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*2017
Southwest Conference
3:30 – 5:15*

*Reach Out and Shrink Someone:
Technology and Ethics*

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Bibliography at the end of Section C

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Ethical Advertising and the Internet

A - 3

Ethical Advertising Fisher, 2017

Definition of Public Statement

- *Unpaid and paid advertisements*
- *Brochures, printed matter, directory listings*
- *Personal resumes or CV*
- *Lectures and oral presentations*

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Ethical Advertising
Fisher, 2017

Provision of Public Advice

- *Radio, TV, internet, written material*
- *Clarify educative versus therapeutic nature*
- *Avoid language implying a therapeutic relationship*
 - *Repeated communications can indicate a relationship*

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Ethical Advertising
Fisher, 2017

Provision of Public Comments (1)

- *Commenting about someone in the news*
 - *Well known personality*
 - *May make general comments*
 - *Example: Dr. Drew, media experts*
 - *Explicitly state there has been no personal contact*

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Ethical Advertising
Fisher, 2017

Provision of Public Comments (2)

- *Illustration of point using examples*
 - *Note as hypothetical*
 - *Carefully limit chance of breaching confidentiality*
 - *Maintain control of interviews or public statements*

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Ethical Advertising
Schenker et al, 2014

Deceptive Web-Based Services

- *Failure to list one's license to practice*
- *Unsupported statements hailing the benefits of online therapy versus face-to-face*
- *Failure to clarify boundaries of competence*

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Ethical Advertising
Fisher, 2017

Soliciting Testimonials from Clients

- *Exploits vulnerable individuals*
- *Power inequities between therapist and client*
- *UN-solicited testimonials are NOT unethical*
- *SOLICITED testimonials ARE unethical*

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Ethical Advertising
Fisher, 2017, p. 218

HIPAA Marketing Prohibitions

- *HIPAA Omnibus Rule (2013)*
- *Clients must sign authorization allowing PHI to be used for marketing...*
- *Or to be sold to third parties*

“Psychotherapists or treatment team members may not send communications to a list of clients about new services that they or their organization may be offering unless the client has signed a prior agreement form to receive marketing materials.”

A - 10

*I Can **Cure** You in Four Sessions
Fisher, 2017*

Avoid False or Misleading Statements

- *Acknowledging limitations of research*
- *Avoid hyperbole*

Example

“I ALWAYS am successful in getting you full custody of your child.”

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*I Can **Cure** You in Four Sessions
Fisher, 2017*

Avoid False or Misleading Statements

- *Avoid bias: importance of accurate self-evaluation*
 - *Stimulation of personal issues (CT)*
 - *Avoid conflict of interest*

Example:

Representing both parties in a dissolution and custody procedure unless you are the custody evaluator

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*I Can **Cure** You in Four Sessions
Fisher, 2017*

Avoid False or Misleading Statements

- *Avoid promises of favorable outcomes*

Example:

“I can cure you in four sessions...”

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*I Can **Cure** You in Four Sessions
Fisher, 2017*

Avoid False or Misleading Statements

- *Avoid competitive solicitation*

Example:

*“I have the best outcomes of any other
psychotherapist in town...”*

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*I Can **Cure** You in Four Sessions*
Fisher, 2017

Avoid False or Misleading Statements

- *Do not appeal to client's vulnerability or fears*

Example:

"See Therapist Smith for your child's drug problem or else you may need to see a mortuary for your child..."

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Ethical Advertising
Koocher et al, 2008

Finding a Therapist via Internet Search

- *Google search: "Find a therapist"*
- *Yielded 3,450,000 hits*
- *Consumers are not knowledgeable about:*
 - *Difference between licenses*
 - *Who is competent*
 - *Coaching* *versus psychotherapy*

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*Ethical Advertising
Koocher et al, 2008*

Proper Advertising Online

- *Accurate credentials*
- *License type and number*
- *Competence to perform services*
- *Anything online has long shelf life:*
 - *Update and keep current*
 - *Services and fees*

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*Applicable Ethics Codes
Electronic Transmission*

*APA 2.01
AAMFT 8.02
NASW 1.07m
CSWA 1.03e*

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Telepsychology
Rummell & Joyce, 2010, p. 483

Definition: Telepsychology

“Any delivery of mental and behavioral health services... by a licensed practitioner to a client in a non-face-to-face setting....”

