



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?**

quickmeme.com

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

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:

<http://www.apa.org/ethics/code/principles.pdf>

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:

<http://www.counseling.org/Resources/aca-code-of-ethics.pdf>

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

BACB Code of Ethics <https://www.bacb.com/ethics/ethics-code/>

Professional Ethical Standards

Do no harm

Scope of practice

Competence

Confidentiality

Child Abuse and Neglect

Vulnerable Adults



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)

<https://www.counseling.org/knowledge-center/mental-health-resources/trauma-disaster/telehealth-information-and-counselors-in-health-care>

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

Covid-19 in Minnesota

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:

https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&dDocName=DHS-320036&RevisionSelectionMethod=LatestReleased

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)

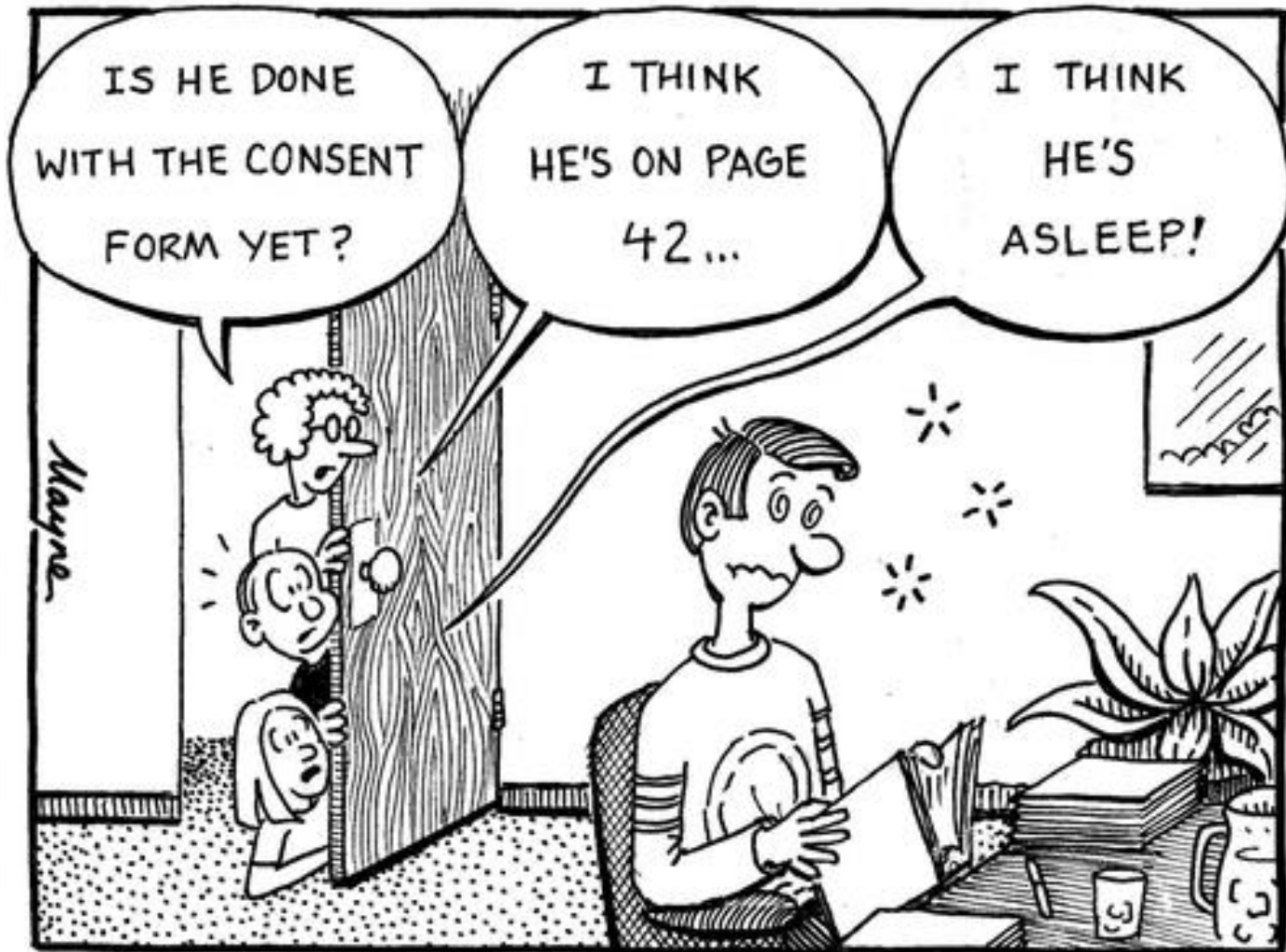
Teen Line:

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.**



Complex  Discovery

GLASBERGEN

Liability Insurance

Does your policy cover you?

