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Social Work Practice in a Digital and Electronic World:
Ethical and Risk-management Challenges

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The Good(?) Old Days: The Way It Used to Be

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More Nostalgia

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A Little More Nostalgia

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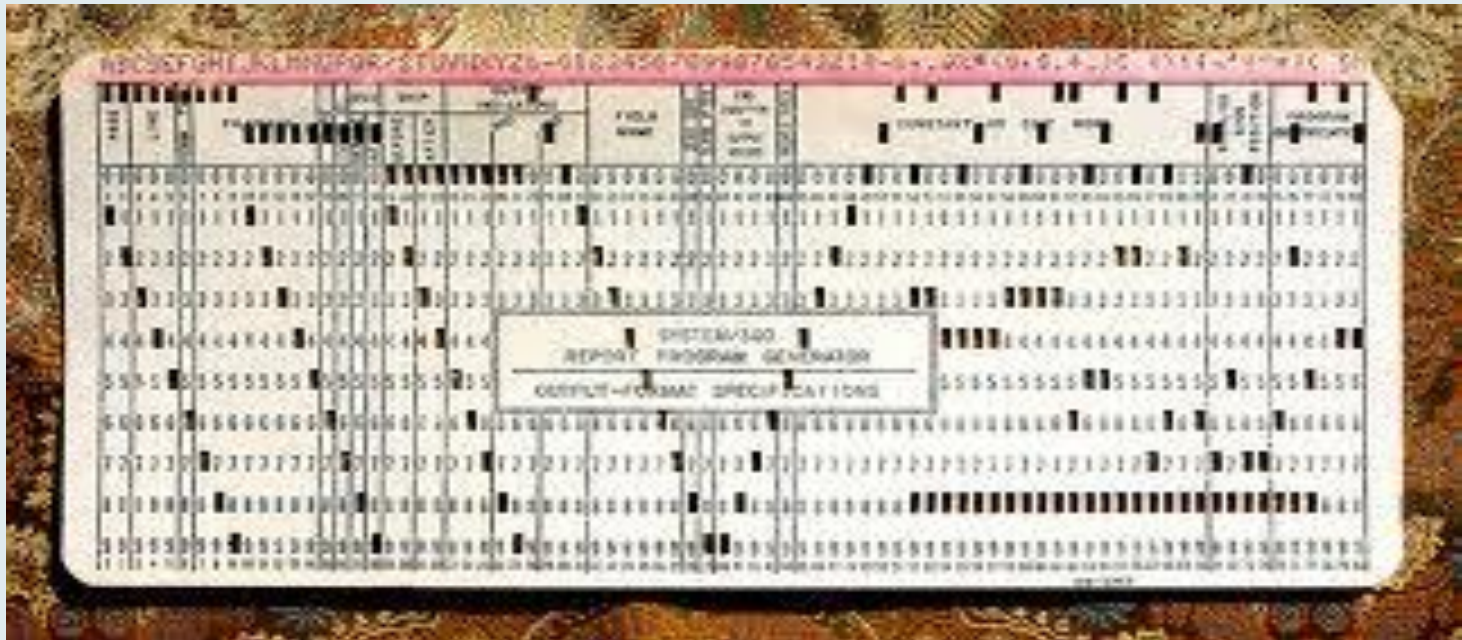
Just A Little More Nostalgia

Terminology

- Internet-supported Intervention
- web-based therapy
- e-interventions
- computer-mediated interventions
- online therapy
- online counseling
- technology assisted distance counseling (TADC)
- e-therapy/e-counseling
- cybertherapy/cybercounseling
- e-health
- psycho-technology
- Tele-Health
- Internet counseling
- Therap-E-Mail

Forms of Electronic Services and Interventions

- E-therapy chat (live)
- Moderated forum
- Web-based psychoeducation
- Self-guided Web-based interventions with automated feedback (e.g., anxiety, phobia, self-esteem, anger, weight loss)
  - Human support
  - No human support
- Video conferencing
- Social networking
- Telephone therapy
- Avatar therapy
- Expert systems
- Email exchanges
- Text messages
- Client Blogs
- Client Twitter

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Examples of e-Therapy Websites

- http://www.asktheinternettherapist.com/
- http://www.telephonecounselingbypatty.com/
- http://www.onlinecounseling.org/
- http://www.drkerley.com/avatartherapy.html
- http://www.youtube.com/watch?v=bYYc9Dk2NQk
- http://www.wfaa.com/news/health/Dallas-center-uses-avatars-in-virtual-world-to-help-autistic-children-116899863.html
- http://www.usctelehealth.com/
- http://www.vyzit.com/

Examples of Electronic Services and Interventions

- Computerized expert systems: http://easydiagnosis.com/cgi-bin/expert/start.cgi?mod=Depression
- MedHelp Moody Me smartphone app: http://www.medhelp.org/land/mood-diary-app
- M3 score for mental health monitoring (iPhone/iPad and Droid): http://www.whatsmym3.com/Default.aspx
- Beating the Blues: http://www.beatingtheblues.co.uk/patients/
- SPARX for treatment of depression: http://sparx.org.nz/
- Transitional services for adolescents: http://www.secondnature360.com/services/
- Facebook and SAMHSA: http://www.samhsa.gov/newsroom/advisories/1112125820.aspx
- Drinker's Check-up: http://www.drinkerscheckup.com/index.cfm?CFID=67498021&CFTOKEN=86128459
- Personal Investigator: http://aplayspace.com/mm/pi

