TECHNOLOGY AND THERAPY: ETHICS IN THE NEW FRONTIER

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135-11-.01 TELEMENTAL HEALTH

- Definitions

- Provisions – Training

- Continuing Education Hours

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TELEMENTAL HEALTH

- "means the mode of delifvering services via technology-assisted media, such as but not limited to, a telephone, video, internet, a smartphone, tablet, PC desktop system or other electronic means using appropriate encryption technology for electronic health information. TeleMental Health facilitates client self-management and support for clients and includes synchronous interactions and asynchronous store and forward transfers."

HOW DOES TELEMENTAL HEALTH OVERLAP WITH YOUR CLINICAL PRACTICE?

- Emailing clients

- Texting clients

- Cell phones

- Laptops

- Video Conferencing Tools

HIPAA PROTECTED HEALTH INFORMATION (PHI)

- Names
- Geographical identifiers smaller than a state
- Dates (other than year) directly related to an individual
- **Phone number**
- Fax numbers
- **Email addresses**
- Social Security numbers
- Medical record numbers
- Health insurance beneficiary numbers

▶ Account numbers

▶ Certificate/license numbers

▶ Vehicle identifiers, including license plate

▶ Device identifiers and serial numbers

▶ URLs

▶ **IP address numbers**

▶ Biometric identifiers (finger prints, etc)

▶ Full face photographic images

▶ Any unique identifying number, characteristic or code

HIPAA-HITECH ACT AND HIPAA VIOLATIONS

- As of September 22, 2014, HIPAA-HITECH RULES ARE IN EFFECT AND ENFORCEABLE: this includes mental health centers and private practices.

- Areas to consider to protect one's client: what software would you use and is it safe from hacking and malware, legal obligations regarding state to state services, abuse reporting, responsibilities in regards to confidentiality, safety implications for client crisis in another state, and ethical responsibilities of distance counseling.

- There are Civil penalties that range from $50,000 to $1,000,000 with violations of HIPPA

- Silvernail Consultant Services. (Dr. Darlene Silvernail) (2017). Understanding Telemedicine: An Overview of the legal and Ethical Implication of Electronics in Counseling

EXAMPLES OF ENCRYPTED METHODS OF DELIVERY

- Email   http://www.hushmail.com

- Chat   https://crypto.cat or http://www.chatcrypt.com

- Audio   http://www.voiponeclick.com/

- Smart phone/SMS Texting   http://hippomsg.com/

DIGITAL SECURITY

- Computers are NOT safe storage devices

- Any information stored on an electronic device that contains client data should be **encrypted**

  - Mere password protection to open a phone or computer is **not** sufficient

  - Full disk encryption is best

ENCRYPTION

- Protects against unauthorized access to files by turning the data into gobbledygook until the appropriate password is entered

ENCRYPTING COMPUTERS

- You can encrypt your whole computer

  - Mac – FileVault - https://support.apple.com/en-us/HT204837

  - PC – Bitlocker - https://www.pcworld.com/article/2025462/how-to-encrypt-almost-anything.html

HOW TO ENCRYPT A CELL PHONE

- https://www.dailydot.com/layer8/how-to-encrypt-iphone/

- https://www.howtogeek.com/141953/how-to-encrypt-your-android-phone-and-why-you-might-want-to/

MAINTAINING A RESPONSIBLE ONLINE PRESENCE

- The Online Therapy Institute Ethical Framework for the Use of Technology in Mental Health stipulates that practitioners should discuss with clients the expected boundaries and expectations about forming relationships online. Practitioners must inform clients that any requests for "friendship," business contacts, direct or @replies (Twitter terms), blog responses or requests for a blog response within social media sites will be ignored to preserve the integrity of the therapeutic relationship and protect confidentiality.

- If the client has not been formally informed of these boundaries prior to the practitioner receiving the request, the practitioner should ignore the request via the social media site and explain why in subsequent interaction with the client. At the same time, cyberculture is here to stay and both personally and professionally, we need to be abreast of the impact of social media on our lives and the lives of our clients.

- Other boundaries that may need to be addressed include: where you conduct your cybercounseling-home or office which speaks to making sure you are alone and in a space that is not too personal (no bathroom please), what you wear during the sessions, noise around you, are you eating, or even if your client can drink a glass of wine during the session, etc…

STATE BY STATE STATUTES CONCERNING TELEMENTAL HEALTH

- Some States have Statutes in Place for Cybercounseling, however, a number of issues are currently being discussed about across state counseling. You will need to contact your individual state boards and ask what their statutes say. You should not be surprised if you hear, we have no statutes covering this form of counseling and you must be licensed in our state to practice here.