What does your agency provide?

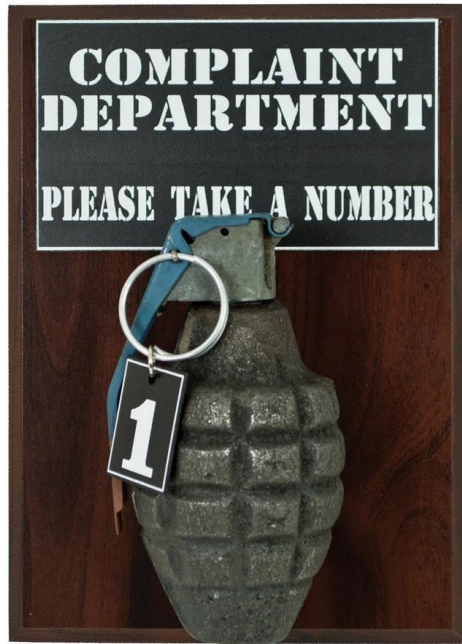
- What are the limits?
- Does it still cover you if you are let go?
- You may not be covered for board complaints

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

Apps

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



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

WTF!

I got an A In Chem! ✓✓

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.)

DOCUMENT DOCUMENT DOCUMENT



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!

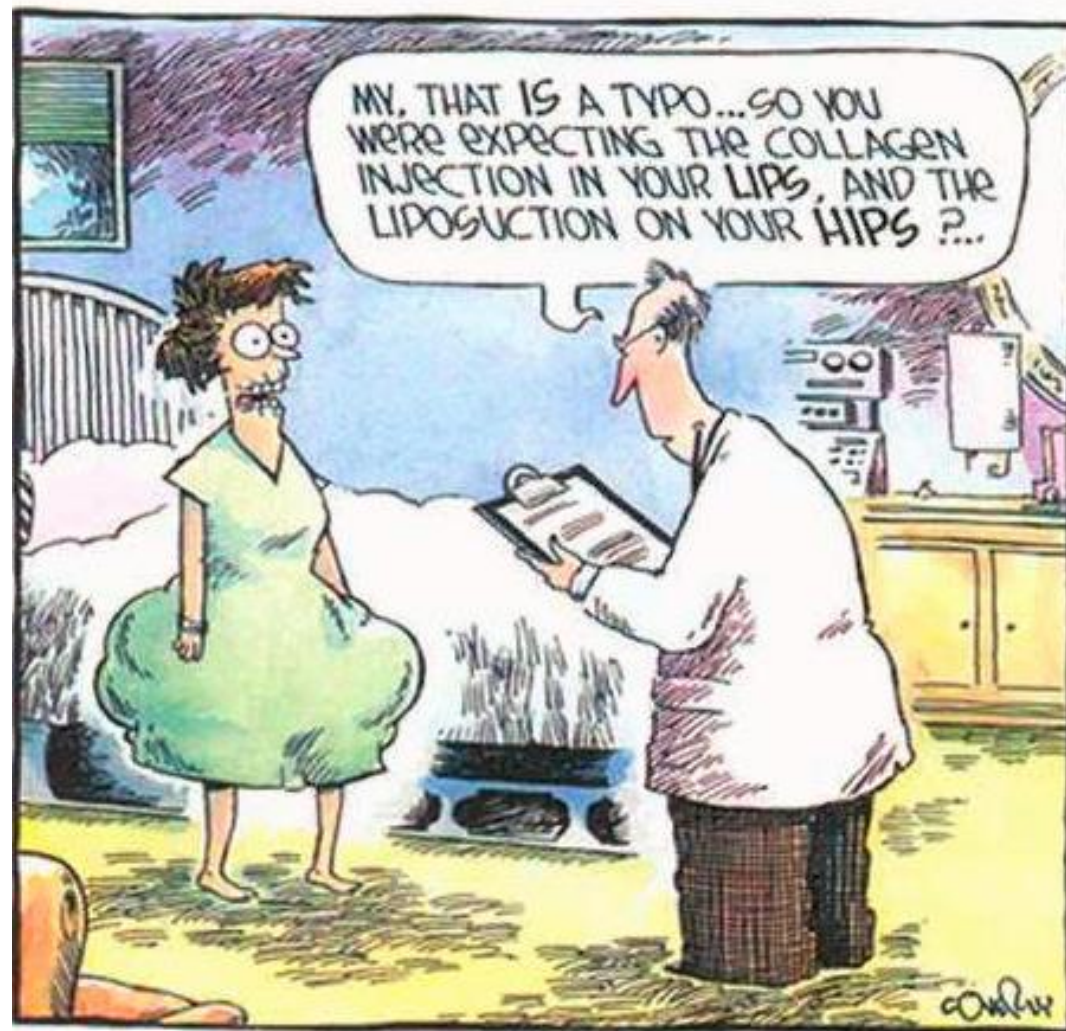
Be careful with dictation

“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.”



