INTEGRATING ETHICS AND TECHNOLOGY

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OBJECTIVES

• To become familiar with changes to the NASW Code of Ethics
• Develop sound ethical practices when utilizing technology
• Utilize up to date standards for ethical social work practice
• To protect clients from the harm of technology as it relates to social work practice
• To discuss impact of working remotely
NASW CODE OF ETHICS
On August 4, 2017, the NASW Delegate Assembly approved the most substantive revision to the NASW Code of Ethics since 1996.


Many Social Workers feel that the Code of Ethics is too “vague”

- Remember that the Code covers multiple levels of practice and allows some room for adjustment based on the context of the situation (on some areas)

- 2017 NASW, ASWB, CSWE, & CSWA Standards for Technology in Social Work Practice developed as a guide
SECTIONS REVISED – QUICK VIEW

- The Purpose of the Code
- 1.03 Informed Consent
- 1.04 Competence
- 1.05 Cultural Competence and Social Diversity
- 1.06 Conflicts of Interest
- 1.07 Privacy and Confidentiality
- 1.08 Access to Records
- 1.09 Sexual Relationships
- 1.11 Sexual Harassment
- 1.15 Interruption of Services
- 1.16 Referral for Services
- 2.01 Respect
- 2.06 Sexual Relationships
- 2.07 Sexual Harassment
- 2.10 Unethical Conduct of Colleagues
- 3.01 Supervision and Consultation
- 3.02 Education and Training
- 3.04 Client Records
- 5.02 Evaluation and Research
- 6.04 Social and Political Action

PURPOSE OF THE CODE

With growth in the use of communication technology in various aspects of social work practice, social workers need to be aware of the unique challenges that may arise in relation to the maintenance of confidentiality, informed consent, professional boundaries, professional competence, record keeping, and other ethical considerations.

In general, all ethical standards in this *Code of Ethics* are applicable to interactions, relationships, or communications **whether they occur in person or with the use of technology.**
PURPOSE OF THE CODE

For the purposes of this *Code*, **technology-assisted social work services** include any social work services that involve the use of computers, mobile or landline telephones, tablets, video technology, or other electronic or digital technologies; this includes the use of various electronic or digital platforms, such as the Internet, online social media, chat rooms, text messaging, e-mail, and emerging digital applications.

**Technology-assisted social work services** encompass all aspects of social work practice, including psychotherapy; individual, family, or group counseling; community organization; administration; advocacy; mediation; education; supervision; research; evaluation; and other **social work services**. Social workers should keep apprised of emerging technological developments that may be used in social work practice and how various ethical standards apply to them.

NASW partnered with ASWB, CSWE, and CSWA to develop a uniform set of technology standards for professional social workers to use as a guide in their practice. Reports was released after comment period in 2016.

• NASW – National Association of Social Workers
• ASWB – Association of Social Work Boards
• CSWE – Council on Social Work Education
• CSWA – Clinical Social Work Association

Full report can be viewed at: https://www.socialworkers.org/includes/newIncludes/homepage/PRA-BRO-33617.TechStandards_FINAL_POSTING.pdf
NASW, ASWB, CSWE, & CSWA STANDARDS FOR TECHNOLOGY IN SOCIAL WORK PRACTICE

• Standards are divided into four main sections and address social workers’ use of electronic technology to:

  (1) Provide information to the public
  (2) Design and deliver services
  (3) Gather, manage, store, and access information about clients
  (4) Educate and supervise social workers
HOW SERVICE DELIVERY IS EVOLVING
CRITICAL ISSUES WITH TECHNOLOGY

• Technologies are powerful but fragile
• Crucial information can be lost, intercepted or stolen
• Not all Web sites providing information are reliable
• Service providers can easily misrepresent themselves and their credentials online
• Confidentiality in an electronic medium can quickly evaporate
• Jurisdiction, liability and malpractice issues blur when state lines and national boundaries are crossed electronically
• Numerous digital divides can ruin access and success
• Clients and social workers alike may have unrealistic expectations for what a technology can actually provide
ETHICAL CONSIDERATION IN USING TECHNOLOGY IN SERVICE DELIVERY