- *For example, in the state of Florida for those who live outside of FL who wish to practice remotely in Florida should review the Exemption section that states "practice is not limited as long as the practitioner is licensed in their home state and they do not practice more than 15 calendar days per year via 491 Statutes under Exemptions*

- First, Reciprocity is being looked at where the state licensure boards are considering that if one was licensed for five or more years, without any complaints filed, then there would be a possibility of another state accepting your license to practice in their state. THIS IS NOT IN PLACE AT THIS TIME, HOWEVER, IT IS BEING CONSIDERED BY SOME STATE BOARDS.

- Silvernail Consultant Services. (Dr. Darlene Silvernail) (2017). Understanding Telemedicine: An Overview of the legal and Ethical Implication of Electronics in Counseling
- 491 State of Florida Statutes

LEGAL AND ETHICAL CONSIDERATIONS

- HIPAA-HITECH Act and HIPAA Violations

- State by State Statutes Concerning Telemental Health: MFT's are advocating for more state to state regulation along with MSWs and LPCs. The Standard of Practice is said to be if you have a license in the state of your client, it is ok for your to provide therapy for the client. The boards are catching up with the professional ethics and guidelines. **MFTs point out that even if your clients agree to online therapy, they are not waiving any of their existing protections for confidentiality, privacy or other consumer protection.**

- Ethical Issues such as: Client's Identities being kept Confidential, Safety of the client and Crisis Planning, Referral Options, Secure Scrambled Sites, Secured Email Accounts

- AAMFT. (Benjamin E. Caldwell, Psy.D., Richard J. Bischoff, Ph.D., Kathleene A. Derrig-Palumbo, Ph.D., Jeffrey D. Liebert, M.A.). (2017). Best Practices in the Online Practice of Couple and Family Therapy.

- Silvernail Consultant Services. (Dr. Darlene Silvernail) (2017). Understanding Telemedicine: An Overview of the legal and Ethical Implication of Electronics in Counseling.

ETHICAL CONSIDERATIONS

- Making sure your Informed consent include information about encryption, security, and record keeping.

- Client's Identities being kept Confidential **– Protected health Information such as Name, geographic location, dates relevant to client such as birthdate, treatment dates, telephone/fax numbers, email addresses, social security numbers, Account numbers:** health insurance, Full face Photographic images, IP address, URLs-Web Universal Resource Locators, and any unique method of identifying your client.

- Safety of the client and Crisis Planning
- Referral Options in geographic area
- Social Media Overlays Ethical Framework and Online Counseling
- http://onlinetherapyinstitute.com/ethical-training/use-of-technology/

*Silvernail Consultant Services. (Dr. Darlene Silvernail) (2017). Understanding Telemedicine: An Overview of the legal and Ethical Implication of Electronics in Counseling

RESOURCES FOR
INFORMED CONSENT

The Paper
Office for the
Digital Age

Includes
CD-ROM
and Permission
to Reproduce
Forms

Forms, Guidelines,
and Resources to
Make Your Practice
Work Ethically,
Legally, and
Profitably

Edward L. Zuckerman and Keely Kolmes

Take the leap!

DISTANCE SUPERVISION

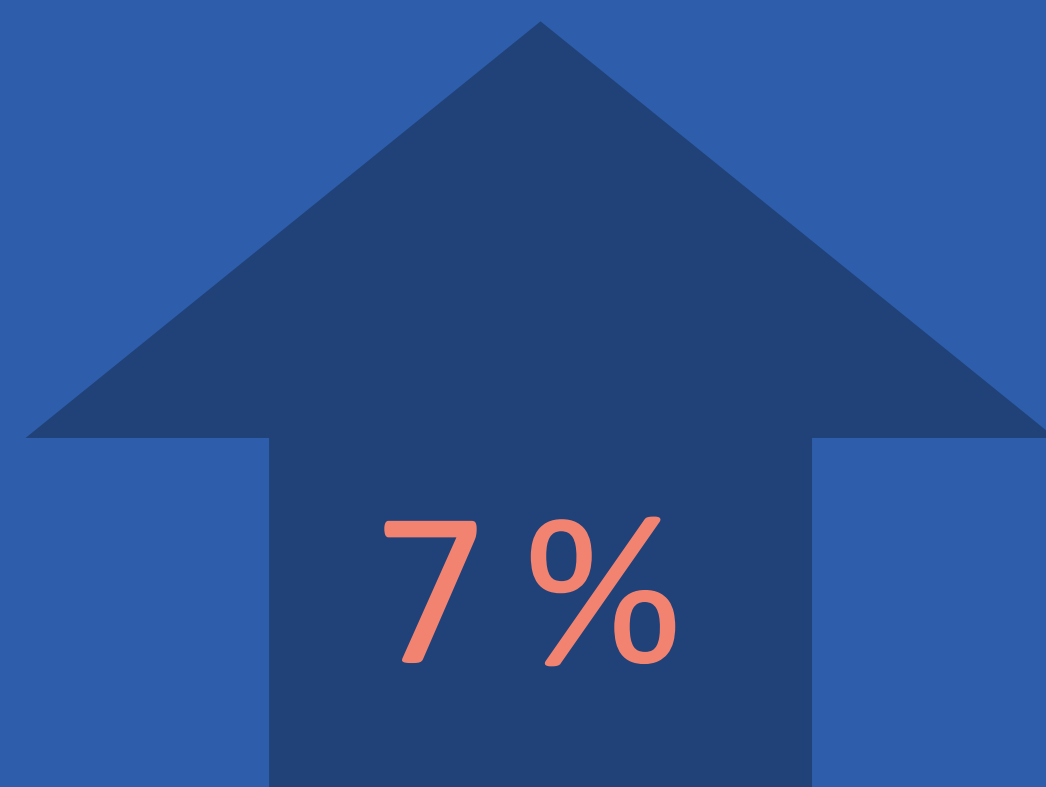What are the pain points technology could help us solve?

