

HOUSE BILL No. 1200

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-33.

Synopsis: Telepsychology. Allows a psychologist and a health service provider who meets certain requirements (supervisee) to use telepsychology. Requires the psychologist or the supervisor of a supervisee who uses telepsychology to ensure that confidential communications stored electronically cannot be recovered or accessed by unauthorized persons when the psychologist or the supervisor of a supervisee disposes of electronic equipment and data.

Effective: July 1, 2019.

Frizzell, Kirchhofer, Shackelford

January 10, 2019, read first time and referred to Committee on Public Health.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1200

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-33-1-2, AS AMENDED BY P.L.2-2007,
2 SECTION 344, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) As used in this article:
4 "Appraisal instrument" means:
5 (1) a career and occupational instrument;
6 (2) an adaptive behavioral and symptom screening checklist; or
7 (3) an inventory of interests and preferences;
8 that is administered for the purpose of counseling individuals to cope
9 with or adapt to changing life situations or to situations that are due to
10 problems in living. The term includes marital, relational,
11 communicational, parent and child, family system assessment
12 instruments, and employment counseling.
13 "Board" means the state psychology board.
14 "Person" means an individual, firm, partnership, association, or
15 corporation.
16 "Practice of psychology" includes the following:
17 (1) Construction, administration, and interpretation of tests of



- 1 intellectual and cognitive abilities, aptitudes, skills, interests,
 2 attitudes, personality characteristics, perception, emotion,
 3 motivation, and opinion.
 4 (2) Diagnosis and treatment of mental and behavioral disorders by
 5 a health service provider in psychology.
 6 (3) Educational and vocational planning and guidance.
 7 (4) Personnel selection and management.
 8 (5) Arrangement of effective work and learning situations.
 9 (6) Resolution of interpersonal and social conflicts.
 10 (7) Techniques used in interviewing, counseling, psychotherapy,
 11 and behavior modification of individuals or groups.
 12 (8) Supervision of psychological services.
 13 (9) Teaching of any of the practices listed in this subsection.
 14 (10) The planning and conduct of research on human behavior.

15 "Psychological services" means acts or behaviors coming within the
 16 purview of the practice of psychology (as defined in this article).

17 **"Psychologist" means a person who is licensed under this**
 18 **chapter to engage in the practice of psychology.**

19 "Recognized postsecondary educational institution" means any
 20 college, university, school, or similar educational establishment
 21 approved by the board for the purposes of this article.

22 "Agency" means the Indiana professional licensing agency under
 23 IC 25-1-5.

24 "Approved organization" means any organization or individual
 25 approved by the board.

26 "Continuing education course" means an orderly process of
 27 instruction that is designed to directly enhance the practicing
 28 psychologist's knowledge and skill in providing relevant psychological
 29 services, and that is approved by an approved organization.

30 (b) Nothing in this article shall be construed as permitting
 31 individuals licensed as psychologists to engage in any manner in the
 32 practice of medicine or optometry (as defined in the laws of this state).

33 (c) Nothing in this article shall be construed as permitting a
 34 psychologist to prescribe medication, unless a psychologist is
 35 participating in a federal government sponsored training or treatment
 36 program. An individual licensed as a psychologist may not prescribe
 37 medication unless the individual is a practitioner (as defined under
 38 IC 16-42-19-5).

39 SECTION 2. IC 25-33-3 IS ADDED TO THE INDIANA CODE AS
 40 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2019]:

42 **Chapter 3. Telepsychology**



1 **Sec. 1. Nothing in this chapter authorizes a psychologist or a**
2 **supervisee to engage in the practice of psychology with a person**
3 **who is domiciled in a jurisdiction other than Indiana.**

4 **Sec. 2. The definitions in IC 25-33-1-2 apply to this chapter.**

5 **Sec. 3. As used in this chapter, "supervisee" means a person**
6 **who is endorsed as a health service provider under 868**
7 **IAC 1.1-13-3.1 and is supervised by a supervisor.**

