

Telepractice

*Information for
Occupational Therapists
Providing Telehealth Services*



*College of Occupational
Therapists of Ontario*

TELEPRACTICE

Information For Occupational Therapists Providing Telehealth Services

As communications technology in the health care field becomes ever more pervasive, more and more health care will be delivered through modern telecommunications and telehealth services.

There are many definitions of telepractice but they all involve the use of communications and/or computer technology, to exchange patient information, provide therapy, increase knowledge, treat and provide care to patients. This is a broad definition and covers a variety of situations, including tele-triage services, health information Web sites, and tele-video assessments.

There will increasingly be situations in which remotely-sited health care professionals will work together with attending health care professionals in the client's location in a manner similar to local consultation. There will also increasingly be clients who obtain telehealth information as an alternative to local direct care. In fact, the Ontario government recently introduced a telehealth network for non-emergency health advice.

While the ability to access expertise remotely may vastly improve accessibility to care for some clients, there are also risks to providing care at a distance, which should be taken into account. In practical terms, there may be differences in providing care or advice from a remote setting; however, the therapist's fundamental responsibilities to his or her clients remain the same as when the encounter takes place face-to-face.

The following material deals with some areas of concern and is designed to be helpful and to stimulate thought and discussion. Some of these points apply to individual therapists, some to institutional and corporate organizations and still others to both. There are still questions that have not yet been addressed and therapists are advised to consult with their professional colleagues and the College concerning those issues.

Jurisdiction / Regulatory Regime

Where telepractice takes place across borders, it will be important for regulatory purposes to understand where the service is considered to have occurred. Is it in the jurisdiction where the client is, or in the location of the therapist? The therapist should not assume that the standards applicable in his/her jurisdiction would be the same as those which apply in the client's jurisdiction. The therapist should know what standards apply and be certain that he or she complies with them. If there are differing standards, a reasonable attempt to obtain an informed consent may include disclosure to the client that differing standards may apply.

Therapists are also responsible to determine whether or not a license, permit or registration is required to engage in telepractice in a location outside of their jurisdiction. In many countries, the law may be that the standards to be applied and the rules applicable to the provision of care are those in the location where the client is found. In other jurisdictions, clients will have the choice of jurisdictions in which to raise complaints or lawsuits in cross border care.

Currently in Canada, the debate as to whether it is the occupational therapist or the client that has changed jurisdiction has not been resolved. The concept of telepractice certificates is under consideration. As a therapist engaging in telepractice, stay informed of changes to regulation and registration as developments occur.

Therapists may also wish to bear in mind that when using the Internet, it may be extremely difficult to determine where the receiver of care is located.

Therapists should inform themselves about the rules and conditions in jurisdictions in which they may be engaging in telepractice in relation to the availability of medical devices, therapies and products. Therapists should be aware that the majority of products and devices available abroad have not been subjected to Canadian standards testing.

When engaging in telepractice even within a single large jurisdiction such as Ontario, the therapist should keep in mind that he or she may be missing important information concerning the availability of local resources or significant clinical, socio-economic, environmental and epidemiological information relevant to the provision of treatment. This should be made clear to the client, and consent should be sought after providing this information. These are but some of the factors which make remote care more difficult.

Liability

Therapists are required to maintain the standard of practice of their profession in all situations where they provide care, whether directly or by means of telepractice.

The therapist must see it as his or her responsibility to determine whether or not telepractice is the appropriate means of providing health care in each specific situation. In telepractice, additional factors may influence the quality of care and registrants must be particularly aware of and take care with respect to risks to clients, which are added by the telepractice context. Among the factors to be considered by the therapist are included:

- the reliability of information received, which must always be questioned, and
- the quality and timeliness of any transmitted images and data, which must be carefully monitored.

Because telehealth services can be provided across jurisdictional boundaries and because laws and rules with respect to professional conduct and liability can be different in other jurisdictions, therapists should be sure that they are aware of the rules which regulate their activities. They should also ensure that they have taken care to comply and to obtain appropriate insurance. For example, Canadian therapists need to remember that particular care should be taken in respect to liability insurance when clients are located in the United States. The laws in that country are different and some insurance coverage entirely adequate for Canada may either not cover or be inadequate for activities deemed to occur in the United States. Confirmation with your carrier of the extent of your insurance coverage outside of Ontario is recommended. Even greater uncertainty exists where services may be consumed in other and more distant countries.

