

MORRISTOWN DBT

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Use of Technologies in Psychological Services

Definitions:

“Telemedicine” means the delivery of a psychological service using electronic communications, information technology, or other electronic or technological means to bridge the gap between a psychologist who is located at a distant site and a client who is located at an originating site, either with or without the assistance of an intervening psychologist, and in accordance with relevant state laws. "Telemedicine" does not include the use, in isolation, of audio-only telephone conversation, electronic mail, instant messaging, phone text, or facsimile transmission.

“Telehealth” means the use of information and communications technologies, including telephones, remote patient monitoring devices, or other electronic means, to support clinical health care, provider consultation, patient and professional health-related education, public health, health administration, and other services in accordance with relevant state laws.

“Distant site” means a site at which a psychologist is located while providing psychological services by means of telemedicine or telehealth.

“Originating site” means a site at which a client is located at the time that psychological services are provided to the client by means of telemedicine or telehealth.

“Asynchronous store-and-forward” means the receipt and transfer of images, diagnostics (including test results and interpretations), data, and medical and/or mental health information between you and the psychologist so that you can be evaluated by the psychologist remotely.

Other Definitions:

“Telepsychology” means the provision of psychological services using telecommunication technologies.

“Telecommunications” means the preparation, transmission, communication, or related processing of information by electrical, electromagnetic, electromechanical, electro-optical, or electronic means. Telecommunication technologies include but are not limited to telephone, mobile devices, interactive videoconferencing, email, chat, text, and Internet (e.g., self-help websites, blogs, and social media). The information that is transmitted may be in writing, or include images, sounds or other data. These communications may be synchronous with multiple parties communicating in real time (e.g. interactive videoconferencing, telephone) or asynchronous (e.g. email, online bulletin boards, storing and forwarding information).

Technologies may augment traditional in-person services (e.g., psychoeducational materials online after an in-person therapy session), or be used as stand-alone services (e.g., therapy or leadership development provided over videoconferencing).

Different technologies may be used in various combinations and for different purposes during the provision of telepsychology services. For example, videoconferencing and telephone may also be utilized for direct service while email and text is used for non-direct services (e.g. scheduling).

“Client/patient” refers to the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

“In-person” means interactions in which the psychologist and the client/patient are in the same physical space and does not include interactions that may occur through the use of technologies.

“Remote” means the provision of a service that is received at a different site from where the psychologist is physically located. The term “remote” includes no consideration related to distance, and may refer to a site in a location that is in the office next door to the psychologist or thousands of miles from the psychologist.

“Jurisdictions” or “jurisdictional” means the governing bodies at states, territories, and provincial governments.

“Confidentiality” means the principle that data or information is not made available or disclosed to unauthorized persons or processes.

“Security” or “security measures” means or mean all of the administrative, physical, and technical safeguards in an information system.

“Information system” means an interconnected set of information resources within a system and includes hardware, software, information, data, applications, communications, and people.

Applicable Laws and Ethical Guidelines:

There are several state and federal laws, and proposed laws, relevant to telemedicine and telehealth services, and telepsychology and telecommunications more broadly. These include *New Jersey Revised Statutes*, Title 45, Section 45:1-61 through Section 45:1-66; *New Jersey Register*, Volume 51, Section 931(a); and Code of Federal Regulations, Title 45, Chapter A, Subchapters C and D.

There are also relevant psychological ethical guidelines, including the American Psychological Association’s *Guidelines for the Practice of Telepsychology*.

Jurisdiction (Locations):

Because telepsychology rules vary by state and other jurisdictions (such as countries), this notice applies to telemedicine or telehealth services between you and the psychologist when you are both located within New Jersey.

If you or the psychologist are located outside of New Jersey, different rules may apply. Accordingly, different or additional notifications and agreements will need to occur before telepsychology services are provided across state lines, including a determination of whether doing so is feasible. If it is determined that this is not feasible, the psychologist, if outside New Jersey, will arrange for on-call in-person or telemedicine or telehealth coverage for you within New Jersey; or if you are outside of New Jersey, the psychologist will refer you to in-person or other services in the state or other jurisdiction in which you are located.

Risks and Benefits of Using Technology in Psychological Services:

There are special risks to using technology in psychological services.

Such risks include an increased possibility of data breaches and communications being overheard or misdirected, which enhance the possibility of compromised privacy and confidentiality. These potential threats to the integrity of data and information may include computer viruses, hackers, theft of technology devices, damage to hard drives or portable drives, failure of security systems, flawed software, and ease of accessibility to unsecured electronic files, and malfunctioning or outdated technology. Other threats may include policies and practices of technology companies and vendors such as tailored marketing derived from email communications.

The psychologist will take reasonable steps to ensure that security measures are in place for protecting and controlling access to your data within an information system. In addition, the psychologist will abide by state and federal laws that govern electronic storage and transmission of your data and information, and will follow appropriate policies and procedures to comply with such directives.

Thus, as is the case with all of your information, the psychologist will follow privacy practices for telemedicine and telehealth communications that are consistent with state and federal laws. Federal privacy practices are explained in a separate written notice that will be given to you prior to your intake appointment, and that you will sign and date to confirm receipt.

