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THE **TeleBehavioral Health Summit**
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Welcome!

**“Ethical and Professional Issues
with the Use of Virtual Care”**

Christina Armstrong, Ph.D.



THE **TeleBehavioral
Health Summit**

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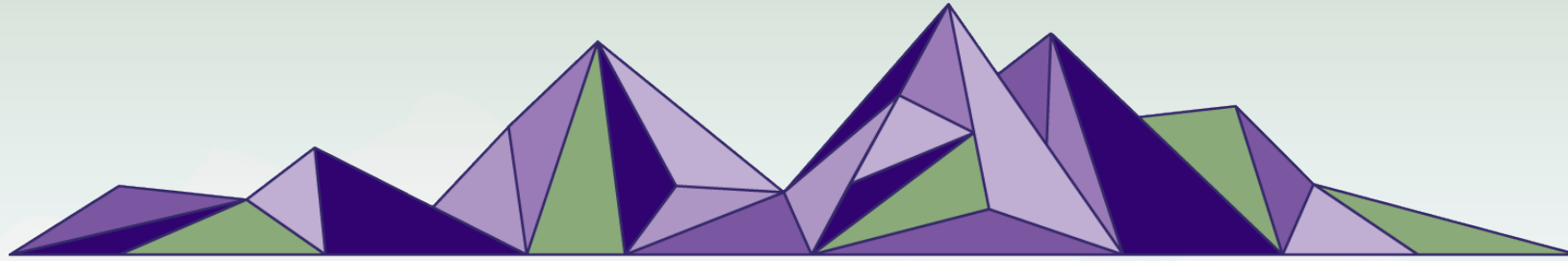
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Ethical and Professional Issues with the Use of Virtual Care

Christina Armstrong, Ph.D.

Office of Connected Care, U.S. Department of Veterans Affairs

Learning Objectives

At the conclusion of this training, participants should be able to:

1. Demonstrate an understanding of the ethical considerations relevant to virtual care in clinical practice.
2. Synthesize ethical guidelines for the use of health technologies in clinical practice.
3. Describe a plan to approach ethical situations that may arise when using virtual care in practice

Overview

- Virtual Care Technologies and Ethics Codes
- Ethical Standards and Considerations
- Case Scenarios
- Managing Risks
- Maintaining the Professional Relationship
- Key Takeaways
- Resources and References

Virtual Care Technologies and Ethics Codes

VA



U.S. Department of Veterans Affairs

Veterans Health Administration
Office of Connected Care

Virtual Care Overview

Virtual Care

Telehealth

Electronic Health Record

Mobile Health

Patient Portal

Virtual Health

eHealth

Digital Health

Connected Care

Connected Health



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What Holds Clinicians Accountable?

To maintain licenses for clinical practice, clinicians must abide by:

- State and federal laws
 - Privacy Act of 1974
 - Health Insurance Portability and Accountability Act of 1996 (HIPAA)
 - HIPAA Security Rule (2003)
 - Health Information Technology for Economic Clinical Health (HITECH) Act of 2009
 - Child Online Privacy Protection Act of 1998 (COPPA)
- Their professional code of ethics



Ethics Codes Source Documents

American Association for Marriage and Family Therapy:

- Code of Ethics
- Standard VI: Technology-Assisted Professional Services
- Teletherapy Guidelines

American Medical Association:

- Code of Medical Ethics: Patient-physician relationships
- Ethical Practice in Telemedicine: Code of Medical Ethics Opinion 1.2.12

American Nurses Association:

- ANA Core Principles on Connected Health Mapped to the Code of Ethics for Nurses Interpretive Statements
- Code of Ethics for Nurses with Interpretive Statements



Ethics Codes Source Documents (cont.)

