

# TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL



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## **Guidelines for Use of New Technologies or Emerging Practices**

Advancements in technology and scientific knowledge often result in a corresponding adoption of these technologies and/or new areas of practice by mental and behavioral health care providers. However, the rapid and dynamic appearance of these new facets of professional services makes it difficult for state regulations and professional ethics to keep up with specific language governing the use of new technologies or practices. The Council has developed this guidance document to assist licensees when considering whether and how to use new technologies or practices, including considerations of how general practice standards and ethics may apply.

### **What is considered a new technology or an emerging practice area?**

A new technology is one that has not yet been widely employed in the professional community, such that its application, impact, and limitations are not fully known. An emerging practice area will include methods of treatment or practice modalities that are not yet widely employed in the professional community, do not have generally accepted training standards, and/or have not been widely rejected by the professional community as violating reasonable standards of care.

A method, modality, or technology is likely not emerging or new if it is generally recognized as standard practice by local, state, or federal agencies, or is reimbursed by third-party payer agreements (e.g., insurance), or state or federal reimbursement programs (e.g., Medicaid, Medicare, Tricare).

### **Core ethical and regulatory practice standards:**

Regardless of the tools, methods, or technologies they use, licensees are fully responsible for the services they provide and must continue to meet basic ethical and practice standards, including:

- Licensees must be appropriately educated and trained in any methods, modalities, or technologies they employ.
- Licensees must have sufficient knowledge to evaluate whether use of a technology or practice is appropriate in a given situation or for a particular client.
- Licensees are ultimately responsible for all clinical judgments and therapeutic decisions regarding assessment, diagnosis, and treatment.
- Licensees must ensure the accuracy and completeness of client records and protect the confidentiality and security of all client data, regardless of the technology or methods used.
- If a licensee delegates responsibilities involving new technologies or practices to others, the licensee must ensure that those individuals are properly trained, competent, and ethically using the tools.
- A supervising licensee remains accountable for supervisees' actions to the same extent they would with any form of practice.

### **Competency to employ new technologies or practices**

In emerging areas where established training standards do not exist, licensees must take reasonable steps to ensure their competence.

- In the absence of recognized practice standards, licensees should consider the best application of generally accepted professional ethical principles.

### **Consent and safeguards**

Licensees must stay informed about the safety, accuracy, and effectiveness of any technology or practice used. Licensees must also ensure the client provides sufficient informed consent given the services being provided.

- Licensees should consider whether there are appropriate steps when employing new technologies or practices to protect clients and others from potential harm.
- When using technology-based or virtual services (e.g., telehealth), licensees should consider adopting protocols to address client emergencies or technological failures, including alternate methods of contact and referral to local crisis resources.
- When using an emerging practice, licensees should consider adopting emergency preparedness policies or other procedures to identify potential safety risks, particularly physical or medical, that may arise as a result of the practice and develop a plan for addressing such emergencies to prevent patient harm.

- When employing a new technology or practice, licensees should consider providing a client some or all of the following information, as appropriate to that client:
  - The method, modality, or technology being used;
  - Its intended purpose, capabilities, and limitations;
  - Any reasonably foreseeable adverse effects or risks;
  - Steps the licensee or client can take to reduce potential risks or harm; and/or
  - The client's right to decline or opt out of its use.

### **Continued responsibility after use of new technologies or emerging practices**

Licensees must regularly evaluate the effectiveness of any practice method, modality, or technology used. If a method or tool does not appear to benefit the client or causes adverse effects, the licensee must adjust or discontinue its use.

### **Limitations of new technologies or practices**

The use of any new or emerging practice or technology does not expand a licensee's scope of practice, nor alter their ethical responsibilities or prohibitions.

- Council licensees are not authorized to perform medical procedures or to prescribe, dispense, or administer medications.
- Licensees must maintain clear and appropriate professional boundaries when using technologies that facilitate informal or asynchronous communication (e.g., text messaging, social media, apps with chat features).