8 **Sec. 4. As used in this chapter, "supervisor" means a**
9 **psychologist who supervises a supervisee.**

10 **Sec. 5. As used in this chapter, "telepsychology" means the**
11 **practice of psychology, including psychological supervision, using**
12 **electronic communications and information technology, including**
13 **the following means:**

14 **(1) Videoconferencing.**

15 **(2) Telephone.**

16 **(3) Electronic mail.**

17 **(4) Internet based communications.**

18 **Sec. 6. Subject to section 7 of this chapter, a psychologist and a**
19 **supervisee may use telepsychology to treat an individual.**

20 **Sec. 7. (a) Before using telepsychology, the psychologist or**
21 **supervisor, with the aid that the supervisee is practically able to**
22 **provide, must do the following:**

23 **(1) Establish and maintain competency in the use of**
24 **telepsychology, including through continuing education,**
25 **consultation, or other procedures, in conformance with**
26 **prevailing standards of scientific and professional knowledge.**

27 **(2) Establish and maintain competency in the appropriate use**
28 **of the information technologies used in the practice of**
29 **telepsychology.**

30 **(3) Assess if the client's primary problem and apparent**
31 **condition are consistent with the use of telepsychology to the**
32 **client's benefit.**

33 **(4) Determine if the client has sufficient knowledge and skills**
34 **to use the technology involved in telepsychology or if the client**
35 **can use a personal aid or assistive device to benefit from the**
36 **service.**

37 **(5) Refrain from providing telepsychology services to any**
38 **client when the outcome of the psychological analysis is**
39 **inconsistent with the delivery of telepsychology services,**
40 **including clinical or technological issues.**

41 **(6) At each contact with the client, make reasonable efforts to**
42 **verify the identity of the client.**



- 1 (7) Establish an alternative means of contacting the client.
2 (8) Provide the client with an alternative means of contacting
3 the psychologist or supervisee.
4 (9) Establish a written agreement concerning the client's
5 access to face-to-face emergency services in the client's
6 geographical area, including instances where the client is
7 experiencing a suicidal or homicidal crisis.
8 (10) When feasible, use secure communications with clients,
9 which may include encrypted text messages via electronic
10 mail or secure Internet web sites.
11 (11) Obtain and document consent for the use of nonsecure
12 communications.
13 (12) Obtain the written informed consent of the client, in
14 language that is likely to be understood and is consistent with
15 accepted professional and legal requirements, concerning the
16 following:
17 (A) The limitations and innovative nature of using
18 telepsychology in providing psychological services.
19 (B) Potential risks to confidentiality of information due to
20 the use of telepsychology.
21 (C) Potential risks of sudden and unpredictable disruption
22 of telepsychology services and how an alternative means of
23 reestablishing an electronic or other connection will be
24 used under those circumstances.
25 (D) How and when the psychologist or supervisee will
26 respond to routine electronic messages.
27 (E) Under what circumstances the psychologist or
28 supervisee and client will use an alternative means of
29 communication under emergency circumstances.
30 (F) Who else may have access to communications between
31 the client and the psychologist or supervisee.
32 (G) Specific methods for ensuring that a client's electronic
33 communications are directed only to the psychologist or
34 supervisee.
35 (b) A supervisee's use of telepsychology may not include
36 psychological diagnoses, psychological prescriptions, or
37 psychological client supervision.
38 (c) A supervisee's use of telepsychology may be used to provide
39 psychological training supervision only as a supplement to the
40 supervision requirements in IC 25-33-1 and may not replace any
41 individual face-to-face supervision requirements.
42 (d) The supervisor must provide the supervisee with an



1 **alternative means of contacting the supervisor.**
2 **Sec. 8. The psychologist or supervisor who uses telepsychology**
3 **shall ensure that confidential communications stored electronically**
4 **cannot be recovered or accessed by unauthorized persons when the**
5 **psychologist or supervisor disposes of electronic equipment and**
6 **data.**