American Psychiatric Association:

- Resource Document on Telepsychiatry and Related Technologies in Clinical Psychiatry

American Psychological Association:

- Ethical Principles of Psychologists and Code of Conduct
- Guidelines for the Practice of Telepsychology

National Association of Social Workers:

- Code of Ethics





Comparison of Ethics Codes Across Disciplines

DOMAIN AND COMPETENCY	COUNSELING	MARRIAGE AND FAMILY THERAPY	MEDICINE	NURSING	PSYCHIATRY	PSYCHOLOGY	SOCIAL WORK
SYNCHRONOUS VIDEO							
All Accreditation Council for Continuing Medical Education domains in summary	✓✓✓	✓	✓✓✓✓	✓	✓✓✓✓	✓✓✓	✓
ASYNCHRONOUS TECHNOLOGY							
Apps	✓		✓✓	✓	✓✓✓✓	✓	
Devices (mobile/smart)	✓		✓✓	✓	✓✓	✓	✓✓
Email	✓		✓✓✓✓	✓	✓✓	✓	✓✓
Social media	✓✓	✓	✓✓✓✓	✓	✓✓✓✓	✓✓	✓✓
Text messaging	✓	✓	✓✓✓✓	✓	✓✓✓✓	✓✓✓	✓

(Hilty et. al, 2021)



Ethical Standards and Considerations

When using virtual care in clinical practice, what are your ethical concerns or considerations?



Ethical Standards

- Clinical competence
- Informed consent
- Confidentiality and privacy



Resolving Ethical Dilemmas in Clinical Care

Define the situation.

- Ask questions:
 - What standards are in question, and how do they inform the situation?
 - What steps can be taken to resolve the dilemma?
 - What are the possible outcomes or consequences?

Seek help if needed. Available resources:

- The VA Mobile Health Practice Guide.
- Your discipline's professional ethics codes.
- Colleagues, lawyers, and professional liability insurance providers.

Clinical Competence



Recommendations for Clinicians

- Always put evidence-based practices first. Review available evidence such as
 - Published reports from reputable sources
 - Outcomes research
 - Best-practice guidance (e.g., the VA Mobile Health Practice Guide)
 - patient preferences
- Consider usability (e.g., ease, complexity) for patients. Meet the patient where they are.
- Once you have chosen a virtual care tool that you want to use in clinical care, get to know it.
- Consult with your colleagues or refer to other resources when needed.
- Maintain your knowledge regarding virtual care.

Case Scenarios



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Case Scenario 1

As a psychologist, you are seeing a patient in the clinic, and the patient shows you their smartwatch electrocardiogram log. It shows an irregularity. The patient asks for your advice.

How would you resolve this issue?



Case Scenario 1 (cont.)

The situation: A patient is asking for your advice as a psychologist.

Standard in question: Competence.

Steps to resolve the issue:

- Acknowledge that the patient is engaged in self-management.
- Validate the importance of self-management.
- Connect the patient with their appropriate clinician.
- Provide education to the patient.
- Document the encounter in the Electronic Health Record (EHR).

Case Scenario 1 (cont.)

Possible outcomes:

- Opportunity for education and access to appropriate resources.
- Patient empowerment and engagement.
- Promotion of positive health behaviors.

Possible consequences of not meeting standard:

- Patient disengagement with self-care.
- Missed opportunity to provide patient-centric care.

Informed Consent

Fully disclose with the patient:

- Potential risks and benefits.
- Available alternatives.
- How the data will be used, managed, and protected.

Ensure capacity and comprehension:

- Confirm patient's cognitive capacity to agree to use technology.
- Confirm patient's comprehension of risks, limitations, and expectations of use.



Informed Consent (cont.)

Voluntariness:

- Make sure the patient understands that use of the technology is voluntary.
- Be aware of the patient's concerns or hesitations.

Documentation:

- Obtain and document informed consent that specifically addresses the unique concerns related to using technology.

Laws, regulations, and organizational requirements.



Informed Consent (cont.)

An appropriate consent should describe:

- What data is collected (specifically if recording) and where data will be stored.
- Potential risks to confidentiality when using mobile devices to store health information.
- How the patient can safeguard their data.
- How the clinician will safeguard the patient's data.
- Method of communication between appointments.
- Requirements of mandated reporting and how they apply to information communicated through virtual care technologies.



Video Demonstrating Obtaining Informed Consent



bcove.video/2BjRaH5

Case Scenario 2

You are a psychologist, and the patient you are treating is experiencing symptoms commonly associated with depression. The patient is using the COVID Coach app's mood-tracking feature, which is based on the Patient Health Questionnaire-9 (PHQ-9). During the appointment, you and the patient review the data they have been tracking in the app. You see that the patient indicated that they are experiencing thoughts of self-harm.

How would you resolve this issue?



Case Scenario 2 (cont.)

The situation: A patient discloses that they have been tracking their symptoms of depression using COVID Coach, which is a self-contained app.

Standard in question: Informed consent.

