TBCS: Ethical and Legal Issues
Week #2

Agenda

Welcome
- Agenda
- Review Learning Activity: Laws, Regulations and Statutes

Presentation
- Ethics and Legalities in TBCS
- Good Digital Hygiene

Summary
- Review today
- Preview of next week
- Discuss next week's Learning Activity-Zur article on digital culture
- Questions

Let's Talk about your Learning Activity !

What did you find out about the Laws, Statutes, and Regulations in your state and within your discipline?

Ethics in this Digital Age

When Humanity Meets Technology

How Do We Ensure

- Informed Consent of the Supervisee and the client?
- Train Supervisees in electronic risk management
- Confidentiality for the supervisee during TBCS
- Using TBCS to also discuss boundaries and limits of social media and social networking sites

The Clinical Supervisor

- **Models sound ethical and legal practices**

- **Translates ethical concepts into practice**

- **Helps the clinician develop ethical decision-making tools**

TBCS increases comfort with technology, which is important as service delivery becomes more and more infused with technology.
(Wood et al., 2005, p. 176)

State and Federal laws may differ... know yours!

WHAT DOES YOUR STATE SAY?

Legal Aspects to Consider around Confidentiality/Privacy/Security

Teleconferencing Software	**Email**	**Texting**	**Network**
• They are not all created the same! • Skype can un-encrypt calls and will not sign a business associate agreement not to	• Email can be secured if done through encryption	• Texting is not secure. It can be done, but must ensure proper informed consent	• Public WIFI is not secure!

Video/Audio Best Practice Tips

Recordings should *never* be made, stored, or transferred to a computer without complete security protocols in place.

To better protect client privacy, focus the camera on the counselor only.

To capture both the client and counselor, a mirror can be positioned beside the client, who faces the counselor and camera.

Email Best Practice Tips

Exchange	Avoid	Plan	Practice	Plan
Never exchange PHI via email, and delete any message that contains sensitive information from the reply	Avoid use in crisis situations, given the asynchronous nature of email	Plan with supervisee for which situations warrant alternate method of communication	Practice careful monitoring of tone	Plan for time to write emails—rushed messages often lead to miscommunication

Text/IM Best Practice Tips

Exchange	Clarify	Use	Monitor	Practice
Never exchange PHI via text or chat, unless using a private and secure program.	Clarify with supervisee when text and chat are appropriate means of communication.	Use for simple exchanges; choose another means of communication for complex conversations or communications between a group.	Carefully monitor the tone of messages.	When using chat tools for providing prompts during live supervision, practice for clarity, brevity, and how to communicate praise and critique.

Do Not Use ...

Facebook or other social networking sites

Public WIFI to access any confidential files or websites

Email, Chat, or Text Message to exchange protected health information unless its through a secure, password-protected program

Advice from others about using a program without consulting your own HIPAA compliance resource expert

Any technology without client consent

Helpful websites

HIPPA-compatible videoconference software
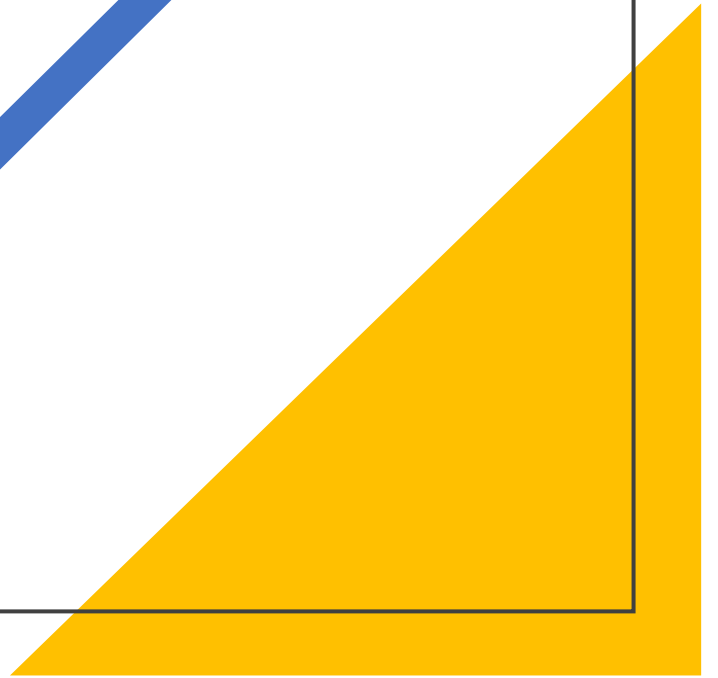- www.telementalhealthcomparisons.com

Risk Assessments
- http://goo.gl/9bNcqv

Legal Documents (e.g. consent forms)
- www.zurinstitute.com

HIPPA for Dummies: A Practitioners Guide
- http://goo.gl/9Wohqj
- Using Technology to Enhance Clinical Supervision, Rousmaniere, Renfro-Michel

Good Digital Hygiene

Quick Check List

- Secure confidentiality and privacy of your office environment

- Check room lighting, including windows and sunlight

- Check possible phones that might ring or make noise (e.g. landlines, cellphones, receiving email or text alerts)

- Check your audio (e.g. headset, mic on computer/platform) video- camera & on platform

- Do not type or cause other sounds if you don't have your audio on mute

- Ask supervisee about the confidentiality and privacy of their office environment

- Refresh "back up plan" with supervisee (e.g. "I will call you if our connection drops")

- End meeting on platform

- Close out platform program

Proficiency

Typing skills

Computer technology

Security settings

Email programs

Chat and text messaging

Uploading, sending, and receiving encrypted files

Use of new technology: apps and avatars

Rummel & Joyce, 2010; Midkaff & Wyatt, 2008)

Strategies for Typed Communication

Emoticons, like the smiley :-), winky ;-), and frown :-(, capture subtle nuances of meaning and emotion.

Parenthetical expressions that convey body language or "sub-vocal" thoughts and feelings (sigh, feeling unsure here).

Voice accentuation via the use of CAPS, asterisks, and other keyboard characters in order to place vocal *EMPHASIS* on a particular word or phrase.

Workwise ENHANCED PROFESSIONAL LEARNING SERIES

Please write down
One thing that stands
out for you today!

REVIEW

Benefits of TBCS

With the added bonus of

Advocating for TBCS

Sneak Peek at next week

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Learning Activity Week #2

Zur Institute Article

On Digital Immigrants and Digital Natives: How the Digital Divide Affects Families, Educational Institutions, and the Workplace.

Workwise
Online Learning for the Behavioral Health Workforce

ENHANCED PROFESSIONAL LEARNING SERIES

ATTC Addiction Technology Transfer Center Network
Funded by Substance Abuse and Mental Health Services Administration

Questions

And to all of you ...

.... and see you all next week !!