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# Behavioral Telehealth: Ethics, Law, and Effective Clinical Practice

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The clerical aspects of psychological practice have become more efficient through the use of photocopy and fax machines, word processing, voicemail, and electronic claims submissions. For years, computerized test administration, scoring, and interpretation have also streamlined clinical practice. But behavioral telehealth, facilitated by telephonic communication, E-mail, chat rooms, and other Internet-based technologies such as interactive televideo (IATV) perhaps holds the greatest promise for expanding the scope of clinical services and “access to health assessment, intervention, consultation, supervision, education, and information across distance” (Nickelson, 1998).

Behavioral telehealth can help provide treatment to individuals in remote or inaccessible areas and to the homebound, and provides the opportunity to expand our practices nationally and even internationally. There are, however, some potential ethical and legal issues inherent to the use of telehealth, including:

- Appropriateness of individuals and treatment issues for telehealth modalities
- Adequacy of assessment and diagnosis of individuals via telehealth
- Loss of important non-verbal information including body language, eye contact, appearance, posture, and grooming
- Inability to assess the accuracy and consistency of the client’s identity online, as well as the client’s inability to adequately

assess the clinician’s qualifications

- Potential treatment of minors without appropriate consent
- Limitations to and inadvertent compromises to confidentiality (cf. HIPAA regulations)
- Unknown cultural differences of the client
- Ability to respond to crisis or emergency situations

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- Equality or inequality of telehealth and face-to-face treatment modalities
- Licensing issues—treating clients across State lines outside of one’s jurisdiction
- Possible technical disruptions and failures

A proactive approach to the challenges associated with telehealth is recommended, incorporating practice guidelines that protect our clients’ welfare (APA, 1992). To promote the ethical practice of behavioral telehealth:

- Assess each individual initially to determine if telehealth services are appropriate for that individual; if not make appropriate recommendations and/or referrals.
- Conduct a risk-benefit assessment of each consumer, to

include treatment needs, possible risks associated with treatment through telehealth, available options, and reasonable alternatives.

- Utilize a comprehensive informed consent procedure and obtain consent prior to providing online services. Be sure the individual is legally able and competent to provide consent.
  - Learn all relevant telehealth laws for all jurisdictions prior to providing services. Be especially cautious not to practice in jurisdictions where you are not licensed.
  - Follow all applicable professional standards and the APA Ethics Code regardless of the medium utilized or the type of services provided.
  - Take special care to protect each client’s confidentiality, utilizing encryption and other technologies when possible. Attend to issues of dangerousness, duty to warn and protect situations, and mandatory reporting requirements in the jurisdiction where the client resides.
  - Make arrangements in the client’s area to address emergency and crisis situations should they arise. Be knowledgeable of community resources that may be accessed in these situations.
  - Ensure the accuracy of advertising and public statements about online services offered, particularly that they do not imply a level of
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- treatment or effectiveness that is not substantiated.
  - Maintain adequate liability coverage and be sure that malpractice insurance covers the online services provided.
  - Collect and use outcome data to evaluate and modify your online services to most effectively meet the needs of those you serve.
  - Stay within your scope of practice and limits of competence.
  - Attend to cultural, ethnic, language, and other differences that may impact your ability to communicate with and treat clients.
  - Utilize risk management strategies including effective documentation and record keeping practices, adherence to termination and abandonment guidelines, and appropriate practices for fees and financial arrangements.
  - When unsure of any of the above, consult with knowledgeable colleagues (including attorneys if necessary), relevant statutes, the APA Ethics Code, and available professional standards.
  - Participate in the development of telehealth policy and establishment of uniform professional training and practice standards. Become part of the process that will help ensure that these services are provided according to the highest standards possible.

References Available upon Request **Ψ**