



Distance Supervision: Ethics and Best Practices

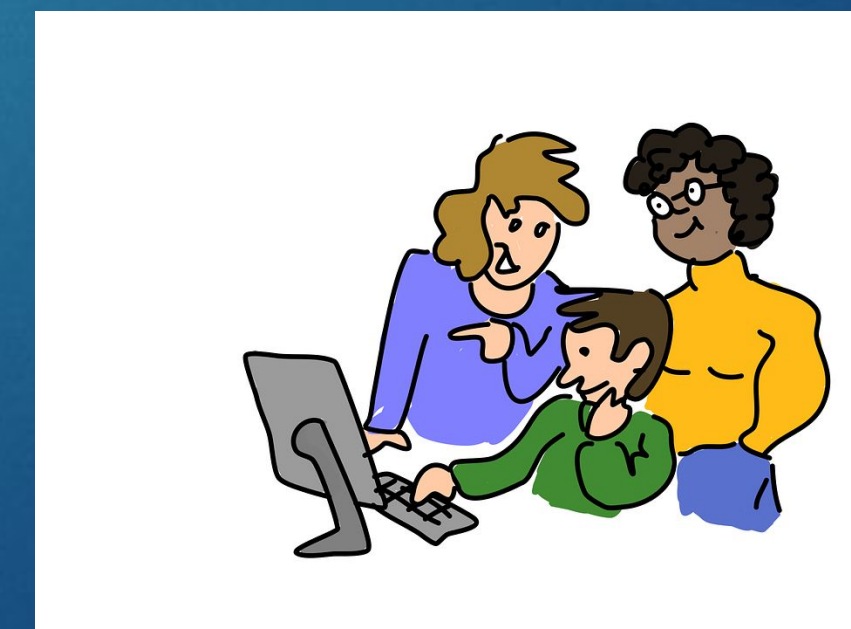
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Learning Objectives

- 1) Participants will understand the ethical standards that affect distance supervision.
- 2) Participants will be able to identify the potential costs and benefits of offering distance supervision.
- 3) Participants will be able to identify best practices when providing supervision to counselors at a distance.



135-11-.01 Telemental health

- ▶ Definitions
- ▶ Provisions – Training
- ▶ Continuing Education Hours
- ▶ Supervision Training



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Telemental Health

- ▶ “means the mode of delivering 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.”



CPCS Credential

- ▶ What does it say about distance supervision?

CPCS Utilizing Tele-Supervision: Prior to providing supervisory services through electronic means (including but not limited to phone and Internet), CPCSs ensure they are compliant with all relevant laws for the delivery of such services, including completion of the 9 CEs required by the GA Composite Board.

Additionally, a CPCS must: (a) determine that technologically-assisted supervision is appropriate for supervisees, considering professional, intellectual, emotional, and physical needs; (b) inform supervisees of the potential risks and benefits associated with technologically-assisted services; (c) ensure the security of their communication medium; and (d) only commence electronic supervision after appropriate education, training, or supervised experience using the relevant technology.



Why Distance Supervision?



Why Distance Supervision?



Pros	Cons

Why Distance Supervision?

Pros	Cons
Convenience Decrease cost Access to specialized supervisor Access in rural areas Easier to keep appointments Quality and focus	

Why Distance Supervision?

Pros	Cons
Convenience Decrease cost Access to specialized supervisor Access in rural areas Easier to keep appointments Quality and focus	Technical equipment Access to reviewing documents Dependence on internet speed and reliability Discomfort with technology Need extra efforts for best practices Concerns re confidentiality

Would you like to see some
distance counseling in action?







