Ethics and Considerations for Online Therapy

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3 June 2020

Agenda

- Introduction – About online therapy

- Ethical Issues – Case example, concerns, related codes and application

- Launch of HKADCP Online Therapy Guidelines

Introduction

- Purpose of this Seminar – Ethical Issues of Online Counseling

- The Internet is ubiquitous

- Advancement of Technology

- Affordability

- Environmental crisis - epidemic threat push further the people to adapt online conferencing for various purposes including online counseling

The Rise of Online Therapy

- Non profit website Metanoia in 1990 established for people cannot perform face-to-face service

Definition of Online Counseling/Therapy

- According APA, telepsychology is defined, for the purpose of these guidelines, as the provision of psychological services using telecommunication technologies

- Online counseling is defined as "the delivery of therapeutic interventions in cyberspace where communication between a trained professional counselor and client(s) is facilitated using computer mediated communication technologies " (Richards & Viganò, 2012)

Effectiveness Compared between Face-to-Face vs Online Counseling

- Studies show that participants with the counseling process are as satisfied and effective as face-to-face counseling (Cook and Doyle ,2002; Barak, 2008 Meta analysis; Murphy et al. 2009; Zeren, 2015)

- clients suffering from post-traumatic stress disorder, depressive disorders, anxiety disorders, and eating disorders are benefited from Internet psychotherapy (Mallen, Vogel, Rochlen, & Day, 2005)

- Leibert, Archer, Munson, & York (2006) found that while clients enjoyed the privacy of online communication, their satisfaction scores were not as robust as clients in face-to-face counseling

Major categories of Online Counseling

- Texted based e.g. email or chat room type

- Voice based e.g. phone support

- Face-to-face based e.g. skype, zoom video conferencing platform

- Mixed type is possible

- Regardless of its limitations, online psychotherapy is included as practice modalities in various national ethics codes and mental health professions (ACA, APA, BACP, AAMFT, NASW etc.

Pros and Cons of Online Counseling

- Pros: accessibility, cost-effectiveness, convenience, privacy, cross-distance, gender preference, less intimating or stigmatized etc.

- Cons: technological obstacles, security issue, inter-juridical, insurance, practitioner's competency, identity, absence of nonverbal cues, and limited focus of counseling sessions plus extra care of ethical issues etc.

Reference Ethical Guideline related to Online Counseling

Please see attached Table Summary

Do not Forget Core Principles of Counseling Ethics

- Beneficence
- Non-maleficence
- Autonomy
- Justice
- Fidelity
- Veracity

Important Ethical Issues related to Online Counseling

- Duty of Care
- Competence
- Informed Consent
- Confidentiality
- Dual Relationships/Boundary & Social Media
- Technological & Data Transmission & Security Concerns
- Testing and Assessment
- Web Maintenance and Termination

Online Counseling
Ethical Issue 1 – Duty of Care

A client seeks for the a counseling services and considers ZOOM session would be a good option to the her. Practitioner is asked if he could offer the online services to her. Practitioner agreed with the suggestion as it would be a convenient option for both as compared to in-person meeting. What considerations that practitioner should take into account before taking the option?

Issue 1 - Duty of Care
Prime Concern

- ensure the attentiveness and appropriateness due to the client in applying the online technology

- effort to arrive best interest to the client during the online counseling process with respect, autonomy and integrity.
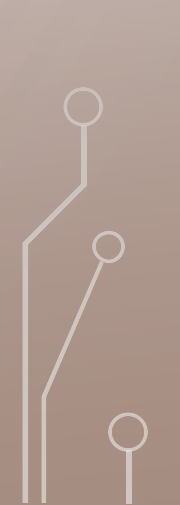
Issue 1 - Duty of Care
Important Questions

- Is it appropriateness of using OC or other alternative? (APA Guideline 2; ACA H.4.b)

- Is OC the client's preference and will it provide unique benefit to the case? (APA Guideline 2)

- Is Client ready for the application? e.g. intellectually, linguistically, emotionally and physically? (HKPCA 2.8.2)

- Is the application suitable for vulnerable and emergency cases? (BACP 6)
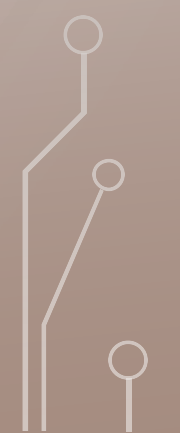
Issue 1 – Duty of Care
Practical Considerations

- evaluate of the technological and psychological readiness and appropriateness
- check if professional insurance policy is in place
- understand relevant professional guidelines
- know your client before start as duty of warn for abusive or self or other harm cases must be guarded
- Relevancy to HKADCP's ethical guidelines – best interest and service scope, preparedness etc.