How will this tool help me provide better care to my clients?

GRAD SCHOOL

ROAD TO LICENSURE

LICENSURE

2 TO 4 YEARS
200 HOURS
$50-$75 PER HOUR

STATE REGULATIONS CHANGED TO ALLOW

CLINICAL SUPERVISION ONLINE

WITH A HIPAA-COMPLIANT PLATFORM.

WORKFORCE GROWTH
IN THE NEXT TEN YEARS

7%

AVERAGE
INDUSTRIES

37%

THERAPISTS
SOCIAL WORKERS
ADDICTION COUNSELORS

WHY ARE THERE STILL PROFESSIONAL SHORTAGE AREAS

55% OF US COUNTIES, ALL RURAL, HAVE NO PRACTICING PSYCHIATRISTS, PSYCHOLOGISTS OR THERAPISTS

BENEFITS

SUPERVISOR

- STREAMLINE PROCESS

- EXPANDS BEYOND LOCAL AREA

- SIMPLE PLATFORM SOLUTION

- PAY IT FORWARD

- OUTCOMES ASSESSMENT

THERAPIST-IN-TRAINING

- STREAMLINES SEARCH

- DIVERSITY OF CHOICE

- RECORD KEEPING/HOUR TRACKING

- ACCESSIBLE

- EXPEDITES PROCESS

DRAWBACKS

- POTENTIAL FOR TECHNICAL DIFFICULTIES

- PERCEIVED DECREASE IN CLOSENESS

- POTENTIAL FOR DISTRACTIONS

- LACK OF RELEVANT RESEARCH

ONLINE SUPERVISION RESEARCH

- A SENSE OF CONNECTION OR SUPERVISORY ALLIANCE CAN BE CREATED AND MAINTAINED

- SUPERVISEE ANXIETY IS PRESENT WHEN VC IS USED AND ALSO PRESENT WHEN FACE-TO-FACE SUPERVISION IS USED

- CHECKING HARDWARE/SOFTWARE BEFORE SUPERVISION RESULTS IN LESS ANXIETY THAN TRYING TO CORRECT TECHNICAL PROBLEMS DURING SUPERVISION

- ABBASS, ET AL, 2011

ONLINE SUPERVISION RESEARCH

- SUPERVISORS DESCRIBE AN INCREASE IN EMOTIONAL BANDWITH WHEN VC IS USED THAN WHEN FACE-TO-FACE IS USED

  - PANOS, 2002

- AN ESTABLISHED IN-PERSON RELATIONSHIP IS ESSENTIAL TO GOOD ONLINE SUPERVISION

  - KANZ, 2001, WOOD ET AL 2005, YAKIMOVICH, 2007

ONLINE SUPERVISION BEST PRACTICES

- UP-TO-DATE TECHNOLOGY

- TIMELINESS (ARRIVING EARLY THE FIRST TIME)