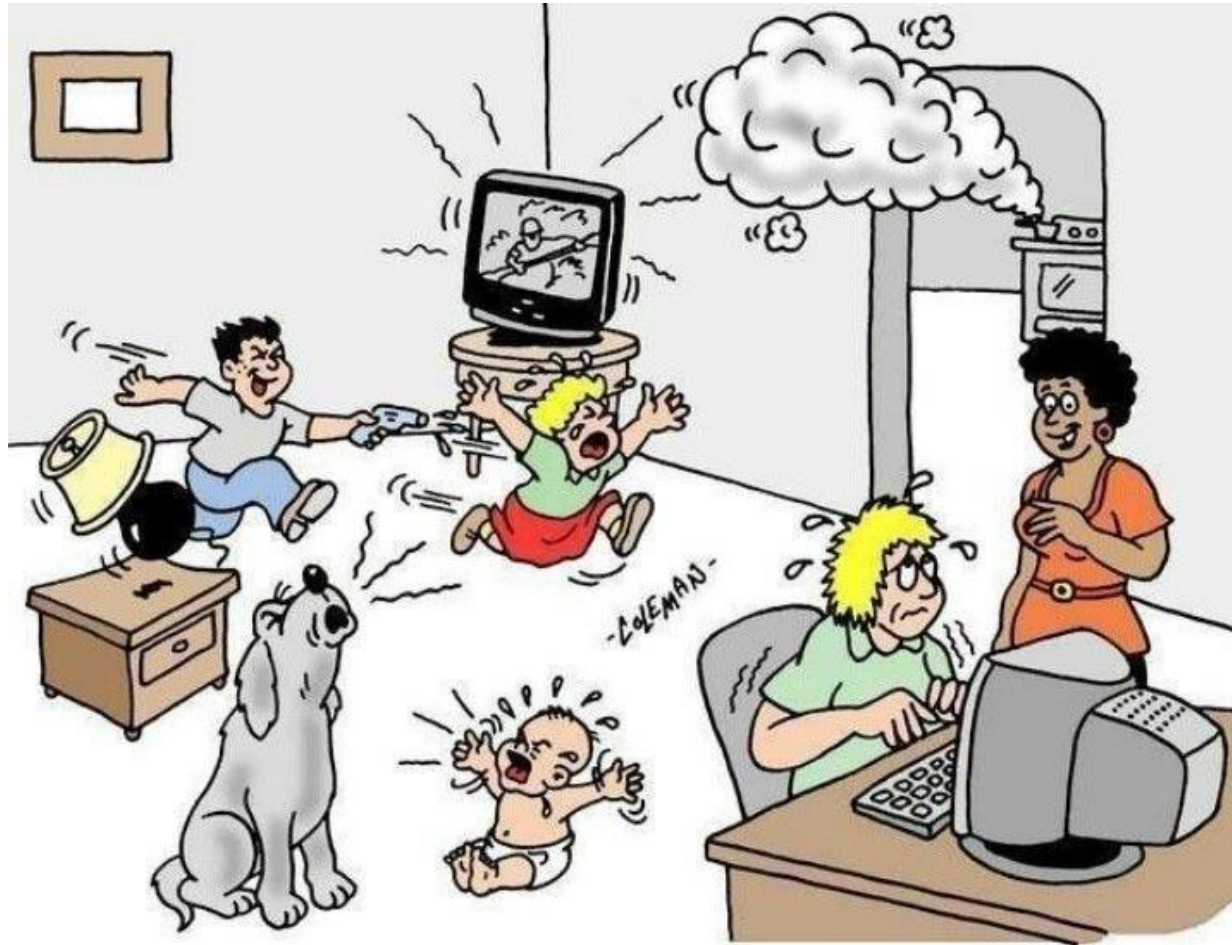


Problems don't happen on a schedule

Providing support with flexibility