Technology 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



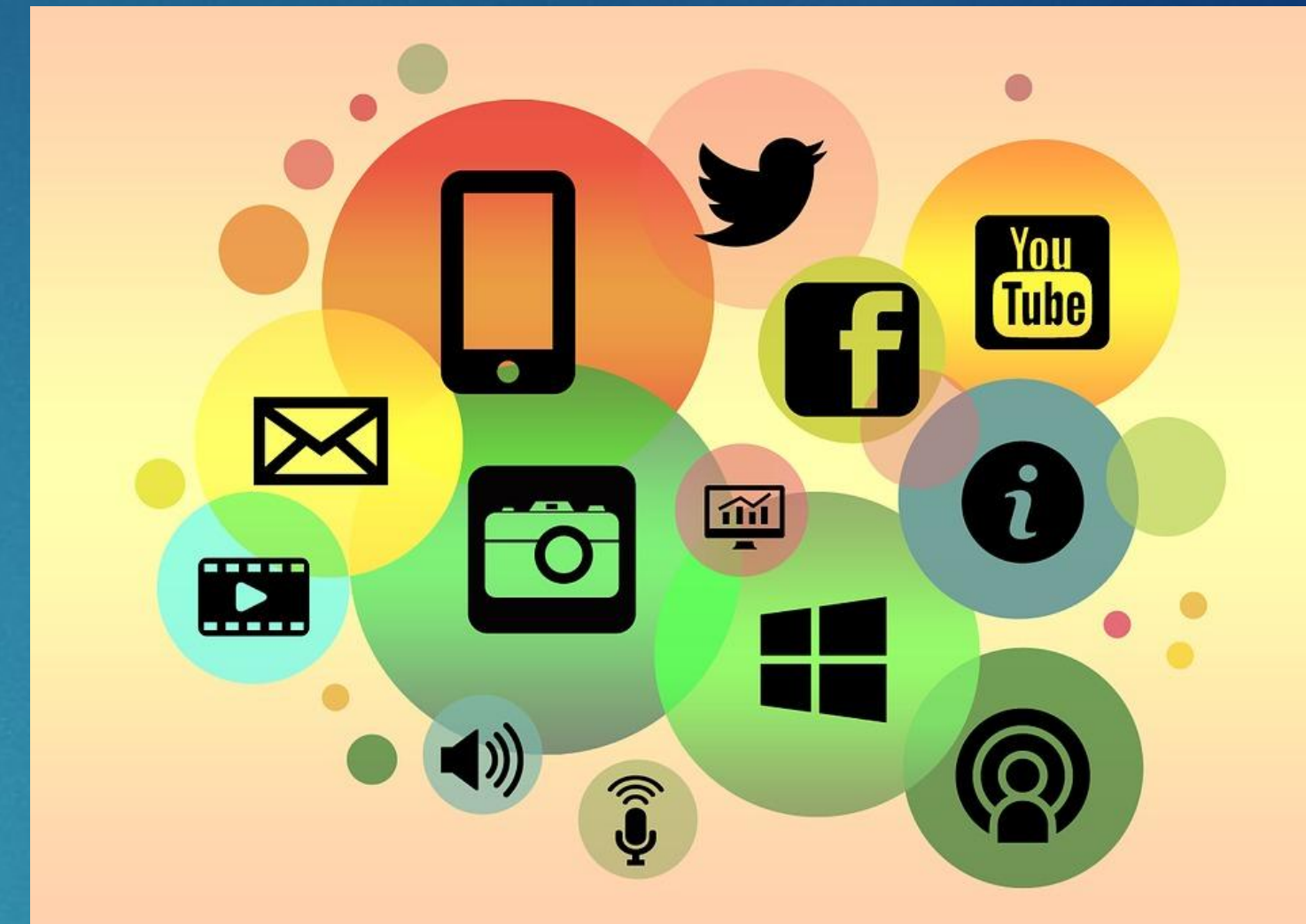
Clinical Best Practices

- ▶ Documentation:
- ▶ Supervision
- ▶ Contracts
- ▶ Supervision Logs
- ▶ Remediation



Online Etiquette

- ▶ Leave the keyboard alone. ...
- ▶ Dress appropriately. ...
- ▶ Be aware of your surroundings. ...
- ▶ Mute your microphone when you're not talking. ...
- ▶ Speak up. ...
- ▶ Be aware of your nonverbal...
- ▶ No food allowed. ...
- ▶ Stay seated and stay present.



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 BANDWIDTH 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