Distance Counseling: Potential Advantages

- Emotionally safe (e.g., shy, anxious client)
- Semi-anonymity regarding self-disclosure
- Increased chance of candor
- Convenience
- Absence of geographical barrier
  - Rural areas
  - Clients with disabilities
- Immediacy
- Flexible scheduling
- Cost effective

Distance Counseling:
Potential Risks and Challenges

- Loss of human factor, nonverbal cues
- Misunderstandings
- Compromised privacy and confidentiality
- Boundary issues (ambiguous access, self-disclosure)
- Difficulty addressing long-term, complex problems
- Delayed response
- Feeling rushed to respond to emails, texts
- Emergencies
- Identity fraud
- Interstate practice without a license
- Technological failure

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High-risk Clients

- suffering from psychiatric disorders needing immediate attention
- significantly depressed
- a danger to themselves or others
- struggling with serious substance abuse issues
- presenting psychotic or actively suicidal concerns
- struggling with psychological disorders characterized by distortion of reality
- highly reactive and potentially dangerous
- struggling with certain personality disorders such as those with borderline personality disorder, paranoia or dissociative disorders

Online Services:
Resources and Ethics Guidelines

- International Society for Mental Health Online: https://www.ismho.org/home.asp
- American Distance Counseling Association: http://www.adca-online.org/
- Association for Counseling and Therapy Online: http://www.acto-uk.org/index.htm
- Online Therapy Institute: http://onlinetherapyinstitute.com/ethical-training/
- American Telemedicine Association: http://www.americantelemed.org/i4a/pages/index.cfm?pageID=3604
- *The Use of Technology in Mental Health: http://www.amazon.com/The-Use-Technology-Mental-Health/dp/0398079536*
- *Online Counseling: A Handbook for Practitioners* (Jones and Stokes, 2009): http://www.amazon.com/gp/product/0230201954/ref=pd_lpo_k2_dp_sr_1?pf_rd_p=486539851&pf_rd_s=lpo-top-stripe-1&pf_rd_t=201&pf_rd_i=0124259553&pf_rd_m=ATVPDKIKX0DER&pf_rd_r=09T6Z8A12GZ17387HCCR
- *Online Counseling: A Handbook for Mental Health Professionals* (Kraus, et al., 2004): http://www.amazon.com/Online-Counseling-Professionals-Practical-Professional/dp/0124259553

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Developing a *Social Media Policy*

- "Friending" on Facebook
  - Boundaries issues
  - Rejection issues
  - Privacy issues (e.g., acquaintances in common)

- Electronic interactions (Facebook, email)
  - Privacy issues
  - Documentation issues

- To Google or not to Google
  - "Curiosity" searches
  - Crisis searches
- Business review sites (e.g., Yelp, Healthgrades)

- Location-based services (e.g., Foursquare, Gowalla, Loopt)

- Example of a social media policy:
  http://www.drkkolmes.com/docs/socmed.pdf

An Example of a Health System's Social Networking Policy

Inova Health System:

Social Networking and Communications Policy:

http://www.inova.org/upload/docs/about-Inova/Social%20Networking%20Policy.pdf

"Friending" Clients on Facebook: Questions to Consider

- What is on the Facebook profile?
  - Facebook Page: professional use, one-way
  - Facebook Profile: personal content, photos, etc.

- Are privacy controls set?
  - Digital "natives"
  - Digital "immigrants"

- What is the context of therapy? (e.g., client age, culture, clinical setting, therapeutic approach, size of community)

- Who is the client? (e.g., clinical issues, boundary instincts)

- Why did the client post the request?
- Will this set a challenging precedent for other clients?

- What are the HIPAA and documentation implications?

- Will "Friending" a client create complex boundary issues?

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Email Considerations

- Is the email communication for administrative or therapeutic purposes?

- How often must I check my email messages? (provide clients with written and verbal information about your policy)

- Does email communication fall under HIPAA?

- What are the confidentiality and privacy issues?

- Do I need to document emails in the clinical record?

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Facebook Privacy Disclaimer

"**Risks inherent in sharing information.** Although we allow you to set privacy options that limit access to your information, please be aware that no security measures are perfect or impenetrable. We cannot control the actions of other users with whom you share your information. We cannot guarantee that only authorized persons will view your information. We cannot ensure that information you share on Facebook will not become publicly available. We are not responsible for third party circumvention of any privacy settings or security measures on Facebook. You can reduce these risks by using common sense security practices such as choosing a strong password, using different passwords for different services, and using up to date antivirus software."