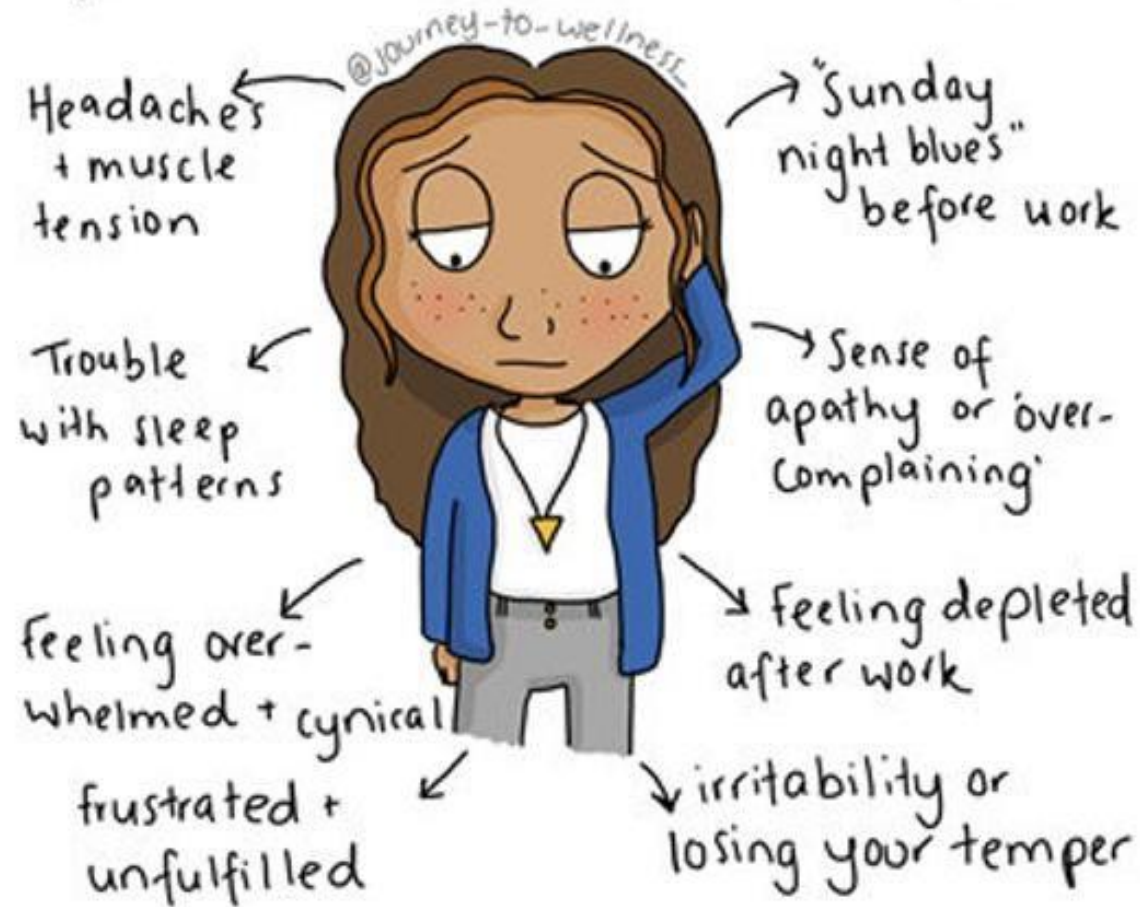
Does the system you work within allow this?

