

## Telehealth & Interjurisdictional practice: Where are the Feet?

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When it comes to telehealth and interjurisdictional (different states) practice, ask yourself:

- Where are the feet?
- Where are the client's feet?
- Where are my feet?

If you are licensed in NJ and EITHER your feet OR the client's feet are not in NJ proceed with caution and seek information to make sure you are complying with interjurisdictional practice regulations.

If you are licensed in NJ and ...

1. Your feet are in NJ and the client's feet are in NJ: No problem
2. Your feet are in NJ and the client's feet are in another US jurisdiction or state:  
<https://www.njconsumeraffairs.gov/COVID19/Documents/FAQ-Telehealth.pdf>
  - a. During Covid-19 NJ allows NJ licensees to provide telehealth services to patients outside of NJ. <https://www.njconsumeraffairs.gov/COVID19/Documents/FAQ-Telehealth.pdf>
    - i. After the state of emergency is lifted, this may change
  - b. Check to see if the state where the client's feet are requires temporary licensing, permits or licensing waivers. Consult the table linked below to find out the contact information for the state where your client's feet are located (for this example you are located in NJ and client is in college in NY) !
  - c. [https://cdn.ymaws.com/www.asppb.net/resource/resmgr/covid19/6.29.2020\\_temporary\\_&\\_teleps.pdf](https://cdn.ymaws.com/www.asppb.net/resource/resmgr/covid19/6.29.2020_temporary_&_teleps.pdf)
  - d. Most states allow temporary licensing or waivers for psychologists who are licensed in another jurisdiction to provide telehealth into their state. Check carefully to see how much time is allowed. Is it measured in sessions or calendar days? Some states are very accommodating others are Extremely strict.
3. Your feet are in another state and your client's feet are in NJ.
  - a. Proceed with caution! A NJ licensed psychologist DOES NOT have to be physically present in NJ to provide services into NJ.  
<https://www.njconsumeraffairs.gov/COVID19/Documents/FAQ-Telehealth.pdf>  
HOWEVER, the same rule that applies to providing services to clients in different jurisdictions, applies to NJ psychologists who are practicing from a jurisdiction other than NJ.
  - b. Check the state/jurisdictional requirements in the state where your feet are to see if you need to have a temporary license or waiver to practice. While many jurisdictions are providing leniency during the Covid-19 pandemic, states vary as to whether they have an Executive Order and if they do, when it expires. Make sure you know the time period and conditions if a temporary license is required.

- c. According to ASPBB psychologist/attorney Alex Siegel, J.D., Ph.D., an expert in interjurisdictional regulations for psychologists, while there have not been any court or licensing board cases on this issue YET, in his opinion, the psychologist must be licensed (or have a temporary license/waiver) both in the psychologist's location and the patient's location. He gave the example that a psychologist may not conduct telehealth sessions into the state where they are licensed, while on vacation in a different state, unless permitted by that state.
  - d. Given this information, if you are going to be providing telehealth into NJ and your feet will be in a different state, check with the licensing Board in the state where your feet are located.
4. Summary
- a. If either your feet or your client's feet are located outside of NJ and you are a NJ licensed psychologist, check with the State Board of the states where the feet are located before providing services.
  - b. If the patient experiences an emergency, do you know how to get them help?
  - c. What are other states regulations on issues such as Duty to Warn/Protect; child & vulnerable adult abuse reporting?
  - d. Remember, If you are not deemed to be licensed to provide services, if something happens, you may not be covered by your malpractice insurance.!
  - e. Do not forget to check with your malpractice insurance if they will cover telehealth services out of state despite a state permitting you to practice.
  - f. Check the status of Covid-19 waivers & exemptions.



#### Interjurisdictional practice & trainees

- Trainees are students who are currently enrolled in a clinical psychology doctoral program. The term can describe both practicum students and pre-doctoral interns.
- It is prudent to be careful and conservative with the requirements for their hours.
  - Interjurisdictional regulations and trainees are a special challenge for trainees. They often seek licensure in states other than where they trained so it is good practice to check to see if you are in compliance with regulations so that their hours won't be questioned at some point in the future.
- According to Indira Nunez, Executive Director for the NJ Attorney General, "in order to provide services via telehealth in New Jersey, individuals must hold a valid license in New Jersey. Thus, an individual who is not licensed in New Jersey is not allowed to provide telemedicine services into New Jersey, even while under supervision." She continues, "Students are exempt from licensure and under the oversight of the sending school/university."
  - As a practicum supervisor, I am interpreting this, that my practicum students who live in a state other than NJ, cannot provide telehealth (say from their home

in PA) into NJ. Therefore, I am requiring out of state trainees to provide telehealth services from the practicum cite in Mantua, NJ.

- Interns are a unique case, and the ASPBB Covid-19 task force is working on clarifying this issue but would be considered under the above considerations for supervising a doctoral practicum student.
- New Jersey permit-holders may use telemedicine to treat patients. However, if their feet are not in NJ see above.



### International Practice

- So, you want to ride out the pandemic from a beautiful island in the South Pacific while providing telehealth to your patients in NJ! The consensus is DON' T DO IT!
- International regulations vary widely concerning the practice of professional psychology from no regulations to very strict. Don't assume the laws from New Jersey or the United States apply internationally. At a minimum, consult your malpractice carrier before providing any telehealth services internationally. If your state licensing board allows, contact the governing body of the nation/country where the patient is located.
- Three questions to ask yourself?
  - Will the state where you are licensed allow you to provide telehealth services TO patients in another country?
  - Will the state where you are licensed allow you to provide telehealth services FROM another country?
  - Could you get extradited if there is a problem?
  - Did you call your malpractice carrier?
  - If the patient experiences an emergency, do you know how to get them help?