For videoconferencing, the psychologist will use secured technology that complies with the requirements of relevant federal and state laws. For audio-only telephone calls, the psychologist will use landline or mobile phone technology. Neither you nor the psychologist should record videoconference or phone call communications without permission. For electronic mail, text messaging, and instant messaging, the psychologist will use secured email, SMS (short message service), and instant messaging services that are consistent with the requirements of relevant federal and state laws. To protect your privacy and confidentiality, it is recommended that you consult with the psychologist before forwarding any email, text messaging, or instant messaging communications you receive from the psychologist. For facsimile transmissions, the psychologist will use fax technology.

Passwords, encryption, and other security measures will be used to help protect the privacy and confidentiality of information about you.

Moreover, the psychologist will ensure that he or she is in a private and comfortable location for a telemedicine or telehealth session, and is connected to a password-protected, secure Internet connection, and will strive to ensure that any service is not disrupted by potential distractions in the environment surrounding his or her location and any other impediments to the services. You too are requested to be in a private and comfortable location during each telemedicine or telehealth session, to avoid use public or unsecured Wi-Fi Internet connections, and to seek to minimize any potential environmental distractions and any other impediments to the services.

All members in a telepsychology group are likewise requested to be in private and comfortable locations free of distractions or any other impediments to the group, and to use secure, password-protected Internet connections.

The goal is to minimize the discovery of your private and confidential information by others—besides you and the psychologist, and, in appropriately limited ways, others who may be involved in your treatment (such as group members or people in your life whom you have elected to include in your services) or in the context of appropriate professional consultations by the psychologist.

The psychologist will follow federal reporting requirements if he or she becomes aware of any breach in the confidentiality of your information. In addition, if there is a breach of unencrypted electronically communicated or maintained data, the psychologist will notify you and any other appropriate individuals or organizations as soon as possible.

The psychologist will make a good faith effort to prevent fraud or abuse when providing psychological services through telemedicine or telehealth. To do so, the psychologist will identify all users of the telemedicine or telehealth service at the outset of each session, including the client during the initial intake appointment. The psychologist will also identify the origins of all information that the psychologist receives, such as records you provide. Further, the psychologist will verify your profile data.

The psychologist will strive to secure and control access to your information and data within information systems. The psychologist will take steps to prevent unauthorized access to electronic storage and communication systems, and your information contained therein, through the use of robust passwords, data encryption for storage and transmission, and use of safe hardware and software. The psychologist will also maintain systems security by adherence to best practices, including staff training to ensure the integrity of information collected, programs provided, and systems used. In addition, the psychologist will maintain documentation about the usage of systems and information therein. Such information will be stored, maintained, and transmitted consistent with state and federal laws and psychology ethical standards. This includes best efforts to ensure that electronic data and information remain accessible despite problems with hardware, software, and storage devices, by keeping a secure back-up version of such data.

About destruction of data or information related to you, any software or hardware used for telemedicine or telehealth that is to be disposed will be done so securely so as to insure your confidentiality and the security of your information. All data and images in the storage media will be carefully cleaned before reuse or disposal consistent with relevant laws and other professional and practice rules and guidelines. Malware, cookies, and other such data and information will be disposed of on an ongoing, routine basis. Such data and information disposal methods, procedures, and technologies that are utilized will be documented upon use.

There is also a risk of technological problems, such as poor connection and audio and video quality, and disconnections, which can create uncertainty, confusion, and annoyance, and a need to adjust billing. The psychologist will strive to ensure that he or she has a good Internet connection or phone signal prior to initiating a telemedicine or telehealth service. You will not be billed for sessions that, in the psychologist's judgment, are unreasonably impeded by technological problems or other distractions. Alternatively, your sessions fees may be adjusted downward at the psychologist's discretion in the face of certain technology failures.

Charges for your own telephone, fax, and other communication technology data plans, including overage charges, will be your sole responsibility. Any equipment fees that form part of the rates charged for your telemedicine and telehealth services will be disclosed to you prior to the initiation of service, and must be agreed to prior to services proceeding.

You are solely responsible for paying for telemedicine and telehealth services at rates agreed upon prior to the initiation of any services. If you plan to seek reimbursement from your health insurance carrier, you will want to check with the carrier prior to the initiation of services what, if any, amounts your carrier will reimburse you for telemedicine and telehealth services.

Before the psychologist conducts any online searches for personal information about you, the psychologist will discuss with you how information obtained from such research activities would be utilized and recorded for record keeping purposes, and how such information could raise boundary issues, such as identifying dual relationships, that may bear on the appropriateness or not of the psychologist providing telemedicine, telehealth, or other psychological services to you.

Also, psychologists are cognizant of the ethical and practical implications of proactively researching online personal information about their clients/patients. They carefully consider the advisability of discussing such research activities with their clients/patients and how information gained from such searches would be utilized and recorded as documenting this information may introduce risks to the boundaries of appropriate conduct for a psychologist. In addition, psychologists are encouraged to weigh the risks and benefits of dual relationships that may develop with their clients/patients, due to the use of telecommunication technologies, before engaging in such relationships

Telemedicine and telehealth also offers several potential benefits. These potential benefits include flexible, remote access to psychological services, including in times of illness, emergency, and when you and the psychologist are both in New Jersey but are unable to meet in person for a legitimate reason.