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Barriers to Telepsychology
www.telehealthresourcecenter.org/

Telepsychology Across State Lines

- *The location of the patient is considered the “place of service”*
- *The distant site provider must adhere to the licensing rules and regulations of the state in which the patient is located*

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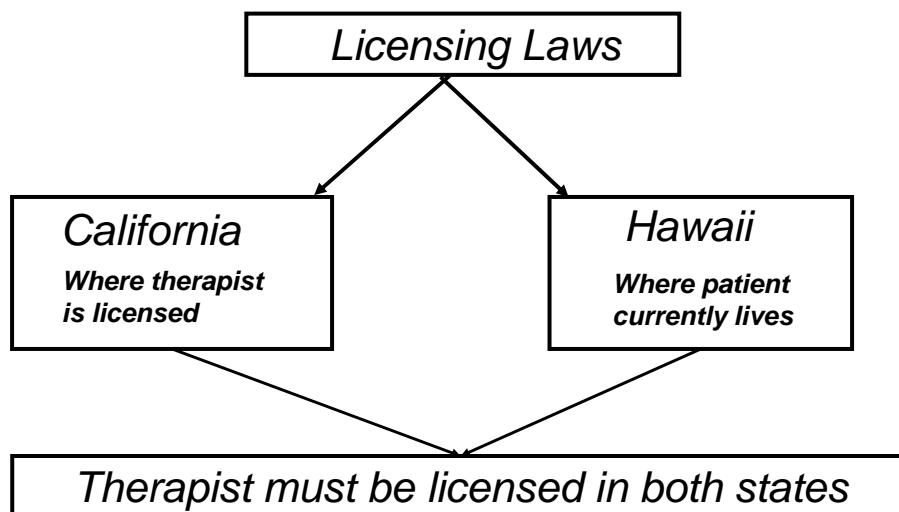
Barriers to Telepsychology
www.telehealthresourcecenter.org/

Telepsychology Across State Lines

- *Each state licensing board enforces their own state's telepsychology laws*
- *Providers must have a full license in the state in which the patient is physically*
 - *Licensing board enforcement*

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Barriers to Telepsychology
www.telehealthresourcecenter.org/



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Barriers to Telepsychology

Conclusion:

Become knowledgeable about your state telehealth laws

Example: California

- *Telehealth Advancement Act of 2011*
- *AB 415 replaces the outdated legal term of "telemedicine" with "telehealth."*

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Protocol for Client Telehealth

Personal Communication, M. Maheu, 4/13/13

Informed Consent for Client Telehealth

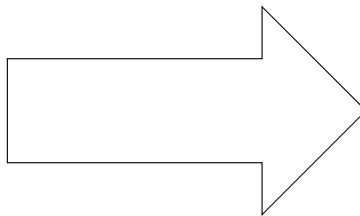
- *Specific STATE statutes govern informed consent in telehealth*
- *Assume client/patient location state laws apply*
- ***Use most conservative approach***
 - *Determine the law in both states and follow more stringent*

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Barriers to Telepsychology

National Telehealth Policy Resource Center

*<http://www.cchpca.org/sites/default/files/resources/50%20State%20FINAL%20April%202016.pdf> Tele
psychology Across State Lines*



A - 25

Telehealth

*General Factors to Consider
Positive and Negative Aspects
Benefits and Concerns*

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Telehealth
ahrq.gov, 2008

Benefits

- *Improved access to care*
- *Reduction in costs*
- *Decreased transportation*
- *Increasing convenience*
- *Access in rural regions where there may be insufficient care*

