



# EXAMPLE QUESTIONS

## for Telehealth Platforms and Therapy Apps

**This resource** that can be used as a template for exploring one's options regarding the decision to use a platform or to join a platform as a mental health provider. We suggest creating various forms of this document to track information gained about each organization one is exploring. These questions are meant to be a guide, not a prescriptive method of gaining information. We encourage each counselor to seek consultation and supervision (formal and peer) and to research the areas discussed.

### Ethics

*How are the codes of ethics for the various professions of all behavioral health providers, specifically those for professional counselors (the 2014 ACA Code of Ethics), who use the platform to provide services reviewed, analyzed, considered and utilized to inform technology, marketing materials, business practices, clinical practices and procedures, and any other aspect of the platform during creation, development, implementation, assessment, and monitoring?*

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### Primary Responsibility

*Are criminal background checks conducted at the time the provider begins services, as well as periodically?*

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*Should a counselor receive a legal charge prohibiting them from providing mental health treatment or restricting or suspending their license to practice, what actions does the organization take in response?*

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*What other policies and procedures are in place that create checks and balances to ensure that individuals who receive behavioral health treatment services through the platform do not have their safety, well-being and privacy compromised or put at risk by a provider, the technology or anyone or any entity that has access to their information?*

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**Compliance with State and Federal Regulations/HIPAA**

*What ensures the services provided via this platform are aligned with the requirements of state and federal legislation?*

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*How is the platform or service regulated?*

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*What is the process for vetting the clinical credentials of the providers who offer services through the platform?*

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*How does the platform ensure that counselors work only with clients currently physically located in the state where they are licensed?*

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*How are providers supervised to ensure that they are providing appropriate and ethical services?*

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*How are situations managed if it is discovered that the counselor is potentially violating ethical practices or best practices?*

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*Is the platform HIPAA compliant? What measures, practices processes, and/or procedures are in place to ensure compliance with HIPAA?*

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*What measures are taken to ensure the confidentiality of client information and sessions, including communication in all forms (video, text/chat, phone calls, etc.)?*

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*Is any client information ever shared with a third party? If so, with what companies or groups?*

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*Does the company offer legal support to providers?*

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*Does the platform organization share in any liability for consumer lawsuits, licensure complaints or accusations of ethical violations?*

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**Compliance with Client Records**

*How are client records maintained?*

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*What processes does the organization maintain for quality assurance of the client record?*

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*What chart auditing practices does the organization use to protect client information?*

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*Are counselors able to maintain their records according to all state and federal laws that apply to them?*

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*How does the organization monitor for, communicate to providers and respond to changes in state and federal laws about client medical records?*

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*What policies and procedures are in place to respond to subpoenas?*

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*What policies and procedures are in place to respond to client record requests?*

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*What policies and procedures are in place to respond to record requests from non-clients (i.e., family members, outside agencies, lawyers, or other healthcare providers)?*

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**Client Safety**

*What policies and procedures are in place to address any and all safety risks including but not limited to imminent danger, suicide risk, domestic violence, child and elderly abuse, sex trafficking, substance misuse, altered mental status (i.e., psychosis), and other potentially harmful scenarios? What processes does the organization maintain for quality assurance of the client record?*

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*How is it ensured that therapists are trained in these policies and procedures?*

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*What specific safety measures are recommended should a client's safety be at risk? For example, which screening assessments and other expectations for clinician response are used?*

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*What, if any, professional development training are offer to therapists on addressing these concerns via telehealth?*

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*What measures are used to prevent and address harm to clients by their providers?*

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*Does the platform assist in resolving conflicts between providers and clients, and if so, what are these processes?*

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**Informed Consent - General**

*What policies and procedures does the organization have regarding informed consent to participate in telehealth services and to educate the client about the potential risks and benefits of telehealth services? How are these outlined in client consent to services forms?*

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*If a client consents to services via telehealth, but the counselor recommends against it as supported by clinical rationale, what measures does the organization have in place to protect both client well-being and counselor liability?*

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**The Therapeutic Relationship**

*How are the best practices for clinical processes, including diagnosis, developing treatment goals and objectives, and establishing the therapeutic relationship, considered and used to inform technology, marketing materials, business practices and any other aspect of the platform during creation, development, implementation, assessment and monitoring?*

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**Clinical and Technological Competence**

*What training in utilizing the platform and the provision of telebehavioral health services is offered to providers?*

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*How are the competency and effectiveness of providers clinically and technologically measured?*

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*What, if any, clinical and technological consultation and/or support services are provided to counselors?*

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*What policies and procedures have been established for referring and connecting clients to a local provider when counselors determine that the treatment needs are outside of the scope of outpatient services and/or when client needs cannot be met via telehealth services?*

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**Cultural Responsiveness**

*What steps have been taken to ensure that counselors are competent in areas of multicultural counseling competency, LGBTQ+ counseling competency, BIPOC populations, as well as any areas of claimed expertise?*

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*What, if any, consultation, support and training regarding culturally responsive care are offered to counselors?*

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*How do clients' cultural identities and experiences inform the development and implementation of the platform's products and services?*

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*What measures are in place to ensure clients receive culturally responsive and affirmative care?*

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*Are there policies and procedures to address incidents of provider bias, prejudice and marginalization (i.e., stigma, ableism, racism, classism, fatphobia, sexism) to protect the safety and well-being of clients?*

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*Are there policies and procedures to address incidents of client bias, prejudice and marginalization (i.e., stigma, ableism, racism, classism, fatphobia, sexism) to protect the safety and well-being of the providers?*

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**Billing and Financial Practices**

*What happens when someone can no longer pay for the service?*

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*What processes are in place to ensure care is not disrupted and that clients are not at risk of harm due to losing access to care because of their inability to pay for services?*

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**Termination**

*Do providers oversee the termination of services process, regardless of a user's financial status and monetary amount owed?*

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*Are providers financially incentivized to retain clients?*

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*How are the safety and well-being of clients ensured if they do not renew their subscription or can no longer afford to pay for services?*

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*What policies and procedures does the organization have in effort to address potential client abandonment concerns specifically for clients presenting with safety, acute psychiatric concerns, and high-risk factors?*

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**Privacy and Confidentiality**

*Is the information and data created via and in client therapy sessions (text, video, audio communications, or metadata) recorded and/or monitored in any manner? If so, how?*

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*Can users decline the gathering, storage, utilization, and selling of their information both before starting treatment and after they have begun treatment? Can users who decline this still access services through the platform?*

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*What user information is gathered about prospective clients prior to the establishment of the counselor/client relationship? How is this information gathered, stored, and utilized? Is this information sold and/or shared with external third parties? If so, what individuals and/or businesses? Is the information de-identified, and if so, what methods are used to ensure complete privacy and to avoid sharing any identifiable consumer data?*

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*What educational materials or resources are available for potential and current clients regarding any privacy limitations associated with utilizing the app?*

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**Informed Consent - Privacy & Confidentiality + Technology**

*What systems, processes, and safeguards are in place to identify the third parties who receive a client's information as provided by the platform?*

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*Are clients offered a release of information for third parties to either sign and give consent or refuse the sharing and distribution of their information?*

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*What systems, processes, and safeguards are in place to ensure those third parties who receive client information are "sensitive to their confidential nature?"*

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*What educational resources are available to aid counselors as they inform clients about the privacy limitations associated with utilizing the platform?*

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**Business Relationships**

*What processes and procedures are in place for resolving potential conflicts between a provider’s professional code of ethics and their required duties and responsibilities as a provider through your platform?*

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**Additional Questions**

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This and additional resources can be found [here](#).

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