

## Teletherapy Informed Consent

### What is Teletherapy?

Teletherapy, also referred to as Telemental health, involves the use of electronic communications to enable physicians and other healthcare professionals, including mental healthcare professionals, to improve the access to quality and appropriate care.

Teletherapy includes the practice of health-care delivery, evaluation diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications. Treatment Providers may include, but are not limited to, psychiatrists, psychologists, nurses, counselors, clinical social workers, and marriage and family therapists.

Teletherapy services with Mina O'Connell MS LMFT PLLC, are available to Texas residents only. I provide teletherapy services for individual adults, couples, families, and children. For additional information on the types of therapeutic services I provide please visit my website [minaoconnell.com](http://minaoconnell.com). Teletherapy services are also available for face-to-face clients on an as needed basis if deemed to be necessary and appropriate for treatment. At this time teletherapy services are only being offered via videoconferencing and the telephone, sessions will not be conducted through email or text messaging though the client may choose to communicate with me through these electronic mediums in accordance with the consent form provided in the Intake.

### Risks and Benefits

Teletherapy has its own unique risks and benefits. Benefits include improved access to care for clients who are homebound, lack reliable transportation, or do not have providers near them. Teletherapy can be beneficial for those who are more comfortable communicating online rather than face-to-face. Teletherapy often offers more flexibility with scheduling. Risks include but aren't limited to unexpected technological failures during sessions; increased risks to privacy which creates an additional burden on the client to ensure that sessions are private and undisrupted; hacking. An important risk to consider is the lack of nonverbal communication (body signals) that are readily available to both therapist and client in face-to-face sessions. Without this information, teletherapy may be slower to progress or be less effective altogether. While research results for individual therapy conducted online are certainly promising, there are presently no studies that have directly examined the effectiveness of couple or family interventions in an online context compared to in-person treatment. Further research on the online delivery of couple and family therapy is necessary to establish the effectiveness of online service delivery. Because of these risks, close attention must be paid to client progress and periodic on-going evaluations must be conducted to ensure the effectiveness of this form of therapy. Should I determine that teletherapy is no longer appropriate, the client will be referred for in-office treatment with me or will be referred out to an in-person therapist near them.

### Necessity of In-Person Evaluation

If possible, it is strongly recommended that the initial session be done face-to-face so the appropriateness of teletherapy can be evaluated. If found to be helpful, I will provide information on how to use the appropriate technology and review best practices to ensure that sessions run smoothly.

### Therapy Appointments, VSee, qliqConnect, Hushmail Security

To provide efficient services to clients and ensure patient confidentiality, I employ the assistance of an electronic record keeping service called Therapy Appointments (TA). TA assists with scheduling, secure messaging, record keeping, and billing. Electronic systems used through TA will incorporate network and software security protocols to protect the confidentiality of patient identification and other Protected Health Information (PHI), and TA will include measures to safeguard the data and to ensure its integrity against intentional or unintentional corruption. Transmission of data to and from the TA servers is accomplished using Transport Layer Security (TLS). Patient notes and treatment plans are encrypted at rest using AES (Rijndael) Base64. Data is stored within TA's servers for a minimum of seven years past the date that a therapist makes their account inactive, unless they petition TA to remove the data or ask for it to be stored for a longer period.

VSee, the videoconferencing platform, is designed to be secure from the start. It uses open industry standard, FIPS 140-2 compliant 256-bit AES encryption on all control and media traffic. Everything is always encrypted. VSee uses RSA public/private key to exchange the AES session key such that the VSee servers do not have access to the AES session key. This means only the people in your conversation can decrypt data passed through VSee.

Clients may use the free app qliqConnect for text messaging and may sign a release to use conventional texting for appointment reminders and minor scheduling. qliqConnect has no access to your PHI. With Qliq, Public/Private Key Encryption is used to protect the message content. Each Qliq user has a unique encryption key pair and each message is encrypted for a specific user. Qliq does not have the decryption keys (or Private Keys) and cannot decrypt any messages that pass through the servers. Most secure messaging vendors do not use Public/Private Key encryption and only TLS or SSL network encryption.

Hushmail is used for encrypted secure emailing. Hushmail systems require strong TLS/SSL encryption for all communication between computers and devices and servers. For transmitting email between email servers, Hushmail uses SSL/TLS encryption whenever it is available, although we allow email transmission to and from systems that do not support TLS/SSL if the configuration allows it. Hushmail uses advanced SSL/TLS security features such as Forward Secrecy, HTTP Strict Transport Security and Certificate Pinning.

## Client Records

All records are kept in written, hard copy form until scanned into Therapy Appointments and they are also saved on an encrypted hard drive stored in a locked filing cabinet. Patient records are kept secured so that they are not readily available to those who do not need them. Data collected to Therapy Appointments practice management system are stored on a server hosted by Edge Hosting in Baltimore, MD. It is behind an array of firewalls, in a "5 tier" secure facility, and is scanned on a regular basis for HIPAA compliance and general security. All HIPAA policies are adhered to for storage, backup, and transmission of personal health information. In addition, I am PCI compliant, protecting the privacy of your credit card transactions, storing credit card numbers through a fully validated PCI Compliant Data Storage Standard Solution.