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

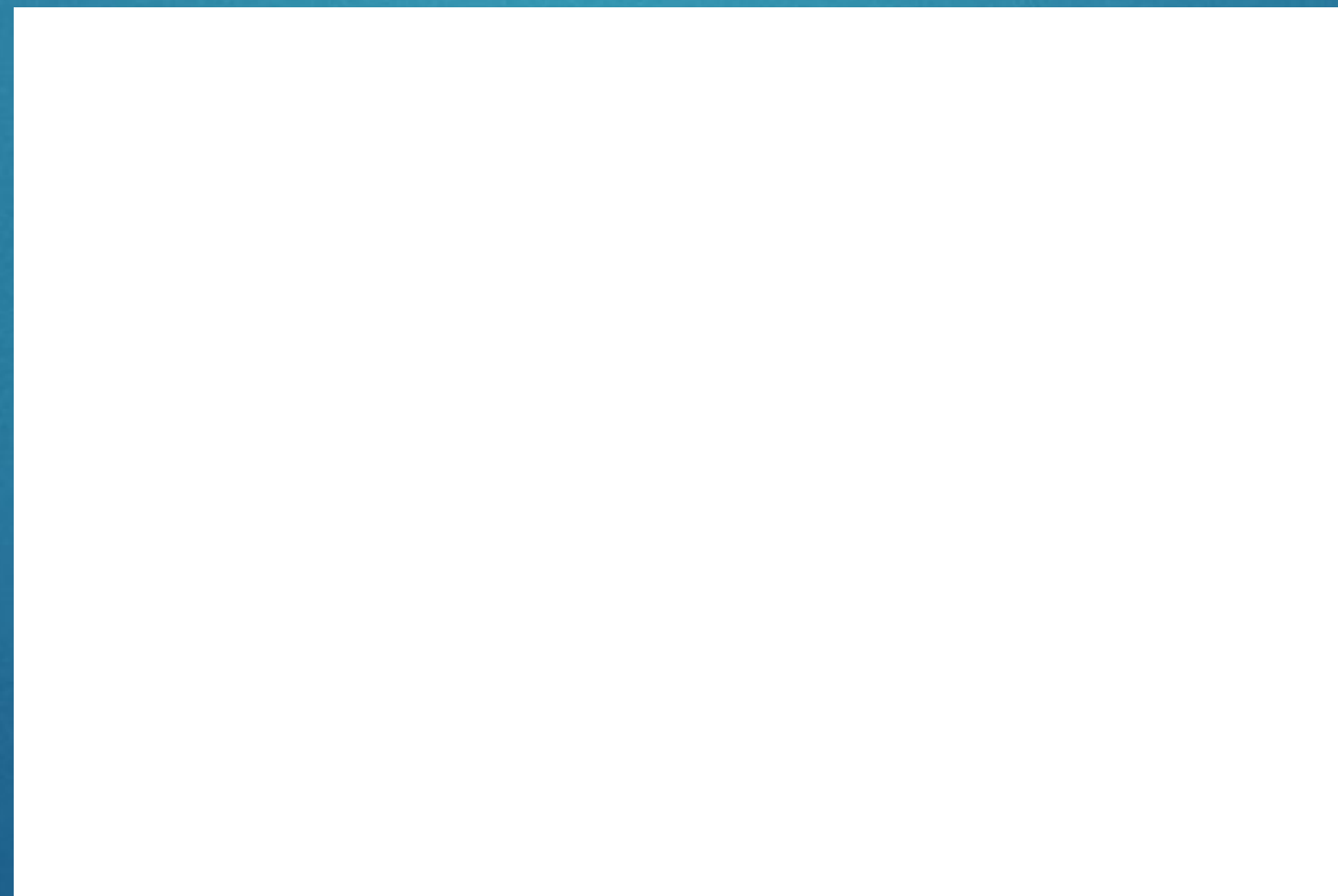
Digital Security



- ▶ 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/>

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

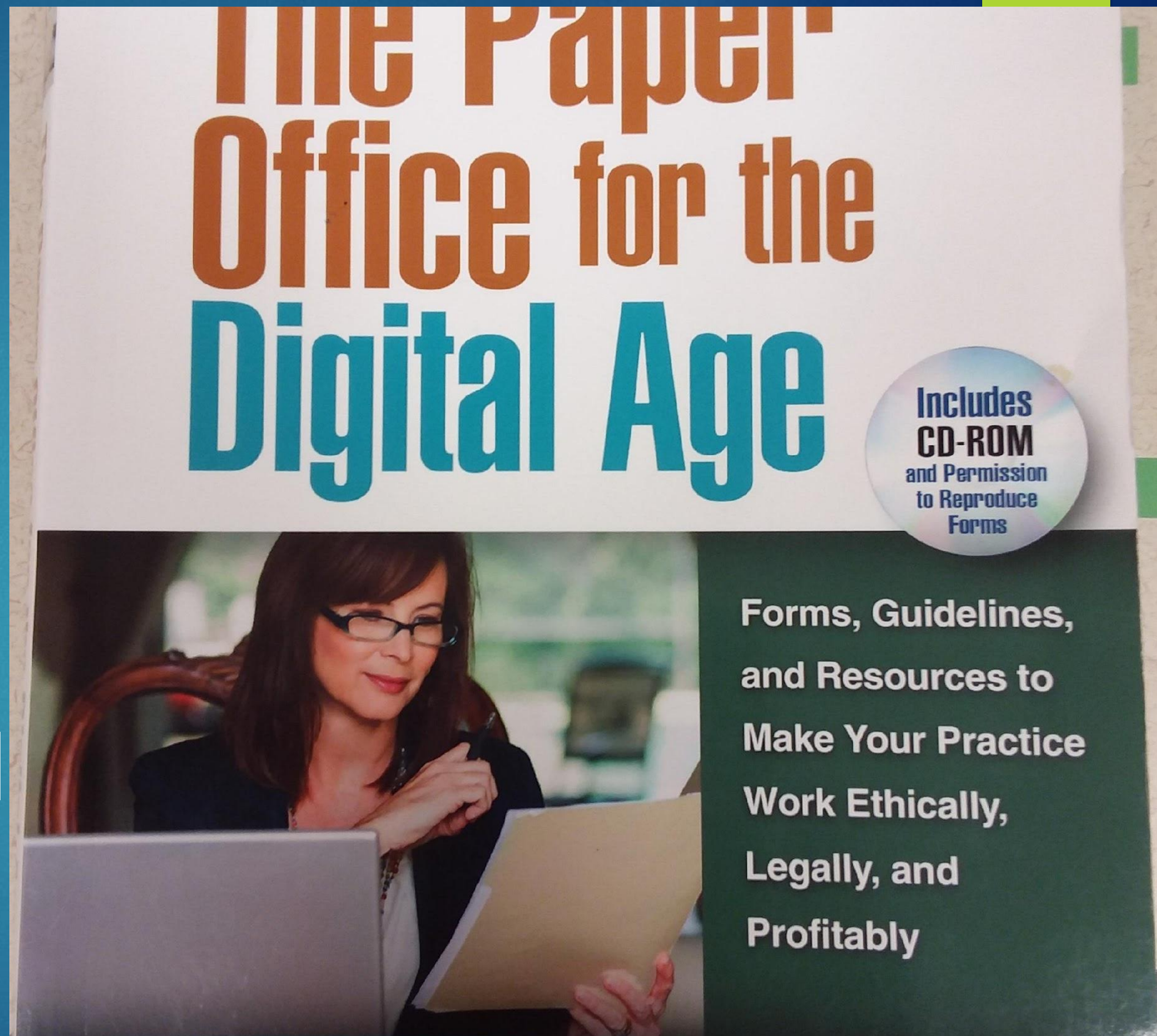
- ▶ Making sure your Informed consent include information about encryption, security, and record keeping.
- ▶ Client's Identities being kept Confidential – **Protected health Information such as Name, geographic location, dates relevant to client such as birthdate, treatment dates, telephone/fax numbers, 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

