

BOARD STATEMENT ON TELEPSYCHOLOGY IN NORTH DAKOTA

The use of technology to provide psychological services via remote means, sometimes known as telepsychology, is a burgeoning part of our profession. While telepsychology can increase efficiencies and make mental health services more accessible, it is not without its own complexities. For example, psychologists practicing telepsychology must adhere not only to guidelines related to the utilization of new methods in the delivery of services (APA/ASPPB/APAIT Joint Telepsychology Guidelines), but must also follow the laws of multiple jurisdictions as those laws apply to their practice of telepsychology. This statement is meant to briefly orient psychologists to some of the issues they may encounter related to telepsychological practice.

First, there is no special licensure status or credential within North Dakota for the practice of telepsychology. As a result, a psychologist licensed in North Dakota may be permitted to provide telepsychology services to recipients located either inside or outside North Dakota. When doing so, the psychologist must comply with the laws and regulations of a) North Dakota, including NDCC 43-32 and 43-51, b) the jurisdiction in which the psychologist is located, and c) the jurisdiction in which the recipient is located. The psychologist should specifically be aware of whether each jurisdiction permits telepsychology and how they regulate it.

A psychologist licensed in another jurisdiction, but who is not licensed in North Dakota may also be permitted to provide telepsychology services in North Dakota. If the psychologist or the recipient is located in North Dakota, the psychologist must comply with North Dakota laws, including NDCC 43-32 and 43-51. These laws require, in part, that the services of the psychologist be within the scope of practice and title of the license of psychologist. In situations where the recipient is located in North Dakota, the law also requires that the services be **a continuation of a professional relationship with the recipient that was formed first in the jurisdiction which the provider is licensed, as long as the foreign jurisdiction permits remote practice**. This psychologist must also comply with the laws of the jurisdictions where a) the psychologist is licensed, b) the psychologist is located, and c) the recipient is located. This psychologist should specifically be aware of whether each jurisdiction permits telepsychology and how they regulate it.

A psychologist's failure to follow the laws of any of the jurisdictions in which they are licensed or located, or where the recipient of their services is located, may result in discipline of the psychologist by all of the relevant jurisdictions. Psychologists are strongly encouraged to regularly review the applicable laws to ensure their practices, including their provision of telepsychology, are compliant.

Permutations:

ND Licensed Psychologist/Applied Behavior Analyst providing telepsychology services:

1. Psychologist/BA in ND; Recipient in ND
 - a. A licensee located in ND may provide remote services to individuals in ND within their competence of the scope of practice and title of the license. Licensees doing so should be aware of regulations related to this practice, including (but not limited to): NDCC 43-32 and 43-51. There is no special licensure status or credential within ND for telepractice.
2. Psychologist/BA in ND; Recipient out of ND
 - a. A licensee located in ND may provide remote services to individuals in another jurisdiction if such a practice is authorized in that jurisdiction. However, if such practice would be illegal, or the licensee violates a law of that other jurisdiction, or of ND, they would be subject to disciplinary action in ND (and likely the other jurisdiction). Licensees doing so should be aware of regulations related to this practice, including (but not limited to): NDCC 43-32 and 43-51. There is no special licensure status or credential within ND for telepractice.
3. Psychologist/BA out of ND; Recipient in ND
 - a. A ND licensee traveling in another state at the time of providing remote services to individuals located in ND, must additionally ensure compliance with the laws of the jurisdiction in which they are located at the time of practice (see number 2).
4. Psychologist/BA out of ND; Recipient out of ND
 - a. A ND licensee traveling in another state at the time of providing remote services to individuals located outside ND, the licensee must additionally ensure compliance with

the laws of the jurisdiction in which they are located at the time of service as well as the jurisdiction that the recipient is located at the time of services.

Non-ND Psychologist/BA providing telepsychology services INTO ND:

1. Non-ND Psychologist/BA in licensed state; recipient in ND
 - a. A non-ND licensed provider may provide remote services to individuals within ND within their competence and scope of practice and title of the license of psychologist, **as long as this is a continuation of a professional relationship with the recipient that was formed first in the jurisdiction which the provider is licensed and as long as the foreign jurisdiction permits remote practice.** Foreign licensees doing so should be aware of regulations related to this practice, including (but not limited to): NDCC 43-32 and 43-51.
2. Non-ND Psychologist/BA in ND; recipient in ND
 - a. A non-ND licensed provider may NOT provide remote services to individuals in ND if they are located in ND at the time of services, as they would not be licensed to practice within this jurisdiction. Foreign licensees doing so should be aware that any person who violates any of the provision of NDCC 43-32 is guilty of a class B misdemeanor, and civil remedies may also apply.
3. Non-ND Psychologist/BA in state not licensed in; recipient in ND
 - a. A non-ND licensed provider may not initiate services from a jurisdiction in which they are not licensed and provide these services to a recipient in ND. Foreign licensees doing so should be aware that any person who violates any of the provision of NDCC 43-32 is guilty of a class B misdemeanor, and civil remedies may also apply.

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