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

Frederic G. Reamer, Ph.D.
Professor
School of Social Work
Rhode Island College
Providence, Rhode Island, USA
The Good(?) Old Days: The Way It Used to Be
More Nostalgia
A Little More Nostalgia
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
Examples of e-Therapy Websites

- http://www.asktheinternettherapist.com/
- http://www.telephonecounselingbypatty.com/
- http://www.onlinecounseling.org/
- http://www.youtube.com/watch?v=bYYc9Dk2NQk
- 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
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 Mental Health Professionals (Kraus, et al., 2004): http://www.amazon.com/Online-Counseling-Professionals-Practical-Professional/dp/0124259553
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:

“Friending” Clients on Facebook: Questions to Consider

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

• Are privacy controls set?
  o Digital “natives”
  o 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?
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?
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

- [https://ismho.org/suggestions.asp](https://ismho.org/suggestions.asp)
- [http://www.acto-uk.org/professionalconduct.htm](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.”)
Forms of Negligence

• **Misfeasance**: Commission of a proper act in a wrongful or injurious manner or the improper performance of an act that might have been performed lawfully.

• **Malfeasance**: Commission of a wrongful or unlawful act.

• **Nonfeasance**: 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)
Negligent Electronic Services Intervention

• High-risk techniques

• Inadequate training or expertise
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
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
This presentation draws on material from the following resources:

- Zur Institute, *Digital Ethics—Internet and Therapy*: http://www.zurinstitute.com/articles.html#boundariesemail
Social Work Practice in a Digital and Electronic World: Ethical and Risk-management Challenges

Question and Answer Session

www.casw-acts.ca
CASW Special Thanks
Dr. Frederic Reamer
CASW Appreciates Your Dedication to the Profession

Thank You all for your Participation.