



## TELEPRACTICE POLICY : OUT OF PROVINCE JURISDICTION

This policy sets forth the position of the Québec Order of Social Workers and Marriage and Family Therapists (Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, (hereafter the OTSTCFQ) on the issue of Telepractice : Out of Province Jurisdiction.

### **Telepractice : A modality for Social Workers and Marriage and Family Therapists recognized by the OTSTCFQ**

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Telepractice refers to professional services at a distance by using the application of telecommunications technology. It is best to confirm that the use of digital and electronic technologies is a possibility for social workers and marriage and family therapists to assist individuals in need. At the OTSTCFQ, the terms “digital and electronic technologies” refer to the use of computers, the Internet, social media, chat services, texting, emails as well as devices such as smart phones and video technology. The use of these technological means is to :

- Provide information to the public;
- Dispense professional services to clients;
- Communicate with clients;
- Manage confidential information and files;
- Keep client records and have access to client information;
- Make provisions for payment for professional services rendered.

In order to promote diligence and the quality of activities related to Telepractice, the OTSTCFQ issued, for its members, [Normes de télépratique pour les travailleurs sociaux et les thérapeutes conjugaux et familiaux<sup>1</sup>](#)

### **Jurisdictional issues related to Telepractice**

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There are jurisdictional issues related to Telepractice. Such is the case when a social worker or a marriage and family therapist, who is a member of the OTSTCFQ, interacts professionally with a client located outside Québec. It is also the case when a professional authorized to practice in another province or country provides professional services to clients located in Québec.

In Canada, professional regulations are under provincial and territorial jurisdiction. In Québec, according to the *Professional Code*, only a member of the OTSTCFQ can claim to be a professional social worker or a marriage and family therapist. Moreover, subject to certain exceptional regulated situations, no one can carry out one of the following reserved professional activities unless the person holds a practice permit specified in the *Professional Code* and is a member of the corresponding professional order :

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<sup>1</sup> Only french version available.

- a) Assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional;
- b) Assess a person further to a decision of the director of youth protection or of a tribunal made under the Youth Protection Act (chapter P-34.1);
- c) Assess an adolescent further to a decision of a tribunal made under the Youth Criminal Justice Act (S.C. 2002, c. 1);
- d) Assess a person with regard to child custody and access rights;
- e) Assess a person who wishes to adopt a child;
- f) Undertake the psychosocial assessment of a person with regard to the protective supervision of a person of full age or with regard to a protection mandate;
- g) Determine the intervention plan for a person who suffers from a mental disorder or exhibits suicidal tendencies and who resides in a facility run by an institution operating a rehabilitation centre for young persons with adjustment problems;
- h) Assess a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the adjustment and rehabilitation services required;
- i) Make decisions as to the use of restraint measures in accordance with the Act respecting health services and social services (chapter S-4.2) and the Act respecting health services and social services for Cree Native persons (chapter S-5); and
- j) Make decisions as to the use of isolation measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons.

It is important to note that the practice of psychotherapy is a regulated practice and only those who hold a psychotherapist's permit can exercise this activity. The OTSTCFQ has no authority over the practice of psychotherapy by non-members. This field is under the jurisdiction of the Québec Order of Psychologists (Ordre des psychologues du Québec). Consequently, this policy does not address the practice of psychotherapy.

### **Position of the OTSTCFQ**

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The OTSTCFQ recommends that members offering Telepractice services to their clients located outside Québec communicate with the regulatory body in the state, province or territory involved to ensure that their professional services are compatible with prevailing laws and required permits in those jurisdictions.

In the event that it is not problematic to dispense services, members of the OTSTCFQ are required to inform their clients located outside Québec that they are not a member of the regulatory body of the state, province or territory in question, but a member of the Québec Order of social workers and marriage and family therapists. The OTSTCFQ's members are also required to hold Professional Liability Insurance (or Protection) covering their professional services to clients in the jurisdiction involved.

Social workers or marriage and family therapists who detain a permit (or any other type of legal authorization to practice) issued by a jurisdiction outside Québec, but are not members of the OTSTCFQ (hereafter referred to as "out-of-province professionals"), and who provide professional services by Telepractice to clients located in Québec at the time these services are dispensed, must comply to the following conditions:

1. In all written communications with clients or third parties located in Québec, they must add, in parentheses, the jurisdiction that issued their permit to practice after the mention of the reserved professional title or initials.
2. When communicating with clients, the professional must inform them of the province that issued their permit to practice, unless the clients are already aware. For example, if consultations conducted in person in premises located outside Québec before the start of the emergency health measures, it could be presumed that the client is already aware of this fact.
3. The out-of-province professional is never located in Québec when providing services to clients in Québec.
4. The out-of-province professional does not offer his services in media either produced in Québec or distributed primarily in Québec.
5. The out-of-province professional does not provide clients located in Québec with services deemed to be reserved professional activities nor produce reports for Québec courts if they correspond to reserved professional activities, unless the out-of-province professional is a registered member of the OTSTCFQ.

Furthermore, it is important to note that a wide range of professional activities carried out by members of the OTSTCFQ in their practice do not constitute reserved activities. Non-members regardless of where they are located can provide these services. The nature of reserved professional activities by members of the OTSTCFQ considerably reduces the risk of service interruptions for clients who were already benefitting from social support before the introduction of the emergency health measures, due to in-person consultations outside Québec, and who will continue to receive support from a distance during this health crisis.

Out-of-province professionals who wish to obtain a permit from the OTSTCFQ can submit an application if they:

- [hold a permit or other legal authorization to practice social work in a Canadian province](#)
- [hold a permit or other legal authorization to practice social work outside Québec](#)
- [hold a permit or other legal authorization to practice couples and family therapy outside Québec](#)

Note that in order to obtain a permit, a professional from another Canadian province must normally have completed *Lois, règlements et normes de pratique : balises pour soutenir l'intervention* (Laws, regulations and practice standards: benchmarks in support of intervention) training. Given the current pandemic, this training is temporarily unavailable. However, the OTSTCFQ could issue a temporary permit, with the requirement that this training, which will soon be available by webinar, will be completed within one year. Social workers from outside Canada or marriage and family therapists from outside Québec could be required to complete other trainings or internships.