



Ohio Board of Psychology

COVID-19 Alert

Options for Ensuring Client Welfare via Telecommunications

As Ohioans begin to confront the realities of the COVID-19 crisis, psychologists and school psychologists are facing disruptions to psychological services and psychological supervision. Paragraph (H) in the Rules of Professional Conduct <http://codes.ohio.gov/oac/4732-17> contains the requirements, prohibitions, and exceptions related to the formal practice of telepsychology, and paragraph (B) of the Supervision Rules <http://codes.ohio.gov/oac/4732-13> lists requirements relative to the conduct of psychological supervision via telepsychology. As public health measures temporarily restrict movement, continuity of in-person services and supervision will be impacted, and license holders will need to make decisions about managing interruptions in a manner consistent with Board rules.

Managing Disruptions with Clients

To responsibly manage interruptions to in-person services, it is important to understand what the rules say about engaging in “the practice of telepsychology” versus what they say about making reasonable judgments to temporarily use telecommunications (e.g., phone, text, secure video) in the context of an established face-to-face relationship. The telepsychology rules provide detailed requirements for license holders engaging in a telepsychology practice. However, all license holders are authorized to use telecommunications in practice without following the telepsychology rules under two specific circumstances. See OAC 4732-17-01 (H) Telepsychology:

(8) If in the context of a face-to-face professional relationship, the following are exempt from this rule:

(a) Electronic communication used specific to appointment scheduling, billing, and/or the establishment of benefits and eligibility for services; and,

(b) Telephone or other electronic communications made for the purpose of ensuring client welfare in accord with reasonable professional judgment.

Please note that (H)(8)(b) gives license holders authority to use their judgment about when a client requires extra support between appointments without having to document all the processes in the telepsychology rules. Therefore, the rule authorizes inter-session telecommunications to manage crises even by license holders who do not necessarily “practice” telepsychology. With the evolving landscape of illness, social distancing, quarantines, and the risk of increased anxiety and other psychological symptoms, it is reasonable for license holders to interpret “ensuring client welfare” broadly, given our dramatic shift in context. Specifically, license holders may judge, on a case-by-case basis, that client welfare and continuity of care requires temporary, judicious use of telephone sessions when the client and license holder are prohibited from meeting in-person because of efforts to contain COVID-19. This temporary leeway is rooted in a specific context and is not to be used as a basis to undertake routine use of telecommunications by exemption from the telepsychology rules for reasons unrelated to the COVID-19 crisis. License holders who

wish to routinely deliver services via telecommunications must establish and maintain telepsychology competence and practice in accord with the telepsychology rules.

Of course, the use of telecommunications in any context requires reasonable efforts to comply with all of the Rules of Professional Conduct, including documenting informed consent to the use of telecommunications (verbal at a minimum, depending on the circumstances), and reasonable efforts to maintain privacy and safeguard confidentiality.

Managing Disruptions to Supervision

Psychological supervision is another critical process for ensuring client welfare. Unlike the exemption from the telepsychology rules above, the Supervision Rules contain specific requirements for supervisors who use telecommunications in the supervisory relationship. OAC 4732-13-04 (A) indicates that telepsychology may be used in the provision of psychological work supervision and psychological training supervision if conducted in accord with requirements set forth in OAC 4732-13-04 (B)(20):

OAC 4732-13-04 (B) Requirements pertaining to supervision

(20) In accord with paragraphs (A)(1), (A)(2), (B)(1) and (B)(2) of rule [4732-13-03](#) of the Administrative Code, licensees may conduct psychological supervision or school psychological supervision via telepsychology as follows:

(a) Supervisors recognize that the use of telepsychology is not appropriate for all cases and supervisees, and decisions regarding the appropriate use of telepsychology are made on a case-by-case basis. Licensees providing supervision via telepsychology are aware of additional risks incurred when providing supervision through the use of distance communication technologies and take special care to conduct their supervision in a manner that protects the welfare of the client and ensures that the client's welfare is paramount.

(b) Supervisors establish and maintain current competence in the conduct of psychological supervision via telepsychology through continuing education, consultation, or other procedures, in conformance with prevailing standards of scientific and professional knowledge. Licensees establish and maintain competence in the appropriate use of the information technologies utilized in the rendering of psychological supervision.

(c) Supervisors providing supervision via telepsychology shall:

(i) Consider and document findings specific to:

(a) Whether a given client's presenting problems and apparent condition are consistent with the use of telepsychology in the supervisory process to the client's benefit; and

(b) Whether the supervisee has sufficient knowledge and skills in the use of the technology involved in rendering the supervision.

(ii) Not provide supervision via telepsychology services to any supervisee when the outcome of the analysis required in paragraphs (B)(29) (c)(i)(a) and (B)(29)(c)(i)(b) of this rule is inconsistent with the delivery of supervision via telepsychology, whether related to issues involving a given case or issues involving the technological knowledge and skills of the supervisee.

(iii) Upon initial and subsequent contacts with the supervisee, make reasonable efforts to verify the identity of the supervisee;

(iv) Obtain alternative means of contacting the supervisee;

(v) Provide to the supervisee alternative means of contacting the supervisor;

(vi) Supervisors, whenever feasible, use secure communications with supervisees, such as encrypted text messages via email or secure websites or secure real-time video;

(vii) Prior to providing supervision via telepsychology services, the supervisor and supervisee shall enter into a written agreement, in plain language consistent with accepted professional and legal requirements, relative to:

(a) Potential risks of sudden and unpredictable disruption of supervision dependent on telepsychology services and how an alternative means of re-establishing electronic or other connection will be used under such circumstances;

(b) When and how the supervisor will respond to routine electronic messages from the supervisee;

(c) Under what circumstances the supervisor and supervisee will use alternative means of communications under emergency circumstances;

(viii) Ensure that confidential communications stored electronically cannot be recovered and/or accessed by unauthorized persons when the licensee disposes of electronic equipment and data.

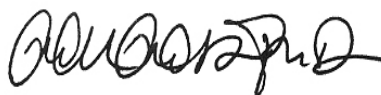
A Note about Billing and Reimbursement

The Board does not have rules governing third-party reimbursement policies, whether related to the use of telecommunications or otherwise. Professional associations and third-party benefits administrators should be consulted on those issues.

The COVID-19 crisis is going to require patience and flexibility, and the Board's rules provide options and guidance when face-to-face services and supervisory relationships are interrupted by strategies to protect public health and safety. License holders should not rely exclusively on this document in lieu of reading the relevant rules and undertaking consultations about specific circumstances.

As always, questions about laws and rules may be directed to the Board office. Thank you.

Sincerely,



Ronald Ross, Ph.D., CPM
Executive Director

March 11, 2020