All electronic records are stored for 7 years after the date of client's final session, or 7 years after minor client turns 18. Clients and parents/legal guardians for minor clients have the right to request a copy of the record or a summary. All records request must be submitted in writing, and there may be a records request fee.

## Verification of Client Identity

At the initial session the client will be required to provide proof of identity (TX Driver's License, Passport, etc.) After initial verification has been provided the client will be asked to verify their identity each session by answering a few security questions. During the initial session the client may also select a digit code to be used at the therapist's discretion should a security concern arise. In addition to verifying identity, clients will also be asked to identify their location at the time of the session.

## Technological Failures

Should a video or telephone session experience a disruption/technological failure the therapist will re-establish the connection (place a new video or telephone call) unless other arrangements between client and therapist are agreed upon. If videoconferencing is temporarily unavailable the session will resume via telephone (in accordance with the client's consent for communication form.) If after 15 minutes connection can't be re-established, or the session resumed on the phone, then the session will be rescheduled. Prorated sessions will be billed according to time spent.

## Minors and Teletherapy

Teletherapy may be used with children under the age of 12, even when the services are interactive and play based. Children vary in levels of emotional development and maturity; therefore, appropriateness can be evaluated for children in the 3-12 age range. Parenting sessions are appropriate for telemental health.

For any minor participating, the parent must provide proof of the child's identity (ex. school id with photo, passport, other parent verbally confirming child identity) as well as their own. If there are custody orders in place, a copy of the divorce decree must be provided so that parent's right to consent for treatment can be verified. An additional consent for the treatment of a minor must be on file for services to be rendered.

## Emergencies

Emergency procedures laid out in the Intake form apply. Given that therapy is not being conducted face-to-face, I do require all teletherapy clients to have an emergency contact on file and verify address, including city and county, in case of an emergency.

## Additional Fees

Phone calls and electronic communications that occur outside of scheduled therapy appointments are subject to additional, out of pocket fees.

- Frequent calls within a 24-hr period and calls lasting longer than 15 minutes= \$2.00 per minute not to exceed 30 minutes total. The fee for text and email communications will be determined based upon client's needs.

## Best Practices

To create an environment that is as close to a face-to-face experience as possible the following guidelines are strongly recommended:

- A. Ensure that your location is private and secure. Try to engage in our session in a room that allows you to separate yourself from distractions and any non-participants in the home who might overhear. Make arrangements for childcare if necessary.
- B. If the session is being conducted through video chat:

- a. Make sure there is sufficient lighting. Dark and solid colored clothing works best and lowers risk of interference with video image. Avoid large pieces of jewelry that reflect light. Take off hats and sunglasses that limit the view of your face.
- b. Only use a WiFi network that is secure via password protection, no public WiFi!
- c. Position yourself and camera so that you are visible from at least the waist up. If there are multiple participants make sure everyone is in view.
- d. If possible, arrange to make a test-call (free of charge) with a representative of Mina O'Connell, LMFT.

**By signing this form, I understand the following:**

I consent to teletherapy for myself and/or my minor child with Mina O'Connell, MS, LMFT, PLLC.

I understand that if I am experiencing an emergency I will call 911 or go to the ER.

I understand that I am responsible for (a) providing the necessary computer, telecommunications equipment and internet access for my online counseling/teletherapy sessions, (b) abiding by the best practices described in this addendum.

I hereby authorize, Mina O'Connell MS LMFT PLLC, and its employees, agents and independent contractors, to use telehealth in the course of my diagnosis and treatment.

I understand that by signing this agreement I am not waiving any existing protections for confidentiality, privacy, or other consumer protections as defined in the Informed Consent Form. I have all the same rights as clients receiving face-to-face therapy.

I understand that my insurance may not cover teletherapy. I understand that should services not be covered or Mina O'Connell MS LMFT PLLC not be in-network with my insurance, that I have the right to request an out-of-network statement that I can submit to my insurance company, potentially to be reimbursed for expenses or to go toward my deductible.

I understand that teletherapy services and care may not be as complete as face-to-face services. I also understand that if my therapist believes I would be better served by another form of psychotherapeutic services (e.g. face-to-face services) I will be referred for face-to-face sessions with Mina O'Connell MS LMFT PLLC or to a therapist near me who can provide such services. I understand that there are potential risks and benefits associated with any form of psychotherapy, and that despite my efforts and the efforts of my therapist, my condition may not improve, and in some cases may even get worse.

I understand that in the event of an adverse reaction to the treatment, or in the event of an inability to communicate due to a technological or equipment failure, I shall seek follow-up care or assistance at the recommendation of my therapist.

I understand that the laws that protect privacy and the confidentiality of medical information also apply to teletherapy. I understand that the information disclosed by me in my treatment is generally confidential. However, there are both mandatory and permissive exceptions to confidentiality as outlined in the main informed consent form.

I also understand that the dissemination of any personally identifiable images or information from the teletherapy interaction to researchers or other entities shall not occur

I understand that I have the right to withhold or withdraw my consent to the use of teletherapy for my care at any time, without affecting my right to future care or treatment.

I understand that I have the right to read information regarding a telehealth interaction and may receive copies of the notes for a reasonable fee.

\_\_\_\_\_  
Client/Legal Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Client/Legal Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mina O'Connell, MS, LMFT, PLLC Signature

\_\_\_\_\_  
Date