

ETHICAL FRAMEWORK FOR THE USE OF TECHNOLOGY IN SUPERVISION

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INTRODUCTION

Distance delivery of mental health services is becoming a norm in the field of mental health (Shallcross, 2012), and the American Counseling Association (ACA, 2005), the National Board of Certified Counselors (NBCC, 1997, 2009, 2013), and the Center for Credentialing and Education (CCE, 2011) have all recognized the need for ethical guidance. NBCC (2013) recognizes that distance services, including distance supervision, create unique ethical challenges. State counseling boards and other credentialing organizations are

also beginning to recognize the need for distance clinical supervision as a means for providing access to qualified clinical supervisors who can support practitioners providing traditional and distance mental health services.

In 2010, McAdams and Wyatt found that 14 states had regulations regarding distance counseling, six states had regulations regarding distance supervision, and many others had regulations in development. As Orr (2010) noted, good supervision should be dependent on the quality of the skills of the supervisor, not upon proximity

to the supervisee. Bernard and Goodyear (2004) note that supervision is a process whereby a counselor with less experience learns how to better provide services with the guidance of a counselor with more experience and skill. Supervision is distinct from teaching in that the curriculum is individually determined by the supervisees and their clients.

While some of the existing literature provides some guidance for distance supervision (ACA, 2005; NBCC, 1997, 2009, 2013; CCE, 2009), most of the available guidelines focus on the delivery of



distance counseling. Anthony and Jamieson (2005) created a set of guidelines for supervisors for the British Association for Counselling & Psychotherapy, updated by Anthony and Goss in 2009. They recognized that supervisors providing distance clinical supervision must understand the unique considerations related to client consent, confidentiality, and data protection/storage when offering online supervision.

The following framework is written to consolidate the best practices related to distance supervision which “may include telecounseling (telephone), secure email communication, chat, videoconferencing or computerized stand-alone software programs” (CCE, 2011, ¶ 3). Sources reviewed included Anthony and Nagel (2009); Barnett (2011); Burrak (2008); Chapman, Baker, Nassar-McMillian, and Gerler (2011); Dawson, Harpster, Hoffman, and Phelan (2011); Durham (2001); Hurley & Hadden (2009); Lenz, Oliver, and Nelson (2011); Nelson, Nichter, and Henriksen (2010); Orr (2010); and Watson (2003). The goal was to combine best practices from supervision with the realities of using technology.

ETHICAL AND STATUTORY CONSIDERATIONS

Supervisors must demonstrate and promote good practice by the supervisee to ensure supervisees acquire the attitudes, skills, and knowledge necessary to protect clients. Supervisors and supervisees must research and abide by all applicable legal, ethical, and customary requirements of the jurisdiction in which the supervisor and supervisee practice. The supervisor and supervisee must document relevant requirements in the respective record(s). Supervisors and supervisees need to review and abide by requirements and restrictions of liability insurance and accrediting bodies as well.

INFORMED CONSENT

Supervisors will review the purposes, goals, procedures, limitations, potential risks, and benefits of distance services and techniques. All policies and procedures will be provided in writing and reviewed verbally before or during the initial session. Documentation of understanding by all parties

will be maintained in the respective record(s).

SUPERVISOR QUALIFICATIONS

Supervisors will only provide services for which the supervisor is qualified. The supervisor will provide copies of licensure, credentialing, and training upon request. The supervisor will have a minimum of 15 hours of training in distance clinical supervision as well as an active license and authorization to provide supervision within the jurisdiction for which supervision will be provided. Supervisors providing distance supervision should participate in professional organizations related to distance services and develop a network of professional colleagues for peer and supervisory support.

SUPERVISEE AND CLIENT CONSIDERATIONS

Supervisors will screen supervisees for appropriateness to receive services via distance methods. The supervisor will document objective reasons for the



supervisee's appropriateness in the respective record(s). Supervisors will ensure that supervisees screen clients seeking distance services for appropriateness to receive services via distance methods. Supervisors will ensure that the supervisee utilizes objective methods for screening clients and maintains appropriate documentation in the respective record(s).

Supervisors will ensure that supervisees inform clients of the supervisory relationship

and that all clients have written information on how to contact the supervisor. Written documentation of the client acknowledging the supervisory relationship and receipt of the supervisor's contact information should be maintained in the respective record(s). Supervisors will only advise the supervisee to provide services for which the supervisee is qualified to provide.

Clients and supervisees must be informed of

potential hazards of distance communications, including warnings about sharing private information when using a public access or computer that is on a shared network. Clients and supervisees should be discouraged, in writing, from saving passwords and user names when prompted by the computer. Clients and supervisees should be encouraged to review employer's policies regarding using work computers for distance services.

MODES OF COMMUNICATION

Supervisors will review written procedures for the use of distance communication, including telephone, chat, email, social media, and other distance technology. There will be a clear delineation between professional and personal accounts. Social media and methods of communication that are not encrypted end-to-end should never be used as a means of communicating confidential information. The supervisor and supervisee will document modes of communication that are acceptable, how frequent communication should be, what a reasonable response time is, when to use asynchronous versus synchronous communication, and what to do in emergency/crisis situations. Supervisors and supervisees are also encouraged to discuss temporal, cultural, and lingual differences that may impact the supervisory process.

Supervisors will review written procedures for verifying the identity of the supervisee during each contact. The

supervisor and supervisee may wish to use a code name or password to verify identities and protection of confidential information. Passwords or codes will be generated using a password protocol thereby reducing the opportunities for being compromised. Supervisors will ensure that supervisees utilize identify verification methods with clients receiving distance services.