Steps to take to resolve the issue:

- Acknowledge that the patient is engaged in self-management.
- Review informed consent with the Veteran, stressing that information in a self-contained app is not shared with the VA clinician.
- Review the patient's safety plan.
- Document the encounter in the Electronic Health Record.

Case Scenario 2 (cont.)

Possible outcomes:

- Communicate crucial health information effectively, helping to ensure the patient's safety.
- Foster a sense of trust and collaboration with the Veteran.
- patient is empowered and engaged in health care; VA care team and patient work as a team to achieve positive health outcomes.

Possible consequences of not meeting standard:

- Crucial health information is not communicated effectively.
- patient harm or injury.
- Lack of patient's trust in their VA care team.

Confidentiality and Privacy



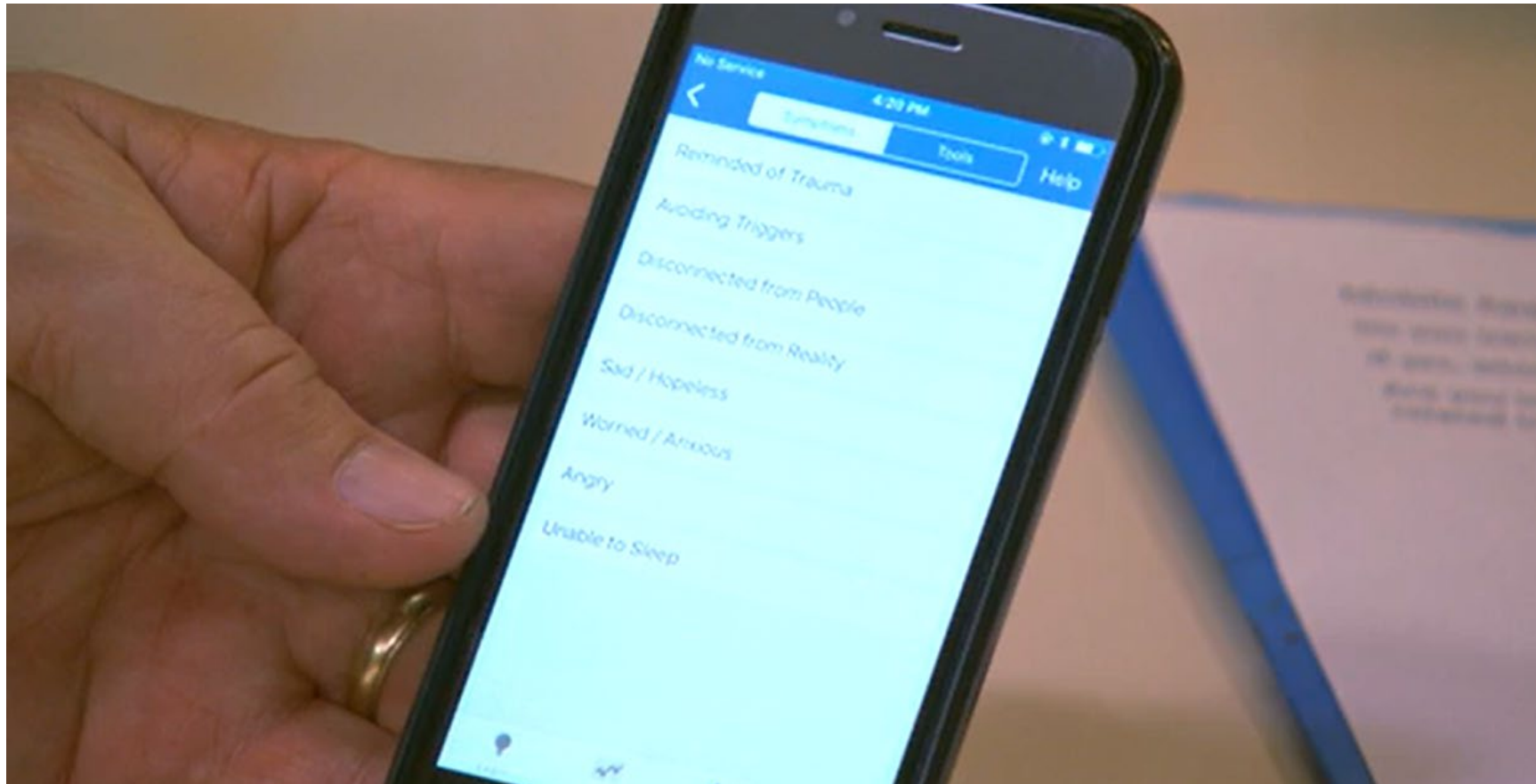
Clinicians can help the patient understand:

- What and where patient data is being stored and the implications.
—How their app data is used and safeguarded.
- Who developed the app and the implications.
- Privacy policy and security features.
- Common app permissions.
- If and how HIPAA applies to data entered into apps.