Online Counseling
Issue 2 – Competence

A virtual intrusion of practitioner's colleague happened during the online counseling process, which aroused the discomfort and skeptical response of the client toward the surveillance of the platform. Indeed, practitioner has not been trained or has full knowledge in terms of the essential protection feature provided by ZOOM e.g. waiting room, lock meeting and password function etc.

Issue 2 - Competence
Prime Concern
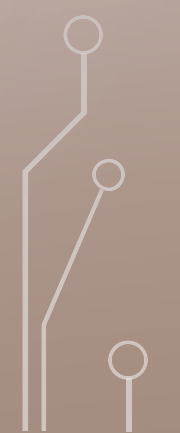
It especially refers the professional ability guarantees clinical competency and leads to the effective application of technology in the practice
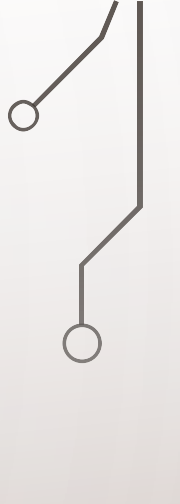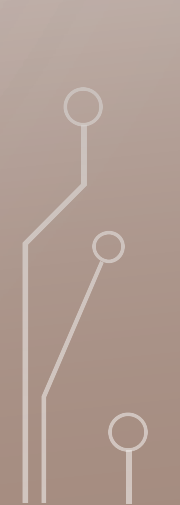
Issue 2 – Competence
Helpful Question

Does practitioner have assumed the responsibility to acquire the new knowledge and skills in using the telecommunication technologies (APA Guideline 1, ACA H1; BACP 3)?

Issue 2 - Competence
Practical Considerations

- review literature and obtain relevant training in acquiring additional skills and knowledge of telecommunication for practical purposes.

- make reasonable efforts to identity and learn how to access emergency resources for the clients

- take reasonable steps to refer client to proper resources when deemed necessary

- Relevancy to HKADCP's ethical guidelines – e.g. changing technical knowledge and continuous assessment, third party advice etc.

Online Counseling via Zoom
Issue 3 – Informed Consent

Client felt cheated because there happened quite frequently of interruptions during recent ZOOM sessions. For convenience, practitioner has only briefed client that the original consent form will remain applicable to current online counseling mode except more caution and encryption measure shall be adopted in carrying the counseling on internet. What else does the practitioner ought to advise the client before kicking off?

Issue 3 – Informed Consent
Prime Concern

- requires practitioners clearly and openly address specific concerns and scope of online counseling services to the clients, it includes but not limited to structure, obligation, restriction/limitation, risk, third parties involvement, requirements and scope of the services
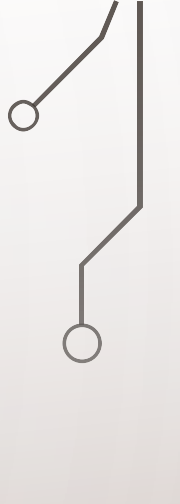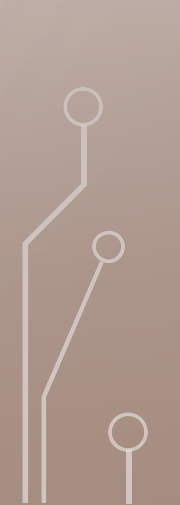
Issue 3 – Informed Consent
Helpful Questions

- has clients been addressed of structural issues like requirement of technology (e.g. face to face or text), time interval and time zone etc.) or way of storage data ? (APA Guideline 3; HKPCA 2.8.4; ACA H2)

- has client been informed the process particulars: response time, technical problem, cultural discrepancy if applicable, emergence information?