Supervisors and supervisees are encouraged to use asynchronous communication for logistics only and to use synchronous discussions (chats and video discussions) to negotiate professional boundaries and develop therapeutic/supervisory relationship. Emergency/crisis procedures will include a list of qualified professionals in the supervisee's location who have agreed to serve as back up local supervisors on an emergency basis.

Supervisors and supervisees are encouraged to write out thoughts and feelings and to use symbols to convey nonverbal communication to reduce opportunities for

miscommunication. Likewise, supervisors and supervisees are encouraged to use common language in text communication rather than shortened online abbreviations and to ask the meaning of any abbreviations that are not understood by either party to increase clarity of communication.

TECHNOLOGICAL ISSUES

Supervisors and supervisees need to discuss the challenges of using technology and develop an alternative means of communication should technological difficulties be experienced. Time to deal with technological difficulties should be incorporated into the overall supervision scheduling, especially during the initial sessions. Supervisors and supervisees are encouraged to schedule a session prior to the initiation of distance supervision to become familiar with the technology and work out any issues, such as firewalls, low bandwidth, and Internet access.

Supervisors and supervisees need to develop and implement a written plan for reconnecting should a synchronous meeting experience technical difficulties. There should be a pre-arranged procedure for reconnecting or rescheduling the meeting.

CONTRACT

Supervisors and supervisee will negotiate an explicit, written contract outlining

1. full contact information for the supervisor, including telephone numbers, fax number, email, and address;
2. the listing of degrees, credentials, and licenses held by the supervisor;
3. general areas of competence for which the supervisor can provide supervision (e.g. addictions, school, career, distance services);
4. a statement documenting training in supervision and experience in providing supervision;
5. a general statement addressing the model of or approach to supervision, including role and responsibilities of the supervisor, objectives and goals of supervision, and modalities (e.g., recordings, live observation);
6. a description of the specific evaluation criteria and the formative and summative evaluation process that will be used throughout the supervisory relationship;
7. a statement defining the limits and scope of confidentiality and privileged communication within the supervisory relationship;
8. a fee schedule and payment arrangements, if applicable;
9. the emergency contact information for the supervisor and a list of back up supervisors local to the supervisee;
10. disclosure, confidentiality breaches, security, and encryption policies;
11. frequency of supervision;
12. dates for review of the contract; and
13. how to address conflict and what the grievance process is for issues that cannot be resolved.

Supervisors will also discuss

the benefits and limitations of using distance technology in the supervision process.

RECORDS

The supervisor, in collaboration with the supervisee, will maintain a log of clinical supervision hours that includes:

1. the date of the supervision session;
2. supervision start and stop times;
3. the modality of supervision provided, such as direct (live) observation, co-therapy, audio and video recordings, and live supervision;
4. documentation of all written communication during the supervisory relationship, such as chat histories, texts, instant messages, emails; and
5. notes on recommendations or interventions suggested during the supervision.

Supervisors should maintain copies of clinical supervision logs for a minimum of five years or the legally mandated time, whichever is

longer, beyond termination of supervision and will provide copies to the state counseling boards and other credentialing/professional organizations upon request.

SECURITY, ENCRYPTION, AND CONFIDENTIALITY

Supervisors need to consider three aspects regarding data related to federal security laws: integrity, availability, and confidentiality. Supervisors and supervisees will need to back up ePHI (electronic protected health information) incrementally, Monday through Thursday, with a full back

up on Friday. Backup media should be stored offsite with a HIPAA complaint (in the USA) cloud or similar encrypted technology. Supervisors and supervisees must have written policies regarding backups as well as training for anyone handling ePHI. The National Institute of Standards and Technology (NIST) 800 series of documents provide guidance for compliance with federally mandated regulations (see <http://www.nist.gov>).

The supervisor and supervisee will implement procedures preventing the disclosure of confidential information. The supervisor and supervisee

must be in a secure and private location while conducting supervisory sessions or consultations. Supervisors and supervisees must identify who might have access to confidential information and take precautions to prevent disclosure of confidential information, such as password protecting computers and profiles.

Identifying information about a client should not be used in any form of distance communication. Clients need to be identified by a code name or other means understood only by the supervisor and supervisee.



Client information of any sort may not be forwarded, copied, or blind copied to anyone without the explicit consent of the client. Supervisors and supervisees should agree how communications and recordings will be stored. Communications related to the supervisory relationship may not be forwarded, copied, or blind copied to anyone without the explicit consent of all parties, unless in accordance with grievance policy outlined in the supervisory contract or in cases where there is a risk of serious harm. Any communication disclosure must be documented in the respective record(s).

Both parties need to agree upon whether or not supervisory sessions are recorded and if so how these will be secured for confidentiality, how long recordings will be archived, and how they may or may not be used. Clients must give written consent to be recorded and be informed in writing how recordings used in supervision will be stored, archived, and destroyed.

ABOUT THE AUTHORS

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GATEKEEPING

Supervisors should utilize objective information about a supervisee's professional skills and performance to determine if a supervisee should be endorsed academically or professionally. Supervisors will review the specific criteria being used for evaluation during the initial session(s) and will review and document the supervisee's progress throughout the supervisory relationship through formative and summative evaluation. Supervisors will not endorse any supervisee whom they believe to be impaired professionally. The supervisor will document concerns in writing and review the concerns with the supervisee, when possible.

RESEARCH

Research utilizing distance services must adhere to all relevant legal and ethical standards and must take into consideration the unique challenges of distance technology. Supervisors and supervisees seeking to use data collected through distance supervisory relationships must have the relevant training regarding the unique challenges of distance technology. Information gained through distance services may only be used in research with the explicit, written consent of all parties. ■

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