are evolving fields, and the information in this advisory is subject to potential changes as the field continues to develop.

#### **Rationale**

Registrants of the College are expected to conduct themselves consistent with the governing legislation for the profession in British Columbia, regardless of the context in which they are offering services. When the recipient of their service resides in another jurisdiction, additional legal and ethical requirements may be engaged. The purpose of this advisory is to alert registrants who are considering offering telepsychology services to the range of issues and considerations that may be relevant over and above their standard obligations for professional conduct.

#### **Selected Relevant Standards of the Code of Conduct**

##### **3.5 Limits on Practice**

A registrant must limit the practice of psychology and supervision of others in the practice of psychology to the areas of competence in which the registrant has gained proficiency through education, training, and experience.

##### **3.6 Referral**

A registrant must make or recommend referral to other professional, technical or administrative resources when such referral is in the best interests of the client.

##### **3.7 Professional knowledge**

A registrant must maintain current knowledge of scientific and professional developments that are directly related to the professional services the registrant renders.

##### **3.8 Regulatory knowledge**

A registrant must maintain current knowledge of all federal and provincial statutes and regulations, and other agency and professional bylaws, codes of conduct and practice advisories that relate to the performance of psychological services.

##### **3.9 Empirical foundation of interventions**

A registrant who performs interventions must

- (a) be familiar with the reliability, validity, related standardization, and outcome studies of the techniques used, and
- (b) be trained in the proper applications and uses of these techniques.

### **3.9 Empirical foundation of assessment**

A registrant who administers, scores, interprets, or uses assessment techniques must

- (a) be familiar with the reliability, validity, related standardization, and outcome studies of the techniques used, and
- (b) be trained in the proper applications and uses of these techniques.

### **3.21 New competencies**

A registrant who is attaining competency in a service, technique, or intervention that is unfamiliar or new to him or her or to the profession must

- (a) engage in ongoing consultation with other registrants or appropriate professionals, and
- (b) seek appropriate education and training in that service, technique, or intervention.

### **3.22 Where no standards for training**

Where generally recognized standards for preparatory training for psychological services, techniques, or interventions do not exist, a registrant must take steps to ensure his or her competence in those services, techniques, or interventions and to protect clients, students, trainees, research participants, and others from harm. This includes adequately advising and obtaining the informed consent of the recipient, in advance of his or her providing services, regarding the experimental nature of the services, techniques, or intervention.

### **3.25 Special assessments/interventions**

A registrant who conducts specific kinds of assessments or interventions must ensure he or she has the necessary knowledge, training and experience to conduct assessments and interventions in that area.

### **4.8 Innovative services**

A registrant must inform clients of the innovative nature of any proposed psychological service or technique and of the known risks associated with the service or technique.

### **5.1 Preserving client welfare**

In professional relationships, a registrant must take steps to protect or act in accordance with the client's welfare.

### **18.1 Legal compliance**

A registrant must

- (a) maintain a current working knowledge of the laws applicable to the provision of psychological services and with the professional standards and policies of the College set out in this Code or issues in practice advisories or guidelines, and
- (b) conduct him- or herself so that the psychological services provided by the registrant or his or her supervisees comply with the laws applicable to the provision of psychological services and with the professional standards and policies of the College set out in this Code or in issued practice advisories or guidelines.

## **Advisory**

- ***The Issue of Jurisdiction***

Psychologists in British Columbia who provide telepsychology services to clients in another jurisdiction could possibly have an obligation to be registered or licensed with the applicable psychology regulatory

body in that jurisdiction. Registrants who wish to provide telepsychology services in another jurisdiction are responsible for determining what, if any, registration or licensing requirements may apply to them in that other jurisdiction. Examples of relevant questions to consider include:

- Do I need to be registered in the jurisdiction(s) in which the client(s) is (are) located in order legally to offer the service being contemplated?
  - Would providing telepsychology services constitute a breach of the law in the other jurisdiction(s)?
  - Are there other legal requirements of which I must be aware in the other jurisdiction(s)?
  - What professional Code(s) of Conduct or other corresponding rules/regulations exist in the jurisdiction(s) of which I need to be aware and with which I need to be in compliance?
- ***Considerations Regarding Liability Insurance***  
Registrants may wish to check with their liability insurance providers to determine whether their insurance coverage includes offering telepsychology services. For example:
    - Am I covered for the specific services I am considering offering in the specific jurisdiction(s) contemplated?
    - Does my existing liability insurance coverage meet the insurance requirements set by the target jurisdiction(s)?
  - ***Some Considerations Relating to One's Responsibilities as a Registrant of the College in Offering the Contemplated Telepsychology Service***

A registrant who provides telepsychology services to clients who are located in other jurisdictions likely remains subject to the College's regulatory jurisdiction. Therefore, registrants considering offering telepsychology services should be mindful of their professional obligations under the *Health Professions Act* and the College's bylaws, including the Code of Conduct, and standards of practice.