- does client know the limitations and threat of the online services e.g. hacker, unauthorized or authorized users, possibility of lagging or transmission failure or non-intent technological host etc.
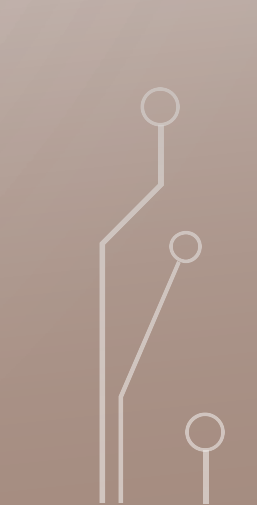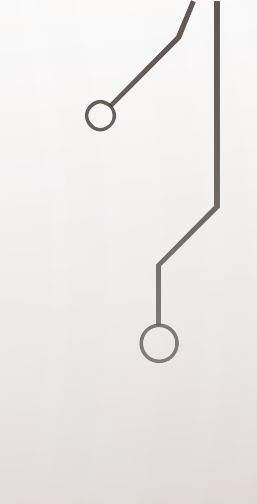
Issue 3 – Informed Consent
Practical Considerations

- arrange and prepare relevant and proper documentation/ consent agreement that covers online services

- advise client about the limited confidentiality under cyber environment

- communicate and liaise well with Agency (if any) and ensure client has full understanding to the consent

- apply different billing for exceptional situation e.g. interruption

- educate client for the shared responsibility to protect data

- Relevancy to HKADCP's ethical guidelines e.g. material information including privacy risk, face-to-face rule, facilities specifications, termination, contingency etc.

Online Counseling
Issue 4 – Confidentiality

Practitioner unconsciously sent out the invitation of zoom meeting to client with ID without password via public email channel and he even captured a very funny decoration from the client's background and shared the photo in his personal electronic networks. Discovery of which by client's friend not only caused embarrassment, mistrust but also an violation of confidentiality.
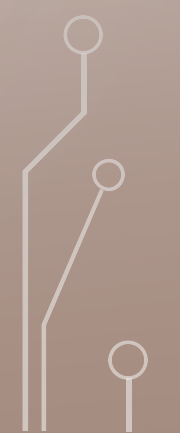
Issue 4 – Confidentiality Prime Concern

It concerns efforts of practitioner to protect the case information/data and to eradicate or minimize risks of loss of confidentiality in the process of online counseling

Issue 4 – Confidentiality
Helpful Questions

- Has the limited confidentiality due to the technological application been addressed? (APA Guideline 4)

- Do both aware of the possibility of individuals (from both sides) might have authorized or unauthorized access to the session information? (ACA H.2.b)

- Are both alerted threat of physical, electronic, international surveillance may increase the leaking with or without awareness? (BACP 4)

Issue 4 – Confidentiality Practical Considerations

- apply encryptions and password
- seek technology consultation whenever applicable
- limit of using electronic transmission
- be aware of malware, cookies and suspicious software and apply routine clearance and security works that technology applies
- avoid free and non-protected services or unreliable service provider
- exercise constant vigilance about being overheard or overseen
- Relevancy to HKADCP's ethical guidelines e.g. encryption technology and background scene etc.
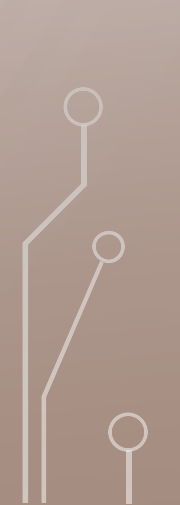
Online Counseling
Issue 5 – Dual Relationships/Boundary & Social Media

Client happily shared with practitioner of her recent trip experience whilst practitioner only gave silent response since he underneath knew the client was lying because practitioner has habitually searched client's Facebook which revealed that she was never out of town of the period. Could not hold up his curiosity, practitioner questioned the fake experience which led the client become so frustrated and decided to terminate the counseling relationship.

Issue 5 – Dual Relationships/Boundary & Social Media
Prime Concern

It prevents practitioner assume dual/multiple roles with client or his/her closely related person as it will be subjected to the risk of crossing or even violating the boundary issue.

