

Virginia Board of Counseling

Guidance on Technology-Assisted Counseling

The Board of Counseling regulations for Standards of Practice (see attachment) are prefaced by the following:

The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by phone or electronically, these standards shall apply to the practice of counseling.

Therefore, the Standards of Practice set forth of the regulations and in the Code of Virginia apply regardless of the method of delivery. Whereas regulations are enforceable by the Board, and a violation may result in disciplinary action, a guidance document on the role of technology in the practice of counseling is adopted by the Board to assist in interpreting and understanding the standards.

To that end, the Board offers the following guidance of how practitioners can best utilize technology in the safe and professional delivery of counseling services:

- **Intake and assessment.** Practitioners should assess whether clients are prepared to engage intellectually, emotionally, physically, linguistically, and functionally with technology for the purpose of telehealth services and verify that each client understands the purpose, risks, and operation of any technology to be used in the delivery of telehealth services.

Practitioners should monitor the efficacy and appropriateness of teletherapy throughout treatment including, but not limited to, cultural, linguistic, and accessibility considerations that may impact the effectiveness and quality of telehealth services.

Practitioners and clients should agree that neither party will record the session without the consent of both parties.

- **Informed consent.** Practitioners should obtain oral or written informed consent from clients in a language understandable to the client at the onset of telehealth services and explain that the client may request in-person counseling services or a referral for in-person counseling services. Informed consent should be documented in the client's record. If the client is a minor, consent should be obtained from the minor's legal guardian, and where appropriate, assent should be obtained from the minor.

- **Professional boundaries.** Practitioners should establish professional boundaries with each client regarding the appropriate use and limitations of technology within the counseling relationship.
- **Client verification.** Practitioners should verify the client's identity and have verification procedures through passwords or identification throughout the delivery of telehealth services. A practitioner should verify the client's location each time telehealth services are provided.
- **Contingency plans.** Practitioners should have an alternate means of communication with the client in case of technical failure or emergency and should also maintain an emergency plan with the client to include contact information of emergency services local to the client's location.
- **Confidentiality.** Practitioners must follow state and federal privacy laws and regulations related to health care information and the client's right to access their records. Practitioners should ensure the security of all transmissions of protected health information. Practitioners should additionally be aware of, agree upon, and document when others are present in the room with the client when teletherapy services are provided.
- **Virtual presence.** Practitioners who maintain a virtual presence with a client should clearly distinguish between personal and professional presence and maintain a social media policy. Practitioners who maintain a website should provide working electronic links to relevant certification and licensure boards to ensure clients can verify credentials and protect their rights. Practitioners should not use electronic search engines or social media to gather information about clients without the client's signed, written consent. Clients must have full disclosure of how the information gathered will be used before giving consent.
- **Training and competence.** Practitioners should only utilize telehealth services consistent within their areas of competence achieved through education, training, and supervision; they should have some specific training for the provision of telehealth services, especially in the matter of protecting confidentiality and security.

Practitioners must meet licensure requirements of the state where the client is located at the time services are provided. Before working with a client who is not in Virginia, practitioners are strongly advised to check the statutes and regulations of the state board in which the client is located.

**** *Standards of Practice are found in:***

<u>18 VAC 115-20</u>	Regulations Governing the Practice of Professional Counseling
<u>18 VAC 115-30</u>	Regulations Governing the Certification of Substance Abuse Counselors
<u>18 VAC 115-40</u>	Regulations Governing the Certification of Rehabilitation Providers
<u>18 VAC 115-50</u>	Regulations Governing the Practice of Marriage and Family Therapy
<u>18 VAC 115-60</u>	Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners