

SECTION 19. TELEPSYCHOLOGY

19.1 Minimum standards for establishing psychologist/psychological examiner-patient/client relationships.

A psychologist/psychological examiner exhibits gross negligence if he provides and/or recommends any form of treatment/service, without first establishing a proper psychologist/psychological examiner-patient/client relationship.

19.1.A. For purposes of this rule, a proper psychologist/psychological examiner-patient/client relationship, at a minimum requires that:

19.1.A. (1) The psychologist/psychological examiner performs a history and an "in person" interview of the patient/client adequate to establish a diagnosis and identify underlying conditions and/or contraindications to the treatment/service recommended/provided, OR

19.1.A. (2) The psychologist/psychological examiner performs a face to face examination using real time audio and visual telepsychology technology that provides information at least equal to such information as would have been obtained by an in-person interview; OR

19.1. (3) The psychologist/psychological examiner personally knows the patient/client and the patient/client's general health status through an "ongoing" personal or professional relationship;

19.1.A. (2) Appropriate follow-up be provided or arranged, when necessary, at necessary intervals.

19.1.B. For the purposes of this rule, a proper psychologist/psychological examiner-patient/client relationship is deemed to exist in the following situations:

19.1.B. (1) When treatment/service is provided in consultation with, or upon referral by, another provider who has an ongoing relationship with the patient/client, and who has agreed to supervise the patient/client's treatment/service, including follow up care.

19.1.B. (2) On-call or cross-coverage situations arranged by the patient/client's treating psychologist/psychological examiner.

19.1.C. Exceptions -- Recognizing a psychologist/psychological examiner's duty to adhere to the applicable standard of care, the following situations are hereby excluded from the requirement of this rule:

1. Emergency situations where the life or health of the patient/client is in danger or imminent danger.
2. Simply providing information of a generic nature not meant to be specific to an individual patient/client.

19.2 Requirement for All Services Provided by Providers using Telepsychology

19.2.A. A Patient/client/Provider relationship must be established in accordance with Rule 19.1 before the delivery of services via telepsychology. Provider is defined as a person licensed by the Arkansas Psychology Board who has documented training in telepsychology. A patient/client completing a history online and forwarding it to a Provider is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology.

19.2.B. The following requirements apply to all services provided by Providers using telepsychology:

19.2.B. (1) The practice of psychology via telepsychology shall be held to the same standards of care as traditional in-person encounters.

19.2.B. (2) The Provider must obtain a detailed explanation of the patient/client's complaint from the patient/client or the patient/client's treating Provider.

19.2.B. (3) If a decision is made to provide treatment/service, the Provider must agree to accept responsibility for the care of the patient/client.

19.2.B. (4) If follow-up care is indicated, the Provider must agree to provide or arrange for such follow-up care.

19.2.B. (5) The Provider must keep a documented record, including history.

19.2.B. (6) At the patient/client's request, the Provider must make available to the patient/client an electronic or hardcopy version of the patient/client's record documenting the encounter. Additionally, unless the patient/client declines to consent, the Provider must forward a copy of the record of the encounter to the patient/client's regular treating Provider if that Provider is not the same one delivering the service via telepsychology.

19.2.B. (7) Services must be delivered in a transparent manner with proper informed consent, including providing access to information

identifying the Provider in advance of the encounter, with licensure and board certifications, as well as patient/client financial responsibilities.

19.2.B. (8) If the patient/client, at the recommendation of the Provider, needs to be seen in person for their current issue, the Provider must arrange to see the patient/client in person or direct the patient/client to their regular treating Provider or other appropriate provider if the patient/client does not have a treating Provider. Such recommendation shall be documented in the patient/client's record.

19.2.B. (9) Providers who deliver services through telepsychology must establish protocols for referrals for emergency services.

19.2.B. (10) All Providers providing care via telepsychology to a patient/client located within the State of Arkansas shall be licensed to practice psychology in the State of Arkansas.