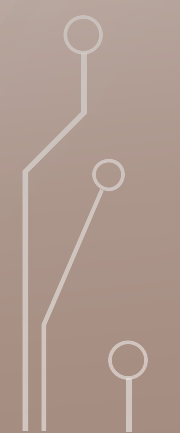# Issue 5 – Dual Relationships/Boundary & Social Media
Helpful Questions

- Did the risk of dual relationship has been ignored as it may cause harm to the professional judgment or relationship?

- Is the professional boundary alerted as it has limitation, could have fault expectation and relationship in online context? (ACA H.4.b; H.6)

- Is practitioner cautious to his or her presence of social media for professional or personal purpose?

- Do practitioner has the respect of client's privacy on social media and alert non-disclosure of confidential information via public social media platform? (ACA H6, BACP 13)
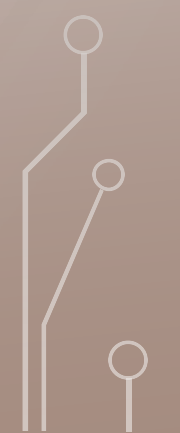
Issue 5 – Dual Relationships/Boundary & Social Media
Practical Considerations

- Use search engine for clients with good purposes

- Make good distinction of personal and professional online presence and communication

- Give duty of warn or inform consent for the boundary to client

- Relevancy to HKADCP's ethical guidelines – differentiate personal social online account from professional account, avoid social internet search etc.

Online Counseling
Issue 6 – Technological & Data Transmission & Security Concerns

- Practitioner obtained consent from client and used ZOOM to record the session for supervision purpose. Unfortunately, the clip was discovered on the open Web due to the unprotected file was transmitted via email.

Issue 6 – Technological & Data Transmission & Security Concerns
Prime Concern

Its rationale lies on the unique challenge of online services against the data security
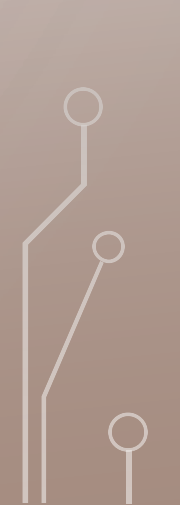
Issue 6 – Technological & Data Transmission & Security Concerns
Helpful Questions

- Have practitioners addressed the potential threats to the integrity of data incurred of failure of hardware, software, security system, administration or third party's problem (APA Guideline 5 re HKPCA 2.8.4 (b) & (h))

- Has data security always a concern to practitioner? (ACA H2d)

- Did practitioner carry out verification of new client's identity before service started?

- Has practitioner put effort in fencing off physical or electronic intrusion? (BACP 4)

Issue 6 – Technological & Data Transmission & Security Concerns
Practical Considerations

- Perform risk analysis and providence of contingency or backup services plan of practitioner upon failure occurred.,

- Carry out regular review on policy of administration of the online service

- Employ trustful and reliable service provider and technology software

- Exercise good vigilance and do education to client about the importance of joint effort in related issue

- Relevancy to HKADCP's ethical guidelines – e.g. risk analysis and providence of contingency or backup plan etc.

Online Counseling
Issue 7 – Testing and Assessment

- Even the practitioner has face to face visual contact with the client, she did not realize the examinee had a reminder screen over her head, it ruined the validity of test. Making worse, the client copied the instrument that was sent by the practitioner even he was reminded not to retain it after examination. Later he even distribute to his friend for fun, and as a result, the practitioner is subject to a complaint of his negligence of not being able to protect the copyright of the owner of the test.

Issue 7 – Testing and Assessment Prime Concern

- It urges for the appropriateness in applying test instruments and assessment during online services

Issue 7 – Testing and Assessment
Helpful Questions

- Identify the appropriate of the assessment tool to be applied online i.e. is the test limited to in person administration?

- How can the administrator safeguard the reliability and validity of the psychometric evaluation that would not be affected by the modified testing environment? (APA Guideline 7)
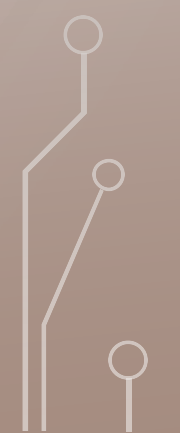
Issue 7 – Testing and Assessment Practical Considerations

- assess and review the instructions of the manual for guideline.

- alert if the time constraint is applicable and its online norm if it is available

- consider to employ any proven and reliable technology form or on-site support to avoid violation of property right of the instrument or proprietorship of the tests.