How To Minimize Intrusions on Privacy

- Include only information in the EHR that is relevant to the patient's care.
- Patients should use their own devices when using virtual care tools.
- Do not look up a patient online or become friends with them on social media.
- Do not send personally identifiable information or personal health information, via email (and follow VA policy regarding the use of email with patients).
- Send personal health information only through secure messaging.
- Practice identifying ethical dilemmas that may arise when using technology.

Video Demonstrating an App's Privacy and Security



bcove.video/2TjsxB9

Types of Apps

Connected Apps



Self-Contained Apps



VA Self-Contained Mobile Apps



ACT Coach for Acceptance and Commitment Therapy



AIMS for Anger Management



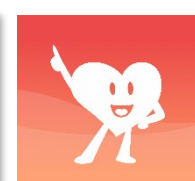
Beyond MST for Military Sexual Trauma



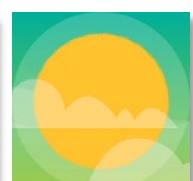
CBT-i Coach for Cognitive Behavioral Therapy for Insomnia



Caring4Women Veterans



Couples Coach



COVID Coach



CPT Coach for Cognitive Processing Therapy



Exposure Ed



Insomnia Coach



Live Whole Health



Mindfulness Coach



MOVE! Coach



PE Coach for Prolonged Exposure Therapy



PFA Mobile for Psychological First Aid



Preconception Care



PTSD Coach



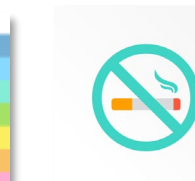
PTSD Family Coach



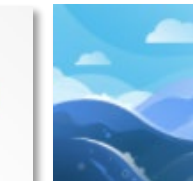
VA Pressure Ulcer Resource (PUR)



STAIR Coach for Skills Training in Affective & Interpersonal Regulation



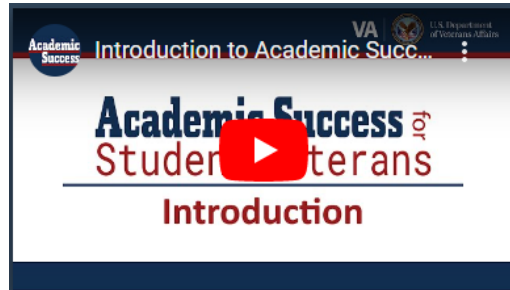
Stay Quit Coach to help reduce smoking and tobacco use



VetChange to help reduce alcohol use

- Available for free for anyone to download on Apple App Store and Google Play App Store.
- Does not require any user authentication to access.
- Built on evidence-based foundation.
- 508 compliant.
- Data is encrypted.
- Does not collect or require any personal information to use.
- Does not 'connect' to the VA network.
- Data can be shared with VA healthcare staff either by showing during a healthcare appointment, or by exporting data and sending via secure message.

VA Self-Contained Web Apps



Academic Success for Student Veterans

- Overcome remote learning challenges
- Learn about additional helpful apps
- Explore resources many Veterans find beneficial.



AIMS – Anger & Irritability Management Skills

- Get along better with people
- Control your reactions to irritating events
- Avoid the negative consequences of becoming too angry.



Bystander Intervention Training

- Recognize inappropriate behaviors
- Intervene effectively when you see harassment or sexual assault
- Report incidents at a VA facility and locate VA resources.



Moving Forward

- Managing stress and relationship challenges
- Coping with physical injury
- Financial difficulties and adjustment issues



My Recovery Plan

- Create a daily plan to stay healthy
- Create a safety plan for use during or before a crisis
- Access relaxation tools when you need them



Parenting for Veterans

- Parenting skills made easier
- Help with communication, discipline, managing stress
- Coping with emotional and physical challenges



Path to Better Sleep

- Screen for sleep disorders
- Understand sleep hygiene
- Self-manage insomnia and sleep issues

Access at: veterantraining.va.gov

VA Connected Mobile and Web Apps



- Available for free for VA enrolled Veterans and VA healthcare staff to access
- Requires user authentication to access.
- Data is encrypted.
- Many are 'web'-based apps, but some are 'native' apps.
- 'Connects' to the VA network.
- Many have 'Veteran' and 'VA Staff' versions.
- Data can be shared with VA healthcare staff.