Registrants under the jurisdiction of the College are expected to conduct themselves in compliance with the Code of Conduct. The Code contains the set of standards against which registrant conduct will be considered in the event that the College receives a complaint. Standard **3.8** of the College's Code of Conduct specifies requirements for registrants regarding regulatory knowledge, and Standard **18.1** details requirements for legal compliance. There are numerous standards within the Code that are of potential relevance when considering offering telepsychology services.

Standards **3.3**, **3.5**, and **3.7** of the Code of Conduct require registrants to maintain demonstrable skills in their areas of practice, limit their practice to those areas of competence gained through education, training, and experience, and maintain current knowledge of scientific and professional developments related to the services they render. In addition, registrants who are considering offering a new or unfamiliar form of service may wish to review Standard **3.21** of the Code, as this standard specifies requirements for attaining new competencies. Standard **3.22** addresses circumstances in which there are no recognized standards for training, and Standard **3.25** pertains to special assessments and interventions. Standard **3.9** specifies the requirements for empirical foundation of interventions and training in proper uses and applications, and Standard **3.11** requires registrants to limit their use of tests and procedures to those they are qualified to use. Standard **3.6** requires registrants to make or recommend referrals when this is in the best interests of clients, Standard **5.1** requires registrants to protect or act in accordance with clients' welfare, and Standard **8.2** requires registrants to provide services that are appropriate to and adequate for clients' needs. Taken as a whole, these standards suggest that registrants contemplating offering telepsychology services should ask themselves various questions regarding their own competence and the evidentiary basis for proceeding, including:

- Is there empirical support for the specific intervention or other telepsychology service being considered?
- Is there empirical support for the telepsychology service with the specific type of client in question?

- Is there empirical evidence to suggest that the contemplated telepsychology services are at least as beneficial in the circumstance as face-to-face psychology services?
- Are there relevant issues that should be considered pertaining to differences between initiating a new professional relationship with a client versus using telepsychology services as an adjunct to a professional relationship that has already been established in person?
- Does the contemplated telepsychology service serve the best interests and welfare of the client?
- Considering my education, training, and experience, and considering the specific service, the method of service delivery under consideration, and the type of client in question, is the service properly within my scope of practice?
- How logistically would I structure the service and my availability to maximize client welfare?
- Are there potential safety or other concerns regarding the client that suggest a familiarity with the client's local supports and other location-specific resources will be important?
- Are there any other client- or circumstance-specific issues that suggest telepsychology services should not be offered?
- Would a referral to another professional be in the client's best interests?

Regardless of the context of a professional service, registrants are expected to obtain informed consent consistent with Standards **4.1** and **4.2** of the Code. There are a number of other standards within Section **4.0** of the Code that may be of particular relevance in the circumstance, including Standard **4.8**, which addresses innovative services, and Standard **4.6**, which addresses structuring one's professional relationship with a client. Standard **6.1** requires registrants to inform clients about the limits of confidentiality, including any elements specific to the telepsychology context. Sample questions include:

- Given the current state of the empirical literature pertaining to telepsychology services, what information do I need to provide to clients to ensure that I am obtaining proper informed consent?
- What specific risks should I review with a client as part of obtaining informed consent to proceed with telepsychology services?
- What do I need to know about the technology I am contemplating using in order properly to inform potential clients about the potential risks? What additional risks to confidentiality exist, and how am I managing those risks?
- What do I need to know about the technology I am contemplating using in order safeguard as much as possible the confidentiality and welfare of my client(s)?
- Are there specific elements of a telepsychology-based professional relationship that I need to review with potential clients prior to working with them?
- What steps will I take if a reporting issue arises? Do I have all of the information I need for the geographic location in question, including who I report to? How will I address this issue with potential clients when obtaining informed consent?

- **Summary**

Registrants should undertake a number of important considerations when contemplating offering telepsychology services. These considerations include:

- the need to determine the requirements of the jurisdiction within which the client is located, including any licensing/registration requirements, any other legal requirements, and what is required to conduct oneself consistently with that jurisdiction's practice standards and any code of ethics or conduct;
- the need to ensure they have appropriate liability insurance coverage;
- the need carefully to consider their own competence to offer the contemplated service, including their competence to offer the service via a telepsychology medium;
- the needs, welfare, and best interests of the client(s);
- whether there is sufficient empirical foundation to warrant proceeding in the manner contemplated;
- whether they have obtained truly informed consent to proceed with any specific client, including ensuring that the prospective client has been fully apprised of all significant information regarding the service, such as threats to confidentiality, limitations of the service, limitations to the empirical

foundation for the service, known risks associated with the service and the method of service delivery, and alternative service options; and

- whether, as part of appropriate due diligence, they need to seek a legal opinion or other information, particularly in the event they are considering offering telepsychology services in circumstances with unique or special characteristics.