Ethics and Telehealth

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Emily Coler Hanson, LMFT

ND LMFT Licensure Board Chair
AAMFT Approved Supervisor
Practicing 13+ years
Youth, Adults, Couples, Families
Taking New Clients
LEGO Enthusiast
Barb Stanton, PhD, LPCC, LMFT

ND approved supervisor for LMFTs and LPCCs

Practicing nearly 30 years

Works with children, adolescents, adults and families with a special interest in working with individuals on the autism spectrum

Taking new clients

Working to become a licensed wildlife rehabber in MN, reptile enthusiast
Objectives

Participants will be able to recognize HIPPA compliant features of a telehealth system.

Participants will troubleshoot common telehealth pitfalls.

Participants will incorporate ethical standards into telehealth practice.
IF YOU CHEAT ON AN ETHICS EXAM AND GET AN A
IS THAT CONSIDERED PASSING OR FAILING?
Watch out for:

State laws vary
County codes may differ
Know your license rules
Know your agency policy
When in doubt: CONSULT! (attorney, professional supervisor, agency supervisor, etc.)
We do not have final say. Be sure to do your own due diligence.
Ethics
AMERICAN MEDICAL ASSOCIATION
https://www.ama-assn.org/delivering-care/ama-code-medical-ethics

AMERICAN ASSOCIATION OF NURSES
http://www.nursingworld.org/codeofethics

ETHICAL PRINCIPLES OF PSYCHOLOGISTS AND CODE OF CONDUCT (APA) 2010:

CODE OF ETHICS OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS (NASW) 2008:
http://www.socialworkers.org/pubs/code/code.asp

AMERICAN COUNSELING ASSOCIATION (ACA) CODE OF ETHICS AND STANDARD OF PRACTICE, 2014:

AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPISTS (AAMFT) CODE OF ETHICS, 2015
https://www.aamft.org/iMIS15/AAMFT/Content/Legal_Ethics/code_of_ethics.aspx

Professional Ethical Standards

Do no harm
Scope of practice
Competence
Confidentiality
Child Abuse and Neglect
Vulnerable Adults
Run this by the legal department, but run super fast so the ethics department doesn't see it.
Find the Balance

Professional Ethical Standards
Best Practice
Morality and Common Sense
State law
Telehealth
What is telehealth?

Telebehavioral health, or distance counseling, is the use of a digital platform that provides secure, encrypted, audio-video conferencing to communicate with a client in real time. This does not include nonsynchronous (not real time) texts, calls, digital chats, emails to and from counselors and their clients.

(American Counseling Association)

DURING COVID

Protect patients and staff to the greatest extent possible’
SAMSHA advises using outpatient services as much as possible
Save inpatient and residential programs for those with life threatening conditions when possible
SAMSHA recommends telehealth/telephonic services, including for initial evaluations

81% of behavioral health providers began using telehealth for the first time due to the pandemic. 70% want to do at least 50% telehealth moving forward.

21st Century Cures Act: Good until April 5, 2021. May be extended up to 24 to 36 months in the future
Vaccine Information for Mental Health Providers:
https://mn.gov/boards/marriage-and-family/news/?id=466960

Telemedicine Laws in MN:
https://www.house.leg.state.mn.us/hrd/pubs/telemed.pdf

MN DHS Covid-19 Information:
Telehealth

PROS
Access
Flexibility
Safety
Saves Time
Lower Cost
Client Choice
Reduced cancelations
In-Home therapy from your office

CONS
Some clients prefer in person visits
Need devices
Internet issues
Confidentiality/privacy
Learning Curve – clients & providers
Lots of unknowns for future reimbursement/ & services
What Clients Need to Know

Unique issue for informed consent
Can opt out of telehealth services
  - Who do you refer to?
Risks/Benefits
Cost
Security of sessions
Privacy
Technical issues - when working or not
Under what conditions will a visit be ended by the provider
No recording allowed by either party
Crisis calls

Are you comfortable doing an emergency session via telehealth?

Ways to ensure client safety

Safety planning

Emergency contacts on file

Have crisis resources to share
Crisis Resources

For Immediate Emergencies, Dial 911

National Suicide Prevention Lifeline: 24 hours per day, multiple languages
800-273-8255
Can chat online too
https://suicidepreventionlifeline.org/

First Link Crisis Resources
1-800-273-TALK (8255) For SUICIDE HOTLINE
Dial 211 or 701-235-SEEK (7335) for crisis services or community resources
https://myfirstlink.org/get-help-now/

Crisis Text Line
Text HOME to 741741 to reach a crisis counselor
Can also message them on Facebook or talk on their website
https://www.crisistextline.org/text-us/
Crisis Resources cont.