-wanting to pause psychiatry but need a plan to access again if needed



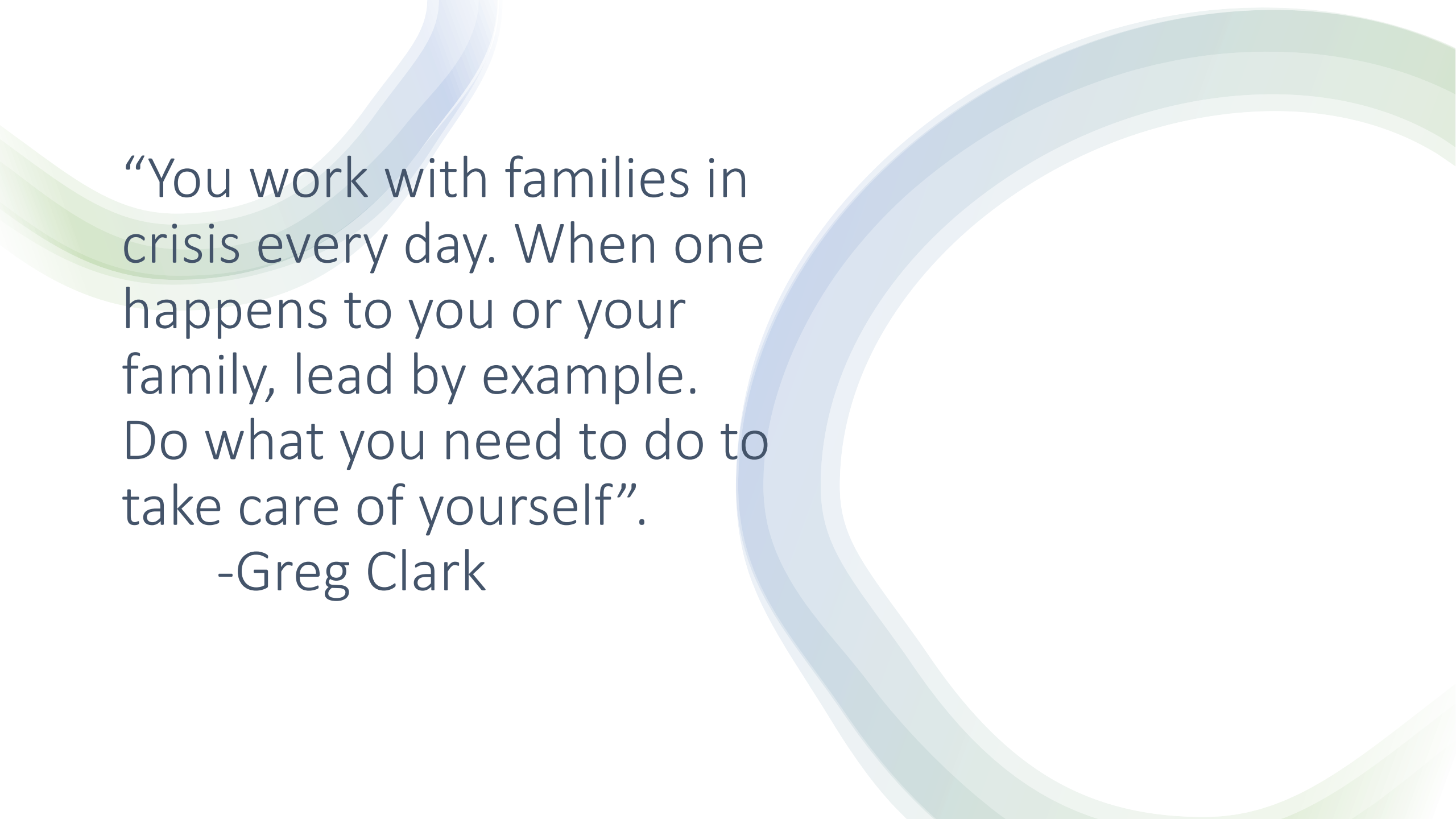
" IT MUST BE NICE HAVING A JOB
WHERE YOU CAN WORK AT HOME. "

SIGNS of BURNOUT



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 your -self 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



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



“The good news is your virus is gone. The bad news is it infected your electronic health records.”

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

<https://www.psychiatry.org/psychiatrists/practice/telepsychiatry/toolkit> • <https://www.psychiatry.org/psychiatrists/practice/telepsychiatry/blog/apa-and-ata-release-new-telementalhealth-guide> • <https://smiadviser.org/wp-content/uploads/2020/04/How-to-Prepare-for-a-Video-Appointment.pdf>

AAMFT Telehealth State Guidelines:

https://www.aamft.org/Events/State_Guide_for_Telehealth.aspx

AAMFT Covid and Telehealth Guidelines:

<https://www.aamft.org/Events/Coronavirus-Telehealth-Update.aspx>

OCR FAQs on Telehealth and HIPPA during Covid

- <https://www.hhs.gov/sites/default/files/telehealth-faqs-508.pdf>

SAMSHA guidelines

- <https://www.samhsa.gov/sites/default/files/covid-19-42-cfr-part-2-guidance-03192020.pdf>

BOOKS:

Reamer, Frederic G. (2021). *Ethics and Risk Management Issues in Online and Distance Behavioral Health*. San Diego: Cognella Academic Publishing.