Determinations of Appropriateness:

Prior to providing psychological services through telemedicine or telehealth, the psychologist will determine whether providing psychological services through telemedicine or telehealth would be consistent with the standard of care applicable to in-person services.

In making this determination, the psychologist will consider a variety of factors. These include your preferences, unique benefits and risks, geographic location, organizational culture, technological abilities (both yours and the psychologist's), and, as appropriate, your medical conditions, mental status and stability, psychiatric diagnosis, current or historic use of substances, treatment history, therapeutic needs, and multicultural background.

If the psychologist determines that telemedicine or telehealth would not be appropriate for you, the psychologist will recommend that you obtain psychological services in person.

The psychologist will make this determination ahead of each scheduled telemedicine or telehealth session. To aid this determination, new history and records will be reviewed prior to or during each telemedicine or telehealth service. The psychologist will provide monitoring and regularly assess your progress in telemedicine or telehealth services toward determinations of whether such services are still appropriate and beneficial for you. If there is a significant change in you or in the therapeutic interaction to cause concern, the psychologist will make reasonable effort to take appropriate steps to adjust and reassess the appropriateness of the services.

Where it is believed that continuing to provide remote services is no longer beneficial or presents a risk to your emotional or physical well-being, the psychologist will thoroughly discuss these concerns with you, appropriately terminate the remote services with adequate notice, and refer or offer any needed alternative services to you.

In addition, the psychologist will review your records and determine whether telemedicine or telehealth services may be provided using interactive, real-time, two-way audio in combination with asynchronous store-and-forward technology, with or without a video component (that allows you and the psychologist to see one another). Whether video will or will not be required for your telemedicine or telehealth sessions will be determined based on the standard of care applicable to in-person services.

Because of considerations such as psychological test security and valid administration procedures, some services (for example, some psychological testing) may not be appropriate for telemedicine or telehealth, and will instead require in-person provision. If testing is able to be appropriately accomplished via telemedicine or telehealth, that a test was administered in this way, and any accommodations or modifications that were made for this purpose, which may limit confidence in the results, will be incorporated into the interpretation of the results, and documented in reporting the findings. Moreover, the psychologist will strive to use test norms derived from telecommunication technologies administration if such are available.

Follow-Up Care or Assistance:

In the event of an inability to communicate as a result of a technological or equipment failure, the psychologist will attempt to contact you by phone, email, or fax to reschedule the session or to make other follow-up arrangements.

The psychologist with whom you have a professional relationship, or other designated psychologist providing on-call coverage or cross-coverage, will tell you his or her name, professional credentials, and contact information. This will enable you to contact relevant psychologist for 72 hours or more (the length of time appropriate for your situation and the psychologist's standard of care) following the psychological service.

The psychologist will refer you for follow-up care when necessary, such as when telemedicine or telehealth services are not able to obtain all of the necessary information about you for the appropriate provision of services. Whether there is a need for such a referral will be determined during each telemedicine or telehealth session. You will be informed of this before the session has ended and will be advised of any need to obtain an additional in-person medical or psychological evaluation or other services to meet your needs.

At the onset of the delivery of telehealth and telemedicine services, the psychologist will identify and learn how to access relevant and appropriate emergency services in your local area, including emergency telephone numbers, hospital admissions, local referral sources, and supportive people in your life when available. A written plan will be prepared with you to address any lack of appropriate resources, particularly those necessary in an emergency, and other relevant factors which may impact the efficacy and safety of services. State and federal laws that provide exceptions to your expectations of confidentiality, in circumstances such as those pertaining to safety to self or others, child abuse, elder abuse, litigation, and your consent to the release of your information, apply to telemedicine and telehealth services, just as they do to in-person services.

Records:

The psychologist will make and maintain records about your psychological services delivered through telemedicine or telehealth consistent with the laws and other standards applicable to records for in-person services.

Upon your request, the psychologist will provide you with the records of your care with the psychologist unless the psychologist determines that releasing these records would negatively impact your health or welfare.

Upon your written request, the psychologist will provide your information to your other health care or mental health care providers.

Billing:

Billing documentation may reflect the type of telecommunication technology used, the type of telemedicine or telehealth services provided, and the fee structure for each relevant telemedicine or telehealth service (e.g., video chat, texting fees, telephone services, chat room group fees, emergency scheduling, etc.).

You are expected to attend scheduled telemedicine and telehealth sessions on time. If you do not cancel the session at least 24 hours in advance and do not present for the session, or are late to the session, you will still be billed for the full session.

Your charges may be adjusted to account for any service interruptions or failures that are encountered, including fee reductions or waivers for technology failures. Equipment fees may form part of your charges for telemedicine or telehealth services. You are responsible for overage charges on any of your own data plans, such as your mobile phone data plan or home Internet plan.