



Newfoundland and Labrador Council of Health Professionals (NLCHP)

Telepractice Resource Guide

October 2020

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OVERVIEW

This document provides direction and resources for health professionals registered under the *Health Professions Act* in relation to regulatory responsibilities for telepractice. Telepractice refers to client and health care provider consultations using videoconferencing. Health professionals must adhere to all legislation, standards of practice, ethical codes and currently policies and guidelines relevant to their practice when offering services through telepractice. Health professionals should consult with their health professional College prior to offering telepractice services to ensure health profession specific guidelines are followed.

COMPETENCY

Health professionals using telepractice are expected to practice within their area of competence. It is the responsibility of the health professional to assess one's own competence to ensure he or she has the skills, knowledge and experience to provide quality services.

It is also the responsibility to ensure that the services offered through telepractice meet the needs and treatment plans of each client. Individual assessments should be completed on each client to determine if telepractice is appropriate for the individual.

PRIVACY AND CONFIDENTIALITY

Health professionals have an ethical and legal obligation to protect the patient's right to privacy and confidentiality of personal health information. Privacy information in Newfoundland and Labrador (NL) is guided by legislation.

The Access to Information and Protection of Privacy Act (ATIPPA) is provincial legislation guiding public sector privacy law. The Personal Information Protection and Electronic Documents Act (PIPEDA), is the federal law governing privacy in the private sector. Health professionals in the province of Newfoundland and Labrador (NL) are bound to both by the provisions of the Personal Health Information Act (2011) (PHIA). PHIA is the provincial law that governs the collection, use of and disclosure of personal health information by individuals and organizations, also known as custodians, involved in the delivery of health care services. The law is intended to ensure that personal health information is kept confidential and secure while allowing for effective delivery of health care services in the province.

Within the context of privacy and confidentiality there are many components: legislative compliance, consent considerations, security of information, and appropriate release of information, etc. Below are links to the legislation and other tools available for health professionals. Please contact the NLCHP should you have any questions.

ONLINE PLATFORMS

The Newfoundland and Labrador Centre for Health Information (NLCHI) has approved Zoom for Healthcare as an option for home-based visits. At this time NLCHI is offering this a temporary solution for RHA healthcare providers. Private clinics can purchase their own Zoom for healthcare license. Key features for security include:

- Unique appointment link each time with secure passcode
- No recording unless approved by privacy and security
- More group participant functionality

Please note that NLCHI has advised that all other versions of Zoom are not approved for clinical use due to privacy and security risks.

Health professionals must ensure that any platform used protects client confidentiality and compliant with the applicable legislation regarding personal health information.

CONSENT

Health care professionals have a legal and ethical responsibility to obtain valid documented consent from clients for services and to ensure their practices regarding the informed consent process comply with the law. Consent to participate in videoconferencing consultation is required for each client both within the province and out of province as well.

Consent forms should be utilized. Consent forms should address client/health care relationship and the use of technology to provide services. Risks associated with using online platforms in terms of security,

MUTLI-JURISDICTIONAL PRACTICE

Health professionals have a responsibility to be aware of inter-jurisdictional issues when providing services using electronic technologies (i.e., on-line, video conferencing etc.) Regulatory requirements pertaining to various health professionals practice vary across provinces and countries.

Individuals who reside outside of Newfoundland and Labrador that provide telepractice services to clients within the province are required to be registered with the NLCHP.

It is the responsibility of the health professional who resides in NL to be aware of and adhere to the registration requirements for practice in this province, as well as the jurisdiction where the client resides. Health professionals should also ensure that they have professional liability insurance policies which provide adequate coverage for the practice and the jurisdiction in which practice is being provided. Further information on the jurisdictional regulatory requirements can be obtained by contacting the appropriate regulatory agency in the jurisdiction where the client resides.

PROFESSIONAL LIABILITY INSURANCE

The *Health Professions Act* requires all health professionals to maintain professional liability insurance. Health professionals are responsible for ensuring the level of liability risk associated with telepractice is covered in their liability insurance policy. Health professionals should consult with their professional liability insurance provider when engaging in telepractice.

FEES FOR SERVICE

The NLCHP does not set fees for private practice for any of its health professions or provide direction on the processes for collection and accounting. It is the responsibility of the health professional to set reasonable fee structures that are in line with the services being provided, and ensure the client is aware of the fees at the onset of the professional relationship.

Health professionals covered by the Health Professions Act are not eligible to access money through the province medical care plan (MCP). Some insurance companies will cover the costs of health professional services that are provided by private practitioners. Health professionals can discuss this with clients who maintain private health care insurance.

REFERENCES AND RESOURCES

REFERENCES

Government of Newfoundland and Labrador (2011) *Personal Health Information Act*
<http://assembly.nl.ca/Legislation/sr/statutes/p07-01.htm>

Government of Newfoundland Labrador (2002) *Access to Information and Protection of Privacy Act*
http://assembly.nl.ca/Legislation/sr/statutes/a01-1.htm#5_1

Government of Canada, Personal Information Protection and Electronic Documents Act (S.C. 2000, c. 5)
<https://laws-lois.justice.gc.ca/eng/acts/P-8.6/>

GENERAL RESOURCES

Government of Newfoundland and Labrador, Department of Health and Community Services, PHIA Resources
<https://www.health.gov.nl.ca/health/phia/index.html>

Government of Newfoundland and Labrador, Office of the Information and Privacy Commissioner, Resources for Custodians
<https://www.oipc.nl.ca/custodians>

HEALTH PROFESSIONAL RESOURCES

Speech-Language Pathology and Audiology

Speech-Language and Audiology Canada, SAC Position Paper on The Use of Telepractice for SAC S-LPs and Audiologists <https://www.sac-oac.ca/news-events/news/covid-19-update-telepractice>