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Telehealth
ahrq.gov, 2008

Benefits

- *Used in medically underserved areas*
 - *Both rural and urban settings*
 - *20% of population live in rural communities*
 - *Urban Clusters (UCs) at least 2,500 and less than 50,000 people*
- *Access to care is easier*

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Telehealth
ahrq.gov, 2008

Benefits

- *Improves access to specialty care in underserved areas*
 - *Prison inmates and nursing home residents*
- *Patients seek care closer to home*
- *Reduction in wait time for specialty care*

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Digital Ethics and Telepsychology Services
Fisher, 2013

Questions to Consider

1. *Is a comparable in-person service available to client?*
2. *Are telepsychology services preferable to in-person services?*
3. *What is most clinically appropriate?*
 - *Video conferencing; Texting; Telephone*

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Digital Ethics and Telepsychology Services
Fisher, 2017

Questions to Consider

4. Does client need emergency treatment?

- *Crisis intervention versus psychotherapy*
- *Requires an adequate plan for emergencies*

5. What are language issues?

- *Special needs*
- *Cultural issues*

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Digital Ethics and Telepsychology Services
Fisher, 2017

Factors to Consider

- *Proper record keeping*
- *Confidentiality during online session*
 - *More later*

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Protocol for Client Telehealth
Personal Communication, M. Maheu, 4/13/13

Precautions for Client Telehealth

- *Lack of evidence-based literature that it works*
- *Most insurance companies won't reimburse*
- *Lack of recognized assessment and intake tools*
- *Most useful when client is already known to a system*
 - *EAP, VA, corrections*

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Protocol for Client Telehealth
Personal Communication, M. Maheu, 4/13/13

Precautions for Client Telehealth

- *Explain & sign informed consent document*
- *Conduct a formal intake with no shortcuts*
 - *Meet in-person or video at least once*
 - *Full history, medications, illnesses, abuse, stressors*
 - *Support system, drug/alcohol use*
 - *Suicide/homicide intent, mental status*

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Protocol for Client Telehealth
Personal Communication, M. Maheu, 4/13/13

Precautions for Client Telehealth

- *Decide if telehealth is appropriate*
- *Obtain names of all other key providers*
- *Obtain direct phone number for emergency services in client's location*
 - *Verify that the emergency number is correct*
- *Scan room for inappropriate material that might be seen by internet client*

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Protocol for Client Telehealth
Personal Communication, M. Maheu, 4/13/13

Appropriateness for Client Telehealth

- *Adequacy of bandwidth (the rate of data transfer)*
 - *Loss of connection*
 - *Other equipment failure*
- *Reliability of telehealth equipment*
 - *Computers, monitors, video cameras, audio equipment*
- *Insufficient camera resolution*
- *Environmental problems*
 - *Adequacy of room lighting and microphone placement*

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*E-mailing Your Client
Tran-Lien, 2012*

*Disclosure Statement about Texts and
Email Policy*

- *Statement providing e-mail and text guidelines*
 - *Must be in formal informed consent*
 - *Turnaround times*
 - *Crisis policy*
 - *After hours response*

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*E-mailing Your Client
Tran-Lien, 2012*

Text and Email – What Gets Recorded

- *Which e-mails and texts should be part of
patient record:*
 - **Substantive clinical information**
 - *Usually not appointment information*
 - *Place in electronic file*
 - *Print out for paper file*
- *Delete from inbox ASAP*

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Sum Up Question

What are examples of “public statements”

ANSWER:

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Sum Up Question

Why is it inappropriate to solicit in-person testimonials from clients?

ANSWER:

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Sum Up Question

Treating a client who moves to another state where the therapist does not have a license is ethical and legal.

ANSWER:

True

False

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Sum Up Question

Name three benefits of Telehealth.

ANSWER:

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