Digital Dilemmas:
Ethical Considerations in Telehealth & Substance Use Disorders

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Pros & Cons of telehealth

**PROS**
- Increased access to therapy, service flexibility
- Therapy feels safer to initiate online enhanced communication
- Convenience, satisfaction, acceptance, and increased demand
- Economic advantages
- Increased retention and reduced no-shows

**CONS**
- Privacy, confidentiality, and security issues
- Therapist competence and need for special training
- Communication issues specific to technology
- Lack of accountability in substance use
- Emergency issues

Relevant Laws And Regulations

- Comply with HIPAA regulations
- Follow relevant and applicable state laws, licensing board rules and therapists' state and national professional association guidelines and code of ethics.
- Giving special, serious consideration to issues of professional competence.
- Generally, issues of the state or country where the client lives have jurisdiction over treatment.
- The issue of residency on the part of the client is relevant to whether a therapist can treat a client. Be familiar with relevant laws in each state, and discuss with the appropriate licensing board or professional association and the relevant legal requirements. Comply with the relevant legal requirements.
The ever-changing Telehealth landscape

Telehealth activities may include:

- Providing clinical services by phone, text, email, video chat, virtual reality (VR) or other digital means, to an individual in a different geographical area.
- Using the telephones for crisis intervention or other contacts between in-person sessions.
- Conducting telephone sessions with patients who are not able to attend in-person sessions for a period of time.
- Using email, chat, video conferencing and other digital means to maintain in-person session contacts with clients.
- Using email, video conferencing, virtual reality or other digital means to provide online counseling services in person-gate contact.

Privacy considerations

- Verify the client’s identity
- Screen for digital literacy
- Policy regarding video taping, recording etc.
- Family members in the room/home
- Mandatory reporting
- Have a crisis intervention plan in place, including emergency contacts
- No surprise guests!
- No driving while in counseling!

Confidentiality Considerations

- HIPAA compliance
- Password protections
- Screen sharing
- Online reviews
- Recording sessions
- Emergency contacts
- Clinicians have limited control over the environment
• Smart home devices
  • Make clear the specific limits to confidentiality that exist in online communication.
  • Inform clients of the possibilities of interruption of service due to dropped calls.
  • Wi-Fi & printing records
  • Inform clients of the potential limitations of telehealth where it comes to crisis interventions and dealing with dangerous situations.

Artificial Intelligence

What is it and how is it being used in the profession?
Artificial intelligence (AI) is any technology that mimics human cognitive and behavior, including perception, reasoning, problem-solving, and learning. It is technology designed to function on a way that simulates the human mind. Increasingly used due to lack of provider availability:
- Chatbots such as ChatGPT
- Apps such as WYSA
- AI for assessment
- Apps that provide normal health advice

Security issues

• Be astute and thorough with regard to online security and backups.
• Use appropriate safeguards, such as anti-virus and firewall protection, as well as passwords and encryption to help preserve confidentiality.
• When doing assessments via the Internet, be wary of questions about test security issues, the absentee voting process, who else might be available, knowing who actually completes the materials, and if they are completed independently.
Internet Addiction & Dopamine

Social media provides an endless amount of immediate rewards in the form of attention from others for relatively minimal effort.

E.g. When a person posts a picture they may receive positive social feedback, which stimulates the brain to release dopamine, rewarding that behavior and perpetuating the social media habit.

Foundational Principles of Ethical Decision-Making

- Autonomy
- Justice
- Beneficence
- Nonmaleficence
- Fidelity

The Ethical Decision-Making Model at a Glance

1. Identify the problem.
2. Apply the Code of Ethics.
3. Determine the nature and dimensions of the offense.
4. Generate potential courses of action.
5. Consider the potential consequences of all options and determine a course of action.
6. Evaluate the selected course of action.
7. Implement the course of action.
Conclusions

- Telehealth is one of the fastest growing fields. Regularly update yourself on the latest research and changes in laws, regulations, and codes of ethics. Concerns of privacy, security, HIPAA compliance, practicing across state lines, scope of practice, competence, and interruption of service are some of the most important issues to pay attention to.

- Always remember that your profession’s ethics code and your licensure law apply to the provision of online services. Be knowledgeable of these ethics and legal standards.

- When faced with a dilemma or challenging situation, consult with an experienced colleague and document the consultation. Be sure to use an ethical decision making model.

- Be sensitive to the potential loss of cues in text communication.

References

- List of ethical codes: https://www.zurinstitute.com/ethics-of-telehealth

- TELEBEHAVIORAL HEALTH ETHICAL STANDARDS
  https://www.counseling.org/knowledge-center/mental-health-telehealth/ethical-standards


- Practitioner’s Guide to Ethical Decision Making