- Relevancy to HKADCP's ethical guidelines – reference to the manual and aware of modified testing environment etc.

Online Counseling
Issue 8 – Legal & Inter-jurisdiction

- Client wrote to practitioner and indicated his intent to claim his insurance to cover the professional services. The application failed as the service provider is not entitled or included in the policy. Mediation was required to settle the bill

Issue 8 – Legal & Inter-jurisdiction Prime Concern

It is mindful of the compliance of cyber counseling to clients across jurisdiction and international borders

Issue 8 – Legal & Inter-jurisdiction Helpful Questions

- Has practitioner made endeavor to address the laws and regulations applied to the services delivery for both parties? (APA Guideline 8, ACA H.1.b)

- Is practitioner mindful to the observance of statue not only concerns the use of technology, data protection or privacy ordinance, civil laws but the legality of professional qualification and practice?(HKPCA 2.8.3 & 2.8.4d; BACP 7 & 8)
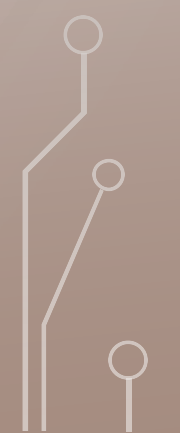
Issue 8 – Legal & Inter-jurisdiction Practical Considerations (1)

- obtain Good inform consent and explicit undertaking the laws of practitioner's own country prevail in case of conflict would avoid many dispute

- possess good understanding and acquisition of local professional support is desirable

- understand well professional coverage

- learn and be alert the changing requirement of tele-psychology developed in inter-jurisdictional practice

- Relevancy to HKADCP's ethical guidelines – good understanding of professional requirements, insurance, liability coverage and laws of practicing etc.

Online Counseling
Issue 9 – Web Maintenance and Termination

- After the practicum period over, placement trainee left the electronic clip of the clients' profile at her own laptop. Later contents of which including her personal data and client's video were stolen by the staff when she took the laptop for fixing due to hard disk failure.

Issue 9 – Web Maintenance and Termination Prime Concern

- The practitioner is obliged to maintain informed website and record keeping and he or she shall end the professional relationship and relevant process in an ethically and clinically appropriate manner.
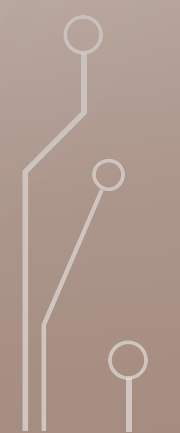
Issue 9 – Web Maintenance and Termination Helpful Questions

- Is practitioner doing good maintenance on his or her given website wherein content appropriateness, necessary professional information/link and effective accessibility are all matter? (HKPCA 2.8.5, ACA H.5)

- Has practitioner made efforts in disposing information or data of the service in a protective and secure manner? (APA Guideline 6)

- Is the length of archive and storage of data after exit known to client? (HKPCA 2.8.4g)

Issue 9 – Web Maintenance and Termination Practical Consideration

- Implement good policy and procedure documentation of how to store, secure and dispose are good practice.

- ensure the data handling is proper and technological safe

- protect the client, practitioner ought to make referral as option if distance counseling no longer available or appropriate to the case.

- Relevancy to HKADCP's ethical guidelines – e.g. good policy and procedure in storing, securing and disposing client's information etc.

Other Considerations

- Therapeutic alliance – it is suggested that empathy, support and self disclosure can be built via online counseling (McKenna, 1998)

- Communication - verbal vs text-based. Advantage of transitional space over instant response

- Third Party stakeholder

Reminders Before Getting Started

✓ Assess if client's appropriateness and readiness

✓ Warrant ethical concerns are addressed

✓ Check if insurance coverage is applied

✓ Work with administrator

✓ Choose right platform

✓ Ensure proper consent documentation in place an signed

✓ Make good inform consent and boundary rule, e.g. schedule, mindful to Agency's rule and reminder,

✓ Prepare a protocol for emergency situation

HKADCP Online Therapy Guidelines

✓ Fundamental Principles

✓ Limitations of Online Therapy

✓ Ethical Guidelines

✓ Effective Date: 15 June 2020

✓ Q&A