- CONFIDENTIAL: PRIVATE ROOM, DOOR CLOSED

- MINIMAL DISTRACTIONS (I.E. CHILDREN, FOOD, DISRUPTIVE ANIMALS, OTHER TECHNOLOGY)
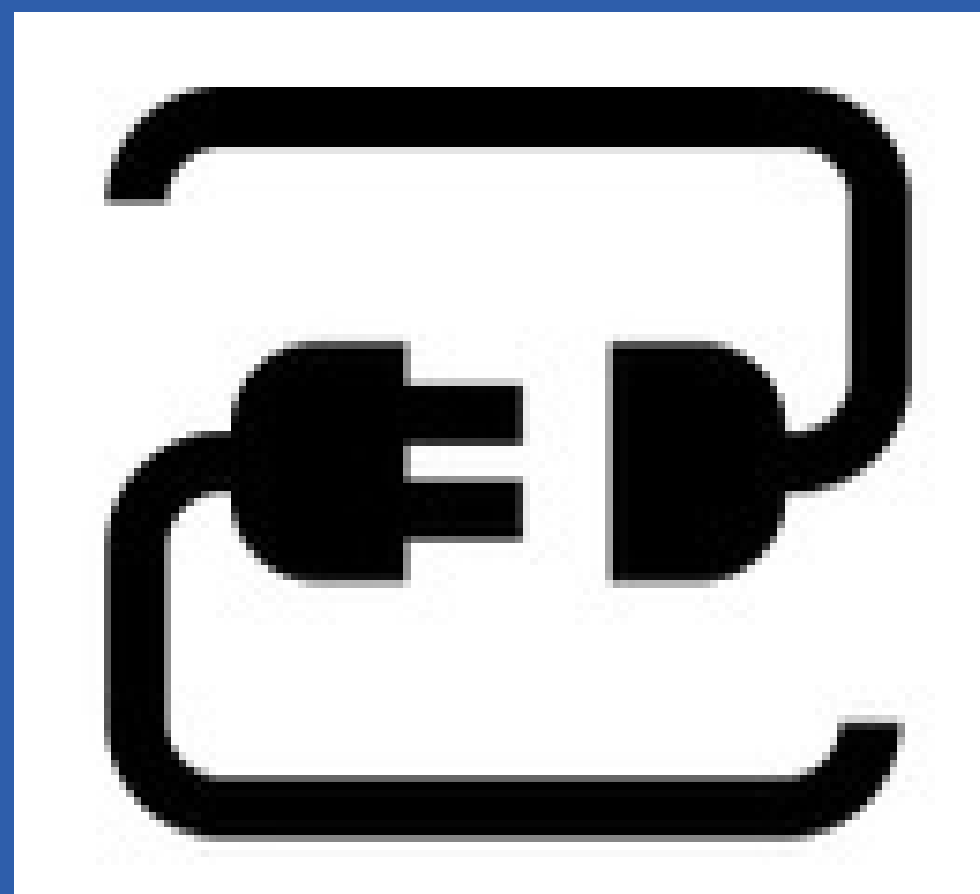
- PROPER DRESS

- GOOD LIGHTING

- ATTENTIVENESS

WHAT ARE
THE POSSIBILITIES?

TECHNOLOGY AS A PRACTICE BUILDING TOOL

THERE ARE ETHICAL, LEGAL, AND CLINICALLY APPROPRIATE WAYS TO HAVE AN ONLINE PRESENCE TO CONNECT TO YOUR CLIENTS AND POTENTIAL CLIENTS.

PRACTICE MANAGEMENT SYSTEMS

- Increase efficiency and organization within private practice

- Systems include scheduling, billing, notes- all in one system for your practice

- Examples: Theranest, Simple Practice, Therapynotes….

- System/Software should meet HIPPA regulations

PRACTICE MANAGEMENT SYSTEMS

- HIPPA REGULATIONS

  - Make sure you have a Business Associate Agreement

  - A Business Associate is:

    - "…a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of, or provides services to, a covered entity." HHS.gov

PRACTICE MANAGEMENT SYSTEMS

- HIPPA REGULATIONS

  - No matter the claims of the technology provider, you must make a reasonable effort to verify the technology is following HIPPA law.

  - Things to look for…

  - Cloud based services

  - Audit Reporting

  - Access Controls (passwords)

  - Encryption

TECHNOLOGY AND MARKETING

- Social Media

  - Facebook

  - Instagram

  - Pintrest

  - Linkedin

- Things to consider when using social media...

  - Where are your clients? Who is your ideal client? What social media are they using?

  - Don't do too much!!! Pick one to start with...

  - Post/Update information frequently

  - What information are you going to post? Have a balance of practice promotion and helpful articles, tips, etc.

TECHNOLOGY AND MARKETING

- Websites are CRITICAL for practice building in the age of "GOOGLE IT"

- You need to have a website to be able to reach people outside of insurance directories and word of mouth

- Your website is the first impression client's get of you and your practice

  - Updated information

  - Attractive pictures

- Website should appeal to your idea client

  - No therapy jargon!

TECHNOLOGY AND MARKETING

- An important part of your website should be your BLOG

    - Potential clients visit websites 9 to 11 times before they actually make the call.

    - Clients will feel like they already know you and WANT to work WITH YOU by reading your blog and the information on your website.

    - Blogs help with SEO-

        - SEO or Search Engine Optimization-SEO is a marketing discipline focused on growing visibility in organic (non-paid) search engine results. SEO encompasses both the technical and creative elements required to improve rankings, drive traffic, and increase awareness in search engines. There are many aspects to SEO, from the words on your page to the way other sites link to you on the web. Sometimes SEO is simply a matter of making sure your site is structured in a way that search engines understand.

    - https://moz.com/beginners-guide-to-seo- The Beginners Guide to SEO

PRACTICE