Reach Out and Shrink Someone:
Technology and Ethics

Bibliography at the end of Section C
Ethical Advertising and the Internet

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
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

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
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

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
**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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**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.”
Avoid False or Misleading Statements

- Acknowledging limitations of research
- Avoid hyperbole

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

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
Avoid False or Misleading Statements

- Avoid promises of favorable outcomes
  Example:
  “I can cure you in four sessions…”

Avoid False or Misleading Statements

- Avoid competitive solicitation
  Example:
  “I have the best outcomes of any other psychotherapist in town…”
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…”

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
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

Applicable Ethics Codes

Electronic Transmission

APA 2.01
AAMFT 8.02
NASW 1.07m
CSWA 1.03e
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….”

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
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

Barriers to Telepsychology
www.telehealthresourcecenter.org/

Licensing Laws

- California Where therapist is licensed
- Hawaii Where patient currently lives

Therapist must be licensed in both states
**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
Barriers to Telepsychology

National Telehealth Policy Resource Center
http://www.cchpca.org/sites/default/files/resources/50%20State%20FINAL%20April%202016.pdf
Telepsychology Across State Lines

Telehealth

General Factors to Consider
Positive and Negative Aspects
Benefits and Concerns
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

A - 27

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

A - 28
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

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
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

Factors to Consider

• Proper record keeping
• Confidentiality during online session
  • More later
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

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
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

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
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

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
Sum Up Question

What are examples of “public statements”

ANSWER:

Sum Up Question

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

ANSWER:
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

A-41

Sum Up Question

Name three benefits of Telehealth.

ANSWER:

A-42