

Checklist for Ethical and Legal Issues

Below is a checklist of basic legal-ethical issues that arise in teletherapy. It is critical for a clinician to know the state laws, regulations, and ethics codes for teletherapy in each state in which the clinician has a license or has temporary permission to practice. Clinicians need to know the NASW Standards of Technology and any professional guidelines impacting the optimal use of teletherapy.

<input type="checkbox"/> Additional informed consent for teletherapy is indicated?	<input type="checkbox"/> Each jurisdiction requirement?
<input type="checkbox"/> Jurisdiction is where the client is at the time of service, not where they reside. <input type="checkbox"/> Is it also where you are licensed or have temporary permission to practice?	<input type="checkbox"/> How to identify the client and their location <input type="checkbox"/> With temporary permission - How to days allowed and counted?
<input type="checkbox"/> Know the local law and rule where you are and where your clients are located at the time of service.	<input type="checkbox"/> Do you have rules that govern your practice? <input type="checkbox"/> What does it mean if you do not comply? <input type="checkbox"/> Identify and location confirmed for each service in documentation?
<input type="checkbox"/> Know your applicable ethics codes, state regulations and professional guidance documents.	<input type="checkbox"/> Documents on file? <input type="checkbox"/> Training courses and dates?
<input type="checkbox"/> What are the differences in regulations in jurisdictions of practice and when was it updated, How often?	<input type="checkbox"/> Do the practice laws and rules of each state or jurisdiction conflict at all or conflict with another jurisdiction? <input type="checkbox"/> Policies and procedures updated
<input type="checkbox"/> Cultural and area competence for your clients and their locales.	<input type="checkbox"/> Clinic-to-clinic vs clinic-to-home <input type="checkbox"/> What is "privacy" or "confidentiality" in your client's home? <input type="checkbox"/> How is "checked" for each service?
<input type="checkbox"/> Procedures for processes.	<input type="checkbox"/> Intake forms and other documentation <input type="checkbox"/> How are forms obtained and signed? <input type="checkbox"/> Communication (phone, text, email) between sessions) <input type="checkbox"/> Clinician demeanor, environment <input type="checkbox"/> Client demeanor, environment <input type="checkbox"/> Client orientation to teletherapy
<input type="checkbox"/> Assess clinician's competence for teletherapy.	<input type="checkbox"/> List additional training received
<input type="checkbox"/> Assess client's appropriateness for teletherapy.	<input type="checkbox"/> How was this done? <input type="checkbox"/> Address cultural issues

<input type="checkbox"/> Manage client emergencies, interfering behaviors, and technical issues.	<input type="checkbox"/> 911, crisis line, police involvement <input type="checkbox"/> Online disinhibitions <input type="checkbox"/> Loss of sound, picture, power... <input type="checkbox"/> Alternate communications <input type="checkbox"/> Difficult therapy sessions <input type="checkbox"/> Local resources accessible to the client
<input type="checkbox"/> When electronic searches happen for a client	<input type="checkbox"/> Audio and video recording by clinician or by client <input type="checkbox"/> Document compelling clinical reason
<input type="checkbox"/> Electronic security and privacy in compliance with HIPAA and applicable state law.	<input type="checkbox"/> HIPAA Policies and Procedures reflect stricter state laws?
<input type="checkbox"/> Choose appropriate technology for your teletherapy practice.	<input type="checkbox"/> Use Reliable and competent vendors <input type="checkbox"/> Business associate agreements current and on file with HIPAA documents? <input type="checkbox"/> Annual Risk Assessment completed?
<input type="checkbox"/> How are your services reimbursed?	<input type="checkbox"/> Payer requirements <input type="checkbox"/> Collecting co-pays <input type="checkbox"/> Collecting self-pay <input type="checkbox"/> Remote payment devices use?
<input type="checkbox"/> Is your teletherapy practice included in your liability insurance? For what states or jurisdictions? US only?	<input type="checkbox"/> Date confirmed/added