• Professional and personal boundaries can become blurred through the use of technology in service provision (telehealth)
• Ethical principals involved
  • Confidentiality
    • Minimalizing Intrusions on Privacy
  • Dual Relationships
  • Informed Consent
  • Competence
  • Jurisdiction Issues
  • Documentation and Maintaining Records
“Privacy and Confidentiality” Social workers should take reasonable steps to protect the confidentiality of electronic communications, including information provided to clients or third parties. Social workers should use applicable safeguards (such as encryption, firewalls, and passwords) when using electronic communications such as e-mail, online posts, online chat sessions, mobile communication, and text messages” (Standard 1.07m)
THE NASW, ASWB, CSWE, & CSWA STANDARDS FOR TECHNOLOGY IN SOCIAL WORK PRACTICE SAYS.....

- **“Confidentiality and the Use of Technology** When using technology to deliver services, social workers shall establish and maintain confidentiality policies and procedures consistent with relevant statutes, regulations, rules, and ethical standards” (Standard 2.07).

CONFIDENTIALITY

• How is this different from traditional in office meetings?
  • Where are you conducting services (office, home....)
  • Where is the client during service
  • Could the client have someone sitting in that you are not aware of
  • People walking through during services
  • Providing services to kids
  • Issues with having meetings via technology
  • Others???
MINIMALIZING INTRUSIONS ON PRIVACY

• How do we address issues that may interfere with privacy and confidentiality
  • Developing clear expectations on:
    • How services will be delivered
    • How meetings will be conducted
  • Talking with clients about the importance of who is around during services
  • Adding information to a teletherapy consent
DUAL RELATIONSHIPS
• **Conflicts of Interest** Social workers should not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. In instances when dual or multiple relationships are unavoidable, social workers should take steps to protect clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries. (Dual or multiple relationships occur when social workers relate to clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)"(Standard1.06c)
• **Maintaining Professional Boundaries** Social workers who provide electronic social work services shall maintain clear professional boundaries in their relationships with clients” (Standard 2.09)

DUAL RELATIONSHIPS

• Maintaining professional conduct
  • Not allowing services and communication to be more casual
  • Clients reaching out via social media as they may feel all technology is okay to use
  • Development of a social media policy
  • Clients locating your personal number (home or cell)
  • Others???
INFORMED CONSENT
CODE OF ETHICS SAYS…..

• “Informed Consent” Social workers who use technology to provide social work services should assess the clients’ suitability and capacity for electronic and remote services. Social workers should consider the clients’ intellectual, emotional, and physical ability to use technology to receive services and the clients’ ability to understand the potential benefits, risks, and limitations of such services. If clients do not wish to use services provided through technology, social workers should help them identify alternate methods of service.” (Standard1.03g)
THE NASW, ASWB, CSWE, & CSWA STANDARDS FOR TECHNOLOGY IN SOCIAL WORK PRACTICE SAYS.....

• “Discussing the Benefits and Risks of Providing Electronic Social Work Services When providing social work services using technology, social workers shall inform the client of relevant benefits and risks.” (Standard 2.04)

INFORMED CONSENT

• The process of informing clients about the nature of services and of the risks/benefits of participating in services

• With Teletherapy
  • We need to discuss the additional issues involved
    • Equipment / Apps needed for participation
    • Availability of Internet
    • Interruptions in services and what the procedures are
      • Freezing during sessions
      • Internet failures
INFORMED CONSENT

• With Teletherapy
  • We need to discuss the additional issues involved
    • Security of data
    • Use of email, texting
    • Emergency procedures
    • Others??
COMPETENCE
CODE OF ETHICS SAYS.....

• “Competence Social workers who use technology in the provision of social work services should ensure that they have the necessary knowledge and skills to provide such services in a competent manner. This includes an understanding of the special communication challenges when using technology and the ability to implement strategies to address these challenges. (Standard1.04d)
THE NASW, ASWB, CSWE, & CSWA STANDARDS FOR TECHNOLOGY IN SOCIAL WORK PRACTICE SAYS.....

