

Online Therapy

Avoiding Liability Bulletin - July 2011

Richard Leslie is taking this month off from his Avoiding Liability duties, so we're presenting a feature from our Avoiding Liability Bulletin Archives. The following was [originally published in April 2005](#). To read more be sure to visit the [Online Therapy/Telemedicine category](#) of the Archives.

... Where does the therapy occur when a therapist in State "A" is treating a client or patient online who resides in State "B?" This is a critical question because it involves the issue of whether or not the therapist is practicing lawfully. Generally, it is the position of medical and other health care licensing boards that the treatment takes place in the state where the patient resides. Thus, unless the applicable law provides otherwise, the therapist may be practicing in State "B" without a license. This, of course, should be avoided.

... Anyone who does online therapy or considers doing it would be wise to know their professional association's position regarding practicing online and what the association is doing to help shape the future of such practice. What policies or ethical code provisions address this issue? Additionally, as in California, there may be a "telemedicine" statute (or perhaps regulations) that imposes requirements or limitations upon certain practitioners who practice online. Be careful!

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