LGBTQ Crisis Line: The Trevor Project
24 hours per day
1-866-788-7386 for voice calls
Text START to 678678
Also has online chat on their website
https://www.thetrevorproject.org/get-help-now/

Youth Specific Resources:
National Runaway Safeline (1.800. RUNAWAY)
Loveisrespect.org (1.800. 331.9474)
Boys Town National Hotline 1-800-448-3000
Childhelp (1.800. 4ACHILD)

Teen Line:
310-855-HOPE (4673)
https://teenlineonline.org/talk-now/
Text TEEN to 839863
Also has an App available
Also has great list of other hotlines (drug & alcohol, eating disorders, LGBT, abuse, sexual assault, etc.)
ARE THERE BARRIERS TO SERVICES? IS THIS AN ETHICAL ISSUE?
Barriers to Telehealth

Access to devices
Privacy
Storing documents
Where do you see your clients?
Where are they at?
Who is appropriate for the service?
Internet access, high speed internet
Group Question: What are additional barriers for services you have run into?
Covid-19

Covid-19 expedited telehealth
Laws don’t keep up with technology
New laws related to practice and service delivery are a result of the pandemic
Patient retention increased by 35% when telehealth services were introduced
39% felt patients disclosed more in video visits, possibly because they felt more comfortable at home than in a traditional office setting
Anticipate Changes

Some states have relaxed HIPPA compliance and Licensing compliance due to Covid

MN governor’s orders are being updated monthly.

OCR (Office of Civil Rights) currently won’t impose penalties for HIPPA noncompliance, as long as you are in good faith, but this could change

Insurance reimbursement due to COVID may change

SAMSA wants to eliminate client fees for missed appointments due to respiratory illness due to covid

Currently no client location requirement due to Covid. MN requires providers to register in their state and provide proof of license.
High-Risk Telehealth Clients

- Needing immediate attention
- Danger to self or others
- Serious substance abuse issues
- Psychotic or actively suicidal
- Highly reactive, possibly dangerous
- Some personality disorders: dissociative disorders, paranoia
- Psychosis
Group Question: What type of clients are not good candidates for telehealth?
ESSENTIALS OF RISK MANAGEMENT:
1. DON'T DO ANYTHING WRONG TODAY.
2. DON'T DO ANYTHING WRONG TOMORROW.
3. REPEAT.
Liability Insurance

Does your policy cover you?

What does your agency provide?
  ◦ What are the limits?
  ◦ Does it still cover you if you are let go?
  ◦ You may not be covered for board complaints

Should you have your own policy?

Recommendations for maximum coverage for depositions/subpoenas, HIPPA and cyber liability
Board Complaints

Don’t respond on your own- have an attorney review (use malpractice insurance!)

Board can conclude a variety of findings – no unprofessional conduct, reprimand, impose probation or education, can suspend or revoke a license

Takes time

Boards want to work with you. Give timely responses and follow through

Disciplinary actions are public and will go online
Check for HIPPA compliance

Notify clients of any privacy risks

Do not use anything that includes live streaming: Facebook Live, Twitch, TikTok, etc.

Inquire about a HIPPA Business Associate Agreement with the provider and platform

Telephone calls are included if video isn’t available

HIPPA COMPLIANT PLATFORMS INCLUDE:

Skype for Business / Microsoft Teams • Updox • VSee • Zoom for Healthcare • Doxy.me (free version) • Google G Suite Hangouts Meet • Cisco Webex Meetings / Webex Teams • Amazon Chime • GoToMeeting • Spruce Health Care Messenger

◦ *This is not an endorsement for any service.
◦ Utilize encryption when you can although not HIPPA required
I think I have too many apps.
Unique Considerations
Multicultural Considerations

Poverty

Access to Services

Interpreters – same ethical and confidentiality rules apply

Beliefs about therapy – Black and Hispanic clients less participation than White and Asian clients

Cultural competence linked to increased client satisfaction, telehealth or not

Cultural influences in regular sessions are still present in telehealth sessions

VA has tablet loan program for telehealth
Assessment and Testing

- Finding more ways to do this remotely
  - Online assessments
  - ADOS via telehealth with one as observer and one as administrator
  - Sharing screens to share results and review in real time
  - Review the assessments and any protocol changes for telehealth administration
Email and Texting

Work emails are often monitored by the company. Encourage clients to use a private email address.

Be careful who is copied on emails

Are you ok with clients having your email address?

What is your timeline for responding to emails?

Make policy for setting limits on use of emails and texts and share with clients at intake
I got an A in Chem!

WTF!

Mom, what do you think WTF means?

Well That's Fantastic
Multidisciplinary Meetings

Get to know team members beyond the email address.

If it’s worth being a meeting, send out an agenda.

Where are the boundaries to your role?

