

Telemedicine: Telephone Counseling/Therapy?

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... Is there a statute in your state that in some way regulates the practice of counseling or psychotherapy via telemedicine? Does the statute not only consider psychotherapy services rendered by email or by synchronous video via computer to be the practice of telemedicine, but does it also include telephone counseling or telephone psychotherapy within its definition? This is an important question to get the answer to because it may result in the imposition of certain requirements upon the practitioner. For instance, in one state an informed consent process is detailed in the telemedicine statute. While many of the practitioners who practice e-therapy via computer are aware of this informed consent requirement, there are some who do telephone counseling only (e.g., no therapy via computer) who may be caught unaware that this requirement applies to them.

The informed consent process of that particular state requires, among other things, the practitioner to disclose to the patient verbally and in writing a description of the risks, consequences and benefits of telemedicine. Failure to comply with this or the other requirements of the telemedicine statute constitutes unprofessional conduct, so it is very important that one be fully aware of the reach of the telemedicine statute in his or her state. As mentioned in an earlier Avoiding Liability Bulletin dealing with online psychotherapy, practitioners need to be mindful of the fact that telephone counseling or therapy performed on an interstate basis raises the question of unlawful practice (practicing without a license) in the state where the patient resides. Be careful!

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