

Telehealth: Considerations for Play Therapists in the Changing Practice Landscape

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There have been significant changes in how professional services are provided to patients. One of the most significant changes in recent years is delivering these services via telehealth methods. With the onslaught of COVID-19, many Play Therapists have started providing telehealth services when they previously had not. Some of the reasons for utilizing telehealth interventions include serving patients who live in areas where there are limited services, inability of patients to access services in person due to medical and/or behavioral health issues, other reasons necessitating telehealth, and of course now, sheltering in place. There are a variety of settings where telehealth may be seen.

Telehealth services are expected to increase as a means to provide broader access to behavioral healthcare for children. Nearly 1 in 7 U.S. children and teens have a mental health condition, yet only half receive treatment.¹ For those of you who are working with psychiatrists, they are ranked 2nd among medical providers who use these types of services (27.8%).² There are, however, some very important risk management issues for you to consider carefully before providing telehealth services.

What is Telebehavioral Health?

Telebehavioral health includes providing behavioral health services via telecommunications technology, including but not limited to video or mobile device. In addition to services being provided via computer, we are also seeing growth in the number of applications that are being used to provide these services. Additionally, these services are being used to provide in- and out-of-state consultation between providers. While providing telebehavioral health is similar in some ways to providing in-person therapeutic services, there are also some very unique situations which require careful thought and processes. If engaging in this type of practice, here are a few important tips to keep in mind.

Important Tips

Standard of Care

Even though you may be using telehealth methods, the same standard of care applies as if the patient is in your office. It is your responsibility to be aware of the rules and resources (e.g., emergency services) in the area where the patient is and to ensure that you are in compliance. While the standard of care is usually considered to be where the patient is located, the best risk management strategy for you as the provider, is to ensure that the

¹ Whitney, D., Ph.D., Peterson, M., Ph.D., "US National and State-Level Prevalence of Mental Health Disorders and Disparities of Mental Health Care Use In Children," JAMA Pediatr. 2019;173(4):389-391, <https://www.nami.org/Press-Media/In-The-News/2019/Nearly-1-in-7-US-Kids-and-Teens-have-a-Mental-Health-Condition-Half-Go-Untreated-Study-Says?feed=In-the-news>; National Alliance on Mental Illness, "Mental Health by the Numbers," <https://www.nami.org/mhstats> [last accessed June 26, 2020]; Garrity, M. Becker's Hospital Review, "Telehealth visits up 312% in New York causing major lag times," <https://www.beckershospitalreview.com/telehealth/telehealth-visits-up-312-in-new-york-causing-major-lag-times.html>

² Robeznieks, A., American Medical Association, "Which medical specialties use telemedicine the most," <https://www.ama-assn.org/practice-management/digital/which-medical-specialties-use-telemedicine-most>

standard of care is also met in your location. This is especially important if the patient is located in a different state than where the provider is located.

Rules and Regulations

Know what the rules are in your state and in the state in which the patient is located (if this differs) when you are delivering services regarding:

- Civil commitment
- Duty to Warn/Protect
- Reporting obligations for suspected abuse of children or domestic violence. Each state has its own set of laws/regulations and standards for reporting
- In-state and interjurisdictional practice regulations

Changes with COVID-19

Many states and the federal government under HHS have relaxed regulations concerning telehealth. Know your state rules and if there are any emergency orders in place concerning telehealth. If your patient is located in another state, know what the rules are in that state. It is important to stay up to date on regulations as they may change. Check your state website for rules and regulations and be aware of any applicable federal regulations.

Keep in mind that state and federal rules may differ. It is important for Play Therapists to follow the stricter of the rules. There are many resources on the APT website and a link to the TRMS website where you can find information as well. Be aware of current emergency orders regarding telehealth

Policies

It is important that your office policies comply with state and federal rules. Also, consider reviewing your profession's website to determine if there are any guidelines. You can also call your board of registration to ask questions.

Privacy and Security

State and federal regulations (HIPAA) need to be adhered to. Not all systems (e.g., computer, VOIP, telephones) meet the privacy and security standards required by HIPAA, and it is essential you use one that does. Keep in mind that regulations under HIPAA have relaxed following COVID-19. Make sure you are aware of current regulations and any changes.³ Also, be aware of others who may be in the room and hear the session. You need to protect patients' privacy in the same way as if they were in your office. Network and software security must be in place to maintain patient confidentiality. Your practice should have protocols to guard against inadvertent disclosure.

Ethical Considerations

As a Play Therapist it is important to be aware of your profession's guidance on the use of telehealth with patients. There are a number of resources on the APT website. In addition, if you are a social worker, psychologist, mental health counselor, or other professional in another area of practice, it is important that you are aware of your profession's guidance on the topic. It is important to review ethical, practice, and other

³ U.S. Dept. of Health & Human Services, "Notification of Enforcement Discretion for Telehealth Remote Communications During the COVID-19 Nationwide Public Health Emergency," <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>

guidelines and resource documents. Remember that your professions' overall ethics codes still govern your work when you are providing telehealth services, so you must still practice in compliance with those codes.

Competence

If you will be engaging in telehealth services, ensure you are competent in providing distance therapy as well as competent in the use of the technology you choose. Look for continuing education workshops related specifically to telehealth to gain some competence in the skills required to provide these services. Seek consultation if you are not comfortable with the technology that you will use. You not only need to know how to use the technology, but you must also be able to teach your patients how to use the technology.

Licensure

You must have the ability to practice within the state the patient is located. Know what the rules are in your patient's state (if it is the same as you or in a different state). If you do not have a license to practice in that particular state, you may experience a board issue, and if there is a claim or a board complaint, you could potentially be denied insurance coverage if you are practicing in a state in which you are not licensed. In some states, it is possible to practice under a temporary practice provision, so be sure you are aware of the relevant laws in the state where your patient is located.