Core Ethics Knowledge: Electronic Services and Interventions

- Ethical dilemmas

- Ethical decision-making

- Ethics risk management

Potential Ethics Risks:
Electronic Services and Interventions

- Ethical mistakes

- Deliberate ethical decisions

- Ethical misconduct

Key Ethics Risk Areas: Digital and Distance Services

- Client rights
- Confidentiality and privacy
- Informed consent
- Service delivery
- Boundary issues
- Documentation
- Defamation of character

- Client records
- Supervision
- Consultation
- Client referral
- Fraud
- Termination of services and client abandonment

Relevant Laws:
Electronic Services and Interventions

- Statutory law

- Regulatory law

- Case law

Examples of Ethical Standards: Electronic Services and Interventions

- http://www.apa.org/ethics/education/telephone-statement.aspx

- http://www.nbcc.org/assetmanagerfiles/ethics/internetcounseling.pdf

- https://ismho.org/suggestions.asp

- http://www.acto-uk.org/professionalconduct.htm

Standard of Care

"What an ***ordinary, reasonable***, and ***prudent*** professional, with the same or similar training, would have done under the same or similar circumstances."

Standards of Care

- Substantive standard of care

- Procedural standard of care
  - Consult colleagues and supervisors
  - Review relevant ethical standards
  - Review relevant laws, policies, and regulations
  - Review relevant literature
  - Obtain legal consultation, when necessary
  - Consult ethics committee, if available
  - Document decision-making steps

Professional Negligence

- A duty exists

- Dereliction or breach of the duty

- Damage or injury

- Causal connection between the breach of the duty and the damage or injury (proximate cause or "cause in fact.")

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Forms of Negligence

- <u>Misfeasance</u>: Commission of a proper act in a wrongful or injurious manner or the improper performance of an act that might have been performed lawfully.

- <u>Malfeasance</u>: Commission of a wrongful or unlawful act.

- <u>Nonfeasance</u>: The failure to perform an act that is part of one's responsibility.

Duty to Protect

- Threat of violence

- Foreseeable threat

- Imminent threat

- Identifiable potential victim

Informed Consent

- Voluntary and informed

- Content of form

- Process used to obtain consent

Consent to Intervention: Key Elements

- Provider's credentials and qualifications
- Client's needs and goals
- Description and purpose of intervention
- Potential benefits and risks of electronic intervention and nonintervention
- Alternative interventions
- Overview of confidentiality rights and exceptions
- Overview of supervision, consultation, disclosures
- Overview of relevant boundary issues
- Intervention details: timeframe, schedule, fees
- Overview of documentation and access
- Disclosures to insurers and managed care organizations
- Emergency procedures and protocol
- Overview of client's rights
  (e.g., treatment planning, grievance)

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Negligent Electronic Services Intervention

- High-risk techniques

- Inadequate training or expertise

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Boundary Issues

- Boundary *crossings* v. boundary *violations*

- Types of dual or multiple relationships
  - Intimate relationships
  - Personal benefit
  - Emotional and dependency needs
  - Altruism
  - Unavoidable and unanticipated circumstances

Termination of Electronic Services and Interventions

- The concept of abandonment

- Guidelines to protect clients and minimize risk

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Documentation of Electronic Services and Interventions: Key Issues

- The role of documentation and case recording in professional practice

  - Assessment

  - Planning and delivering services

  - Accountability: Clients, insurers, agencies, other providers, courts, utilization review

  - Continuity and coordination of services

  - Supervision

  - Evaluation of services

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This presentation draws on material from the following resources:

- Deardorff, William, "Internet-Based Treatment: A Comprehensive Review and Ethical Issues": http://www.behavioralhealthce.com/index.php/component/courses/?task=view&cid=69

- Kolmes, Keely, *My Private Practice Social Media Policy*: http://www.drkkolmes.com/docs/socmed.pdf

- Reamer, Frederic G., *Social Work Values and Ethics* (3rd ed.). New York: Columbia University Press, 2006.

- Reamer, Frederic G., *The Social Work Ethics Casebook: Cases and Commentary*. Washington, DC: NASW Press, 2009.

- Reamer, Frederic G., *Social Work Malpractice and Liability: Strategies for Prevention* (2nd ed.). New York: Columbia University Press, 2003.

- Reamer, Frederic G., *Boundary Issues and Dual Relationships in the Human Services*. New York: Columbia University Press, 2012.

- Reamer, Frederic G., *Ethical Standards in Social Work: A Review of the NASW Code of Ethics* (2nd ed.). Washington, DC: NASW Press, 2006.

- Reamer, Frederic G., *The Social Work Ethics Audit: A Risk-management Tool.* Washington, DC: NASW Press, 2001.

- Reamer, Frederic G., "Eye on Ethics: Novel Boundary Challenges—Social Networking," *Social Work Today*: http://www.socialworktoday.com/news/eoe_111309.shtml

- Zur Institute , *Digital Ethics—Internet and Therapy*: http://www.zurinstitute.com/articles.html#boundariesemail

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Question and Answer Session

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CASW Special Thanks

Dr. Frederic Reamer

CASW Appreciates Your Dedication to the Profession

Thank You all for your Participation.