Ethical Challenges in the Digital Age: Implications for Social Workers

Presented by:
Frederic G. Reamer, Ph.D.
Professor
School of Social Work
Rhode Island College
Providence, Rhode Island
The Good(?) Old Days: The Way It Used to Be
More Nostalgia
A Little More Nostalgia
Just A Little More Nostalgia
And Now We Have . . .

Cybertherapy
How Quickly Things Change in the Technological World

http://savethesounds.info/
Three Key Issues

• Digital and electronic communications
• Digital and electronic services
  – Clinical services
  – Information and education
• Digital and electronic search
Digital Trends and Social Work Practice: The Changing Nature of a Profession

• What do we mean by relationship?
• Who do we aim to serve?
• What do we mean by privacy?
• What are the boundaries of professional-client relationships?
• What do we mean by informed consent?
• What is the role of paternalism in the digital age?
The Evolution of Social Work Ethics

- **Morality period** (late 19\textsuperscript{th}, early 20\textsuperscript{th} century)
- **Values period** (early to mid 20\textsuperscript{th} century)
- **Ethical dilemmas and decision-making period** (late 1970s to present)
- **Ethics risk-management period** (1990s to present)
- **The digital age** (2004 to present)
Terminology

- Internet-supported Intervention
- web-based therapy
- e-interventions
- computer-mediated interventions
- online therapy
- online counseling
- technology assisted distance counseling (TADC)
- e-therapy/e-counseling
- cybertherapy/cybercounseling
- e-health
- psycho-technology
- Tele-Health
- Internet counseling
- Therap-E-Mail
Forms of Electronic Services and Interventions

- E-therapy chat (live)
- Moderated forum
- Web-based psychoeducation
- Self-guided Web-based interventions with automated feedback (e.g., anxiety, phobia, self-esteem, anger, weight loss)
  - Human support
  - No human support
- Video conferencing
- Social networking
- Telephone therapy
- Avatar therapy
- Expert systems
- Email exchanges
- Text messages
- Client Blogs
- Client Twitter
Examples of e-Therapy Websites

- http://www.asktheinternettherapist.com/
- http://www.onlinecounseling.org/
- http://www.youtube.com/watch?v=bYYc9Dk2NQk
- http://www.usctelehealth.com/
- http://www.vyzit.com/
Examples of Electronic Services and Interventions

• Computerized expert systems: http://easydiagnosis.com/cgi-bin/expert/start.cgi?mod=Depression
• MedHelp Moody Me smartphone app: http://www.medhelp.org/land/mood-diary-app
• Mood 24/7: https://www.mood247.com/aboutmood
• M3 score for mental health monitoring (iPhone/iPad and Droid): http://www.whatsmym3.com/Default.aspx
• Crisis Chat: http://www.crisischat.org/
• Beating the Blues: http://www.beatingtheblues.co.uk/patients/
• SPARX for treatment of depression: http://sparx.org.nz/
• Transitional services for adolescents: http://www.secondnature360.com/services/
• Facebook and SAMHSA: http://www.samhsa.gov/newsroom/advisories/1112125820.aspx
• Drinker’s Check-up: http://www.drinkerscheckup.com/index.cfm?CFID=67498021&CFTOKEN=86128459
• Veterans Administration: http://www.va.gov/health/newsfeatures/20120813a.asp
• Personal Investigator: http://aplayspace.com/mm/pi
Research on Effectiveness:
Digital Technology as a Treatment Tool

• http://www.jmir.org/2012/1/e13/
• http://clinicaltrials.gov/ct2/show/NCT01180829?term=text+message&rank=3
• http://clinicaltrials.gov/ct2/show/NCT00184340?term=etherapy&rank=1
• http://clinicaltrials.gov/ct2/show/NCT01476891?term=etherapy&rank=2
Potential Advantages

• Emotionally safe (e.g., shy, anxious client)
• Semi-anonymity regarding self-disclosure
• Increased chance of candor
• Convenience
• Absence of geographical barrier
  – Rural areas
  – Clients with disabilities
• Immediacy
• Flexible scheduling
• Cost effective
Potential Risks and Challenges

• Loss of human factor, nonverbal cues
• Misunderstandings
• Compromised privacy and confidentiality
• Boundary issues (ambiguous access, self-disclosure)
• Difficulty addressing long-term, complex problems
• Delayed response
• Feeling rushed to respond to emails, texts
• Emergencies
• Identity fraud
• Interstate practice without a license
• Technological failure
High-risk Clients

• suffering from psychiatric disorders needing immediate attention
• significantly depressed
• a danger to themselves or others
• struggling with serious substance abuse issues
• presenting psychotic or actively suicidal concerns
• struggling with psychological disorders characterized by distortion of reality
• highly reactive and potentially dangerous
• struggling with certain personality disorders such as those with borderline personality disorder, paranoia or dissociative disorders
Online Services: Resources and Ethics Guidelines