by Edward L Zuckerman and Keely
Kolmes





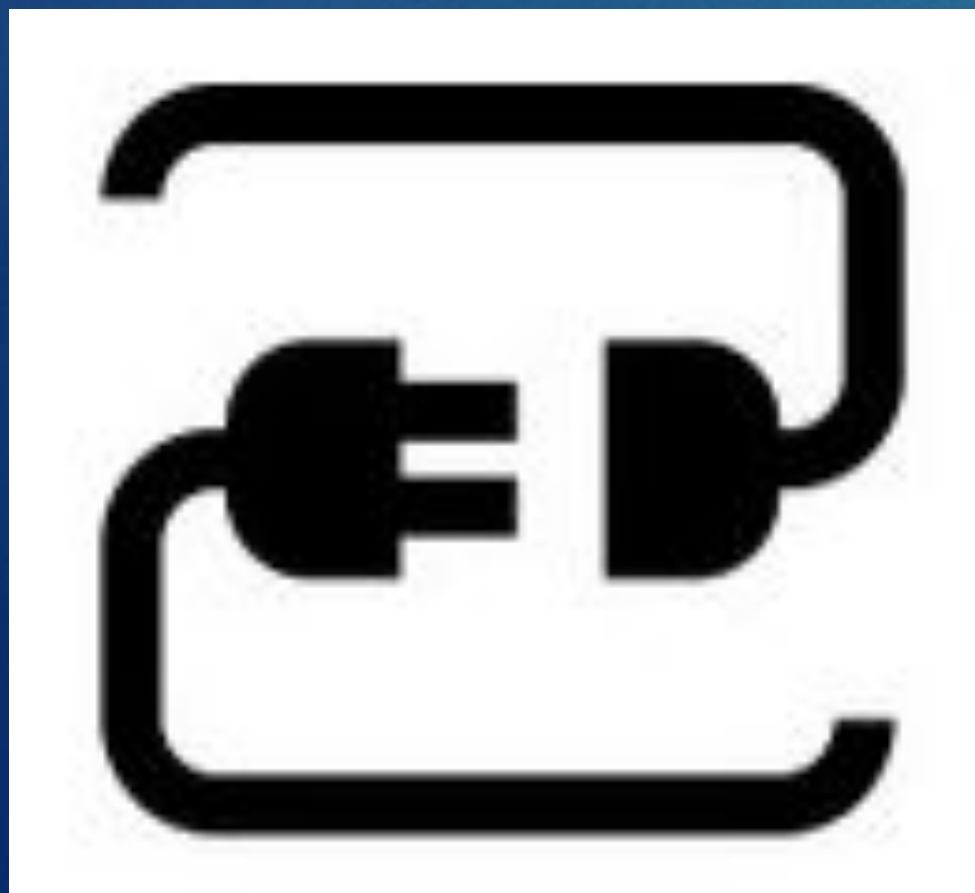
What are
the possibilities?



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



Technology and marketing



- ▶ 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

Zoom Video Supervision Example



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on Facebook and Instagram



building blocks
Family Counseling