Patient Safety

Not all patients are appropriate for telehealth, and it is your responsibility to assess each patient individually. Keep in mind that a patient may be appropriate at one point in time but may have a worsening of symptoms which would make the use of telehealth services inappropriate at another time. Again, know ahead of time how to access emergency services for the patient should an issue arise during a session and immediate help is needed. The creation of a written emergency plan with each patient (and if the patient is a minor, with his/her parent/guardian) is a good way to address patient safety issues.

Informed Consent

Prior to using this method, it is important to obtain informed consent in written form. Remember, informed consent is an ongoing process, and the patient (or his/her parent/guardian) may revoke it at any point. Telehealth services are distinct from in-person services, and you should have an informed consent form that addresses the unique aspects of these services in addition to your standard informed consent.⁴

Informed Consent with Minors

As a Play Therapist, you likely treat minors. Consent should be obtained from the person who is legally responsible for the minor. It is important to ask for a copy of any court documents concerning decision-making, consent to treatment, particularly when there is a divorce or there is a child who lives in a foster home or other type of residence.

If the minor is of such an age and maturity that he/she would understand the proposed treatment and the risks/benefits of the proposed treatment, you should also discuss these issues with the minor as well as the parent/guardian. Involving the minor patient in the treatment decision process is critical to forming an alliance with the patient and allows him/her to express his/her wishes despite having the legal inability to choose.

⁴ There are two sample telehealth informed consent documents on the TRMS website, <https://www.trustrms.com/Resources/Blog/sample-telehealth-consent-forms>

Ensure you obtain paperwork prior to initiating telehealth treatment. When you have a tricky situation, it's always best to get advice before beginning treatment. Unless you have an emergency, it's always best to have the necessary documentation before beginning treatment.

Documentation

Documentation is vital. Ensure you document thoroughly and that your documentation meets the standard of care for your profession as well as any additional statutory or regulatory requirements. Some of the following items are important to document:

- Risks and benefits of telehealth and document that it has been discussed with the patient
- Evaluation and assessment, including documentation of each session
- Security measures implemented
- Billing documentation. This may identify:
 - the type of technology used
 - the type of telehealth services provided
 - the fee structure for each telehealth service including costs for services
 - technological failures or interruptions
- Method, procedure for how data is disposed
- Significant changes

Your Patient is Located in Another Country or Another State

Your patient may be located in another state or country, but either he/she or his/her parent/guardian may want to have a session with you while away. There are many issues to consider including:

- Licensure: are you authorized to practice there and what are the rules? Inquire about temporary practice laws and determine eligibility in advance.
- Safety issues: know how to access emergency services
- Is this a permanent relocation or how long will the patient be in the other location?

Opportunity and Responsibility

Providing telehealth services offers many opportunities for providers and patients, but it also brings a new set of responsibilities and requirements for technical and other competencies. Good risk management means being aware of those responsibilities and requirements to ensure protection of patients and providers.

Resources

The following resources are recommended for further information on telehealth practice.

- American Academy of Child and Adolescent Psychiatry, “*Practice Parameter for Telepsychiatry with Children and Adolescents*,” [https://www.jaacap.org/article/S0890-8567\(08\)60154-9/pdf](https://www.jaacap.org/article/S0890-8567(08)60154-9/pdf) American Medical Association, Ethical Practice in Telemedicine, <https://www.ama-assn.org/delivering-care/ethics/ethical-practice-telemedicine>
- American Counseling Association, “*2014 ACA Code of Ethics*,” Section §H - Distance Counseling, Technology, and Social Media, https://www.counseling.org/docs/default-source/default-document-library/2014-code-of-ethics-finaladdress.pdf?sfvrsn=96b532c_2
- American Psychological Association, Guidelines for the Practice of Telepsychology, <https://www.apa.org/pubs/journals/features/amp-a0035001.pdf>, developed by the APA, ASPPB, and The Trust
- American Psychiatric Association, *Telepsychiatry Tool Kit*, <https://www.psychiatry.org/psychiatrists/practice/telepsychiatry>
- American Telemedicine Association, “*Practical Guidelines for Videoconferencing Based Telemental Health*,” <https://www.americantelemed.org/> Campbell, L. F., Millán, F., & Martin, J. N. (Eds.). (2017). *A Telepsychology Casebook: Using Technology Ethically and Effectively in Your Professional Practice*. Washington, DC: American Psychological Association.
- Center for Telehealth and eHealth Law, <http://www.ctel.org>
- *Integrated Care Working at the Interface of Primary Care and Behavioral Health*, Raney, L., MD [Ed.], Lambert, K. [author contributor], APPI Publishing, (2015)
- National Association of Social Workers Code of Ethics, <https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English>, 1.07 (m) Privacy and Confidentiality among other subsections, 2017
- NASW, ASWB, CSWE, & CSWA Standards for Technology in Social Work Practice, https://www.socialworkers.org/includes/newIncludes/homepage/PRA-BRO-33617.TechStandards_FINAL_POSTING.pdf, 2017
- United States Department of Health and Human Services, <http://www.hhs.gov/ocr/privacy>



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About Trust Risk Management Services, Inc. (TRMS):

TRMS is the APT-endorsed professional liability insurance program offering Professional Liability, Student Liability, Business Office, Directors and Officers, and other insurances to Play Therapists and other Allied Healthcare Professionals in more than 120 professional classes. TRMS also manages insurance programs for allied healthcare associations, providing insurances to association members working in private practice and in employed settings, for individual policies and policies for groups. TRMS is licensed in all 50 states and the District of Columbia. TRMS has a strong commitment to provide superior service and products to our policyholders including Play Therapists.

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