- International Society for Mental Health Online: https://www.ismho.org/home.asp
- American Distance Counseling Association: http://www.adca-online.org/
- Association for Counseling and Therapy Online: http://www.acto-uk.org/index.htm
- Online Therapy Institute: http://onlinetherapyinstitute.com/ethical-training/
- The Use of Technology in Mental Health: http://www.amazon.com/The-Use-Technology-Mental-Health/dp/0398079536
Developing a **Social Media Policy**

- “Friending” on Facebook
  - Boundaries issues
  - Rejection issues
  - Privacy issues (e.g., acquaintances in common)
- Electronic interactions (Facebook, email)
  - Privacy issues
  - Documentation issues
- To Google or not to Google
  - “Curiosity” searches
  - Crisis searches
- Business review sites (e.g., Yelp, Healthgrades)
- Location-based services (e.g., Foursquare)
- Example of a social media policy: [http://www.drkkolmes.com/docs/socmed.pdf](http://www.drkkolmes.com/docs/socmed.pdf)
An Example of a Health System’s Social Networking Policy

Inova Health System: Social Networking and Communications Policy:

“Friending” Clients on Facebook: Questions to Consider

• What is on the Facebook profile?
  - Facebook Page: professional use, one-way
  - Facebook Profile: personal content, photos, etc.

• Are privacy controls set?
  - Digital “natives”
  - Digital “immigrants”

• What is the context of therapy? (e.g., client age, culture, clinical setting, therapeutic approach, size of community)

• Who is the client? (e.g., clinical issues, boundary instincts)

• Why did the client post the request?

• Will this set a challenging precedent for other clients?

• What are the HIPAA and documentation implications?

• Will “Friending” a client create complex boundary issues?

(see Zur)
Email Considerations

- Is the email communication for administrative or therapeutic purposes?
- How often must I check my email messages? (provide clients with written and verbal information about your policy)
- Does email communication fall under HIPAA?
- What are the confidentiality and privacy issues?
- Do I need to document emails in the clinical record?

(see Zur)
Facebook Privacy Disclaimer

“Risks inherent in sharing information. Although we allow you to set privacy options that limit access to your information, please be aware that no security measures are perfect or impenetrable. We cannot control the actions of other users with whom you share your information. We cannot guarantee that only authorized persons will view your information. We cannot ensure that information you share on Facebook will not become publicly available. We are not responsible for third party circumvention of any privacy settings or security measures on Facebook. You can reduce these risks by using common sense security practices such as choosing a strong password, using different passwords for different services, and using up to date antivirus software.”
Core Ethics Knowledge: Electronic Services and Interventions

- Ethical dilemmas
- Ethical decision-making
- Ethics risk management
Potential Ethics Risks:
Electronic Services and Interventions

• Ethical mistakes
• Deliberate ethical decisions
• Ethical misconduct
Key Ethics Risk Areas:
Electronic Services and Interventions

- Client rights
- Confidentiality and privacy
- Informed consent
- Service delivery
- Boundary issues
- Documentation
- Defamation of character
- Client records
- Supervision
- Consultation
- Client referral
- Fraud
- Termination of services and client abandonment
Relevant Laws:
Electronic Services and Interventions

- Statutory law
- Regulatory law
- Case law
Examples of Ethical Standards: Electronic Services and Interventions

- [https://ismh.org/suggestions.asp](https://ismh.org/suggestions.asp)
- [http://www.acto-uk.org/professionalconduct.htm](http://www.acto-uk.org/professionalconduct.htm)
Standard of Care

“What an ordinary, reasonable, and prudent professional, with the same or similar training, would have done under the same or similar circumstances.”
Standards of Care

• Substantive standard of care
• Procedural standard of care
  – Consult colleagues and supervisors
  – Review relevant ethical standards
  – Review relevant laws, policies, and regulations
  – Review relevant literature
  – Obtain legal consultation, when necessary
  – Consult ethics committee, if available
  – Document decision-making steps
Professional Negligence

• A duty exists
• Dereliction or breach of the duty
• Damage or injury
• Causal connection between the breach of the duty and the damage or injury (proximate cause or “cause in fact.”)
Forms of Negligence

• **Misfeasance**: Commission of a proper act in a wrongful or injurious manner or the improper performance of an act that might have been performed lawfully.

• **Malfeasance**: Commission of a wrongful or unlawful act.

• **Nonfeasance**: The failure to perform an act that is part of one’s responsibility.
This presentation draws on material from the following resources:

- Zur Institute, *Digital Ethics—Internet and Therapy*: [http://www.zurinstitute.com/articles.html#boundariesemail](http://www.zurinstitute.com/articles.html#boundariesemail)