• “Competence: Knowledge and Skills Required When Using Technology to Provide Services” Social workers who use technology to provide services shall obtain and maintain the knowledge and skills required to do so in a safe, competent, and ethical manner” (Standard 2.06)

COMPETENCE

• Not only do we need to be competent in our area of practice – now it is about competence using technology

• How do we accomplish that – just like other areas, we obtain continuing education and training as well as obtain supervision and consultation.
JURISDICTION ISSUES
CODE OF ETHICS SAYS.....

“Competence Social workers who use technology in providing social work services should comply with the laws governing technology and social work practice in the jurisdiction in which they are regulated and located and, as applicable, in the jurisdiction in which the client is located.” (Standard 1.04e)

THE NASW, ASWB, CSWE, & CSWA STANDARDS FOR TECHNOLOGY IN SOCIAL WORK PRACTICE SAYS.....

• “Services Requiring Licensure or Other Forms of Accreditation” Social workers who provide electronic social work services shall comply with the laws and regulations that govern electronic social work services within both the jurisdiction in which the social worker is located and in which the client is located.” (Standard 2.02)

JURISDICTION ISSUES

• Yes – technology erases geographic boundaries but does not change the fact that we need to practice only where we are licensed

• Can you provide services if:
  • You have been seeing a client and they move?
  • You are out of state / country on vacation or you move – can you still see them?
  • You would need to obtain permission both from the jurisdiction you are in and the jurisdiction the client is in
DOCUMENTATION AND MAINTAINING RECORDS
• “Privacy and Confidentiality” Social workers should protect the confidentiality of clients' written and electronic records and other sensitive information. Social workers should take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access.” (1.07I)
• “Handling Confidential Information” Social workers shall take reasonable steps to ensure that confidential information concerning clients or research participants is gathered, managed, and stored in a secure manner and in accordance with relevant federal and state statutes, regulations, and organizational policies.” (Standard 3.03)

DOCUMENTATION AND MAINTAINING RECORDS

• When we are working remotely, we need to be mindful of safeguarding records and documenting all services provided
• Think about what devices are being used to provide the services
• Password protection and encryption
• Use of agency device versus personal device
• Storage of the device
SO WHAT ABOUT HIPAA?

• “The Office for Civil Rights (OCR) at the Department of Health and Human Services (HHS) is responsible for enforcing certain regulations issued under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, to protect the privacy and security of protected health information, namely the HIPAA Privacy, Security and Breach Notification Rules (the HIPAA Rules).”

SERVICE DELIVERY PLATFORMS?

• “Under this Notice, covered health care providers may use popular applications that allow for video chats, including Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, Zoom, or Skype, to provide telehealth without risk that OCR might seek to impose a penalty for noncompliance with the HIPAA Rules related to the good faith provision of telehealth during the COVID-19 nationwide public health emergency.”

• “Providers are encouraged to notify patients that these third-party applications potentially introduce privacy risks, and providers should enable all available encryption and privacy modes when using such applications.”

• “Under this Notice, however, Facebook Live, Twitch, TikTok, and similar video communication applications are public facing, and should not be used in the provision of telehealth by covered health care providers.”

SERVICE DELIVERY PLATFORMS?

• “Covered health care providers that seek additional privacy protections for telehealth while using video communication products should provide such services through technology vendors that are HIPAA compliant and will enter into HIPAA business associate agreements (BAAs) in connection with the provision of their video communication products. The list below includes some vendors that represent that they provide HIPAA-compliant video communication products and that they will enter into a HIPAA BAA.”

SERVICE DELIVERY PLATFORMS

• Skype for Business / Microsoft Teams
• Updox
• VSee
• Zoom for Healthcare
• Doxy.me
• Google G Suite Hangouts Meet
• Cisco Webex Meetings / Webex Teams
• Amazon Chime
• GoToMeeting
• Spruce Health Care Messenger

• **Note:** OCR has not reviewed the BAAs offered by these vendors, and this list does not constitute an endorsement, certification, or recommendation of specific technology, software, applications, or products. There may be other technology vendors that offer HIPAA-compliant video communication products that will enter into a HIPAA BAA with a covered entity. Further, OCR does not endorse any of the applications that allow for video chats listed above.

RESOURCES

• HealthIT.gov  https://www.healthit.gov/topic/health-it-initiatives/telemedicine-and-telehealth
THANK YOU!

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