Pro-tip: You can tell a VA app is 'connected' by the lock icon



Case Scenario 3

You are a primary care physician and receive app data from a patient sent through a text message to your work phone. When you receive the text, your phone displays the name of the Veteran.

How would you resolve this issue?



Case Scenario 3 (cont.)

The situation: A primary care provider receives protected information on an unsecured device that is not compliant with HIPAA.

The standard in question: Confidentiality and privacy.

Steps to resolve the issue:

- Obtain informed consent before using the app.
- Clarify when and how data is received and maintained.
- Institute reasonable confidentiality and security safeguards.

Case Scenario 3 (cont.)

Possible outcomes:

- Opportunity to improve current confidentiality and privacy protection processes and educate the Veteran
- Increased trust in the use of virtual care tools and technology

Possible consequences of not meeting standard:

- Decreased trust in the use of virtual care tools and technology
- Legal and ethical confidentiality and privacy breaches
- Possible legal fines and penalties

Maintaining the Professional Relationship

VA



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Office of Connected Care

Maintaining the Professional Relationship

Be aware of potential boundary issues:

- Boundaries should be defined beforehand and proactively maintained.

Weigh the risks and benefits of potential dual relationships:

- Electronic communication can blur professional lines.
- VA clinicians should inform patients that they will not connect with them on social media.

Maintaining the Professional Relationship (cont.)

- Maintain and promote clear professional boundaries.
- Establish clear expectations regarding communication through email, social media, and text messaging.
- Consider a separate social media account for professional use.
- Indicate in your voicemail greeting how frequently you check your voicemail.
- Refer patients needing immediate attention to the emergency department or local hospital, or direct them to hang up and call 911.

Contraindications To Using Virtual Care

There are some patients for whom virtual care might not be the best option, such as:

- patients experiencing severe suicidal thoughts or are severely decompensated and in immediate need of hospitalization.
- patients who cannot tolerate occasional interruptions in service.
- patients who prefer to be seen face-to-face or in person.
- patients who lack secure, functional hardware and software.
- patients who have paranoid schizophrenia and delusions regarding technology.

Key Takeaways



Key Takeaways

- Learn how to effectively and safely deliver virtual care aimed at enhancing patient access to care.
- Prioritize the needs and preferences of patients they treat.
- Provide a thorough, well-thought-out informed consent that addresses the limits and potential risks of using virtual care.
- Maintain boundaries in their relationships with patients while using virtual care.
- Develop a communication and safety plan for the patients they treat.
- Seek opportunities to improve and sustain competence.

Resources and References



U.S. Department of Veterans Affairs

Veterans Health Administration
Office of Connected Care

Connected Care Resources and Training



VHA Telehealth Intranet
<https://vaww.telehealth.va.gov>

Office of Connected Care Outreach Toolkits
<https://connectedcare.va.gov/outreach-toolkits>

My HealthVet Intranet
<http://vaww.va.gov/MYHEALTHEVET/>

Connected Care Academy
<https://vaots.blackboard.com>

VA Mobile App Store
<mobile.va.gov/appstore>

Connected Care Discussion Series <mobile.va.gov/discussion-series>

VA Tech Into Care SharePoint
<tinyurl.com/tech-into-care>

Office of Connected Care GPO Site
<https://orders.gpo.gov/vaocc>

VA Virtual Health Resource Centers
<https://connectedcare.va.gov/vhrc>

National Center for PTSD GPO Site
<https://orders.gpo.gov/PTSD.aspx>



Need Help?



Office of Connected Care Help Desk

866-651-3180

Available 24/7



My HealthVet Help Desk

877-327-0022

Monday to Friday, 7 a.m. – 7 p.m. Central time



VA Mobile Solutions Help Desk

Veterans: 877-470-5947

Monday to Saturday, 7 a.m. – 7 p.m. Central time

VA Care Teams: 844-482-6624, available 24/7



VA Mobile Mental Health Apps

mobilementalhealth@va.gov



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