Quality Assurance (technology)

Since the quality of work done from a health care perspective is the responsibility of the therapist, it is important for him or her to be knowledgeable about and assess adequacy of quality assurance measures built into the telecommunication service and any other aspects of the telepractice business. Wherever communication systems are involved, the quality of confidentiality they provide for the client's data is an important consideration and the therapist should be satisfied that this is adequate.

The quality of transmission media used by telepractice services with which the therapist is associated can be very important. Again, the therapist must assure him/herself that the technology is of sufficient quality to make necessary health care assessments/decisions, and further that the communications system is sufficiently secure to protect the privacy of the client's health information.

The quality of technology will also have an impact in terms of the adequacy of back-up systems for store and forward programs such as teletriage services and in “talking therapy” situations where it is critical to ensure that the therapist receives messages from clients.

Privacy and Confidentiality of Health Information

The obligation to ensure client privacy and to protect the confidentiality of the client’s personal health information in the telepractice situation is no different than in the ordinary interaction between therapist and client; however, as alluded to earlier, in cross-border telepractice interactions, the therapist should be certain he or she is familiar with the rules governing such things as consent and reporting requirements in the client’s jurisdiction.

The therapist should explain to the client that no technological communication system is fully secure, and that this should be taken into consideration before providing personal health information.

Information that Should be Provided to the Client

The therapist should expect clients to want information about the following:

- The therapist’s name
- The therapist’s field of practice
- The therapist’s training/education
- The jurisdiction in which the therapist practices
- The therapist’s work address
- The fact that the therapist is regulated and registered with the College
- The name, location and contact information for the College
- Any potential conflict of interest

Consent and Disclosure Obligations

The requirement for the therapist to obtain client consent is no different than in domestic interactions with clients. Keep in mind, however, that if the client lives in a remote jurisdiction it is possible that different professional standards apply. The therapist should inform him or herself of such standards.

In their disclosure to his or her client(s), the therapist should include information about the risks of health care services which are not rendered in person. For example, in telepractice situations, the therapist does not have the benefit of accessing non-verbal communications. The therapist should inform the client that their judgement might be affected by the absence of this information.

Conflict of Interest

Disclosure of any conflict of interest on the part of the therapist associated with a telehealth service is very important. In addition, the therapist should, wherever possible, disclose to the client alternative options that may be available to them. Where provision of specific information on alternative options is not possible, the therapist should, at a minimum, disclose that there might be alternative options the client could pursue.

Documentation and Record Keeping

In circumstances where there may be a dispute about the applicable standard of care or the actual facts of the client's condition, it will be more important than in face-to-face care to keep adequate records of all professional encounters done through telepractice. In situations where varying standards of care apply, it is important to thoroughly document the context in which the care is provided in addition to the details of the care itself.

Follow-up

Ensuring appropriate follow-up care is always good practice, though may be more challenging in a telehealth context. The provision of advice or treatment in circumstances where follow-up is required, the therapist should be concerned about the likelihood that follow-up will be provided by appropriately qualified individuals or that in fact the client will follow up at all. For this reason, therapists treating clients by telehealth services may wish to make more enquiries and be more emphatic with the client about the need for follow-up than might be necessary in face-to-face care.

When your Client has Received Health Information or Advice from a Telehealth Service

It is increasingly the case that therapists see clients who have obtained information from telehealth sources. In this context, it is important to distinguish between general health information and health advice specific to the client's situation.

The therapist should be aware and assist the client in understanding that information available on the Internet or from other telehealth sources varies greatly in its quality and reliability. While exceptionally valuable information is available and can benefit both clients and therapists, it is equally true that unsound, wrong and dangerous information is often disseminated under the guise of reliability. Therapists will, of course, not rely on information simply

because it is printed from or available on the Internet anymore than they would any other printed information; however, it may sometimes be necessary to help client understand that the aura of high technology which surrounds information available on the Internet does not necessarily reflect the accuracy or reliability of that information.

Successfully working with a client to deal with health care concerns involves ascertaining and dealing with the client's knowledge base and assisting the client to achieve sufficient understanding of relevant reliable information to make intelligent choices. This process may be more intense in the information age than it previously was, but it is nonetheless important.

The College remains committed to discussing the practice of telehealth and will continue to debate the issue of jurisdiction as it pertains to both the client and the therapist.

For more information about telepractice, please contact the College.



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