Costs and Benefits of non-billable time

DELEGATE and be ACCOUNTABLE
What happens after a meeting

- Send out a summary
- Include the mission, strengths/successes, and delegated tasks
- Include plan for next meeting as deadline
- Are there community agencies that should be involved? (Protective services, law enforcement, school, work, advocacy group, etc.)
Phone calls, emails, contacts outside of session

If you have a separate set of records outside of the chart of records, those can be subpoenaed. Be cautious

Do not edit documentation once complete. Use an addendum if necessary.

Be objective. Avoid speculation.

Write notes assuming the client will read them.

Know the balance between too much and too little information.
Proofread!

Be careful with dictation

“Client’s hobbies include gardening and cocaine.” (should have been cooking, not cocaine)

“Indecent life skills” (should have been independent life skills)

Risks of Copy and Paste:

“Karen was referred for her assessment by his primary care provider.”
My, that IS a typo... so you were expecting the collagen injection in your lips, and the liposuction on your hips?...
Problems don’t happen on a schedule

Providing support with flexibility

Does the system you work within allow this? - wanting to pause psychiatry but need a plan to access again if needed
“IT MUST BE NICE HAVING A JOB WHERE YOU CAN WORK AT HOME.”
Signs of Burnout

- Headaches + muscle tension
- Trouble with sleep patterns
- Feeling overwhelmed + cynical
  - Feeling dejected + unfulfilled
- "Sunday night blues" before work
- Sense of apathy or over-complaining
- Feeling depleted after work
- Irritability or losing your temper
Chat Question:
What is one sign you are struggling with work related stress?
“You work with families in crisis every day. When one happens to you or your family, lead by example. Do what you need to do to take care of yourself”.  
-Greg Clark
Check Your Battery
How are you currently feeling?

**Feeling great!**
Keep meeting your needs and practicing self-care.

**Feeling okay.**
How can you make your day a tiny bit better?

**Struggling.**
Practice triage. What area of your life is suffering the most right now? Focus on that one area today.

**Feeling good!**
How can you maintain the levels you're currently at?

**Meh.**
How can you love on yourself today? Be extra kind to yourself.

**I'm empty.**
Pinpoint what's draining you and try to create a boundary & then do one thing that fills you up.
TYPES OF SELF-CARE

PHYSICAL
- Sleep
- Stretching
- Walking
- Physical release
- Healthy food
- Yoga
- Rest

EMOTIONAL
- Stress management
- Emotional maturity
- Forgiveness
- Compassion
- Kindness

SOCIAL
- Boundaries
- Support systems
- Positive social media
- Communication
- Time together
- Ask for help

SPIRITUAL
- Time alone
- Meditation
- Yoga
- Connection
- Nature
- Journaling
- Sacred space

PERSONAL
- Hobbies
- Knowing yourself
- Personal identity
- Honoring your true self

SPACE
- Safety
- Healthy living environment
- Security and stability
- Organized space

FINANCIAL
- Saving
- Budgeting
- Money management
- Spending
- Paying bills

WORK
- Time management
- Work boundaries
- Positive workplace
- Professional development
- Break time
Telehealth Guidelines
In Session:

Use a private setting for both clients and provider

If clients aren’t in a private setting:
- Lower voices
- No speakerphone
- Use headphones
- Distance from others
In-session distractions:

Pets
Kids
Online shopping
Writing notes
TV
Laundry (Emily had telehealth session with pediatrician sitting next to laundry)
Vaping
Charting

Include disclaimer in documentation:
- “Session held via HIPPA compliant Microsoft Teams given current pandemic conditions for safety of client and provider.”
- Documentation is your risk management
  - Does showing your records to a jury or board help you or hurt you?
  - If it’s not written down, it didn’t happen
- Dictation? Same rules apply
- If working from home:
  - How are you storing and transporting documents?
  - Have a backup in case the internet fails
  - If patient has an emergency, who is their emergency contact?
Horror Stories and Lessons Learned

High risk clients
Clients who refuse to sign forms
Parents with 50/50 custody not agreeing on services
Billing
Clients not dressed appropriately
Clients using restrooms in session
Vaping/Smoking in session
Other considerations for more learning

Policy

EMR Issues

Crossing state lines for service

HIPPA – encryption of all PHI IS KEY

SAMHSA- undergoing separate rule making process for CARES act by 3/27/21

Verification of Client Identity
Q & A

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Resources

APA Guidelines

AAMFT Telehealth State Guidelines:

AAMFT Covid and Telehealth Guidelines:
https://www.aamft.org/Events/Coronavirus-Telehealth-Update.aspx

OCR FAQs on Telehealth and HIPPA during Covid

SAMSHA guidelines

BOOKS: