

## **Ethical Issues in the Age of COVID-19 Part 2**

**Satellite Conference and Live Webcast  
Friday, August 14 2020  
10:00 – 11:30 a.m. Central Time**

**Produced by the Alabama Department of Public Health  
Video Communications and Distance Learning Division**

## **Faculty**

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## **Goal of the Training**

**The course goal is to explore ethical issues in the time of COVID-19.**

## **Objectives**

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

- 1. List at least four strategies to resolve ethical dilemmas in social work practice;**
- 2. Name at least three tools to assure client privacy in the age of COVID-19.**

## **Brief COVID-19 Update**

## **Surveillance Data 6/10 - 8/12**

- 1,988,491 cases (June 10)**
  - 5,119,711 cases (August 12)**
- 
- 112,311 deaths (June 10)**
  - 163,651 deaths (August 12)**

### COVID-19 Updates

- Earlier states to “open up” now pulling back (AL, AZ, MS, TX)
- Global explosion in Brazil, Columbia, Peru, Bolivia, Argentina, Russia, India
- Politization of the COVID-19 response
- Impact of pandemic on behavioral health

### COVID-19 NON-Update

Hand Washing

Physical Distancing

Wear Mask in public

Self-Isolation

### QUESTIONS/Comments:

[alphtnquestions@adph.state.al.us](mailto:alphtnquestions@adph.state.al.us)

### Review of Macro Issues

### Disease Containment vs Individual Freedom

- History of individual liberties in the U.S. date back to our founding
- Freedom to assemble, freedom to worship, right to bear arms
- Concerns about government overreach embedded in portion of the population [taxation, vaccines, firearms, land ownership]
- By late April, organized protests merge COVID skepticism, anger at government overreach, and concern for economic impact

### Mask-Wearing Debate

- May increase in opening beaches and business
- Fatigue and negative reaction to mask requirements
- Mask requirements viewed as part of a liberal agenda — efficacy of mask wearing questioned
- Combination of COVID skepticism, questions of mask efficacy, and existing anti-government leanings make mask wearing unpopular

## Opening Schools for In-Person Instruction

- Nearly all schools in the U.S. left physical buildings by mid-March
- Distance-based and parent instruction were solutions to the challenge
- Consensus among educators that in-person instruction is superior learning environment
- Advocates add that opening schools helps reopening of the economy
- Teachers complain about risk of live instruction

## Remote Work in 2020

- 42% of the workforce working from home full-time as of June [more than 2/3 of U.S. economic activity]
- 33% of the workforce not working
- 26% reporting to work — largely essential workers

## Micro-level Implications

## Individual Freedoms

- Your client, a pastor of a local church, shares in his dialysis treatment that he feels God has called him to resume in-person church, and he feels social distancing and mask-wearing will detract from the experience. He believes he shouldn't require precautions as they may impact his congregation's spiritual experience.

## Social Work Values and Ethical Principles

- **Value:** *Importance of Human Relationships*
- **Ethical Principle:** *Social workers recognize the central importance of human relationships.*

## The Answer

- This falls back on a "client's right to self-determination". Our goal is to support this client in his spiritual direction based on his understanding of the implications of his choice.

OR...

- We emphasize the potential harm to the client and his congregation and share our concerns openly about the risk he would face discouraging him to NOT act on his instincts.

### Mask-Wearing

Your client, Mr. Barnes, has stated in the past that he believes that mask-wearing is a political plot and says “in America they can’t make me wear a mask”. He has had injections at appointments for Long-Acting Injectable (LAI) to manage his schizoaffective disorder about every 4 weeks.

### Social Work Values and Ethical Principles

- **Value:** *Dignity and Worth of the Person*
- **Ethical Principle:** *Social workers respect the inherent dignity and worth of the person.*

### The Answer

- The clinic should accommodate Mr. Barnes’ perception of his needs and support his dignity by administering his injection as planned regardless of his mask use.

OR...

- Mr. Barnes should be informed of the danger to himself and others posed by his refusal to wear a mask. Advise him all consumers are expected to wear a face covering at every visit or services will not be delivered.

### School Re-Opening

- Your client, Ms. Jones, is a client in the WIC clinic. She has two children and a job as an administrative assistant. She has been teleworking since late March, but her boss says the office will open after Labor Day and it’s essential that she be there as she’s his “right hand man”. She begins to sob during her WIC appointment and shares she just found out that her children’s school will be hybrid model and alternate weeks both her children will be at home.

### Social Work Values and Ethical Principles

- **Value:** *Social Justice*
- **Ethical Principle:** *Social workers challenge social injustice.*

### The Answer

- You should advocate for Ms. Jones and actively help her seek legal representation. You feel her civil liberties are being compromised and feel the appropriate stance for her — and you — is to fight.

OR...

- Her employer has the right to set expectations of his employees, including where they work. It’s reasonable to expect individuals who were hired to work at the workplace to report where they are needed or find other employment.

### **Remote Working/Workplace Safety**

- You are back in the office with a number of co-workers; many of them are a good deal younger than you. You've seen from Facebook posts that four of your coworkers were in Gulf Shores for a long weekend. It appeared they were not using social distancing or safety protocols as they recounted the trip on social media.

### **Social Work Ethics**

- 2.01 Respect
  - (a) Social workers should treat colleagues with respect and should represent accurately and fairly the qualifications, views, and obligations of colleagues.
  - (b) Social workers should avoid unwarranted negative criticism of colleagues in verbal, written, and electronic communications with clients or with other professionals.

### **The Answer**

- Respect for our colleagues means allowing them to have a break from work without judgment and taking standard precautions is enough. You are not the "office police".

OR...

- Given the increased risk you believe occurred, you have a duty to yourself and others in the office to let management know what you are aware of and ask that precautions be taken to protect the rest of the office for at least a period of self-isolation (14 days).

**Questions?  
Comments?**

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### **Using Digital Tools Wisely**

### **Unmet Need**

- 50% of PWMI did not receive MH care in 2016
- 65% of individuals with serious MI did not receive care in 2016
- More than 80% of adolescents/adults with SUD (including OUD) did not receive care
- 75% of counties in the U.S. are mental health shortage areas
- More than half of U.S. counties have NO behavioral health provision

- SAMHSA (2017)

### **Common Uses of Technology**

- Telephone/Audio Counseling
- Video/Web Conferencing Tools
- Self-Directed, Web-Based, and Computer-Based Therapeutic Tools
- Web-Based and Text Communication: Email, Chat, Forums, Electronic Mailing Lists, and Social Networks
- Use of Mobile or Handheld Technologies

### **COVID-19 Update**

- Beginning March 1, CMS waives restrictions on telehealth; Medicare, Medicaid, and CHIP services can be billed at in-office rates.
- Co-pays may be waived.
- Consent for telehealth occurs annually.
- Practitioners such as licensed clinical social workers, clinical psychologists, physical therapists, occupational therapists, and speech-language pathologists will have expanded access to telehealth, virtual check-ins, e-visits and telephone calls during the crisis.

### **Additional COVID-19 Changes**

- Geographic restrictions on practice have been waived.
- Reliance on HIPAA-compliant tools is waived, except limits on use of Facebook Live, Twitch, TikTok or other public facing communication services.
- More tools racing/racing to be HIPAA compliant.

### **Elements of Informed Consent: Process and Alternatives**

- Whether communication will be synchronous or asynchronous
- Response standards and scheduling
- Frequency of interactions
- Misunderstandings (text-based and video-based risks)
- Alternative treatments or delivery approaches

### **Elements of Informed Consent: Access to Clinical Information**

- Other providers on both ends of a Web conferencing exchange
- Technical staff members required to operate maintain the technology
- Other participants in groups or chats
- Supervisors
- Program evaluators or quality assurance monitors

### **Elements of Informed Consent: Potential Benefits**

- Access to services
- Privacy
- Reflection time
- Access to specialists and supervisors

### **Elements of Informed Consent: Confidentiality of Records**

- Confidentiality laws that apply to clinical exchanges using technology
- Legal exceptions that apply to telemental health care or telemedicine just as they do to in-person
- Clinical work, including child abuse, elder abuse, medical emergencies, threats of violence, or danger to self, as dictated by state and federal laws

### **Elements of Informed Consent: Privacy Risks**

- What is being transmitted, including identifiable images, clinical information, appointment reminders, and billing information
- Form of transmission, including attempts to protect privacy using encryption
- Privacy risks inherent in transmission, such as failures of technology, and unauthorized access to electronic information
- Storage/destruction policies for electronic communications (e.g. text messages, emails)

### **Elements of Informed Consent: Ways for Clients to Manage Privacy**

- Controlling access to communications through establishing passwords, deleting cookies, and controlling computer access
- Understanding the risks of sharing email accounts
- Limiting or preventing the provision of identifying information on social media
- Identifying Internet security risks
- Installing virus, spyware, and malware detection software

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### **Phone and Video Best Practices**

- Use a secure teleconferencing network or land-based telephone conferencing system to protect privacy.
- Consider adequate bandwidth at provider and client ends of the transmission to facilitate adequate image resolution.
- Anticipate fluctuating bandwidth demands when relying on public Internet.
- Address the need for encryption of information on provider and client ends of transmission to ensure privacy. Depending on the service, this may require software to be downloaded and set up by the client.

### **Phone and Audio Best Practices**

- Test audio equipment to troubleshoot inadequate audio quality. Choose technology that can run on very low bandwidth if possible.
- Ensure that your technology allows you to mute or remove disruptive members in the group.
- Provide a land-based telephone line for backup.
- Ask clients to test the system prior to the group meeting time.

### Fostering Consumer Engagement in T-A-C

- Closely monitor the therapeutic alliance, as you would with any change that might potentially affect the treatment relationship.
- Address what the technology can and cannot do by using clear communication and ensuring transparency. Discuss the client's expectations of how the technology will augment treatment.
- Ask for the client's suggestions about how the technology-based tool can be used, eliciting feedback about the tool before integrating it into treatment.

### Fostering Consumer Engagement

- Do some test runs with the tool so that the client knows its purpose and how to use it before incorporating the app into daily use.
- Pay attention to client feedback about interest in using the tool, understanding of instructions about how to use it, perceptions of its use, and expectations about the results of using the app.
- Ensure that the technology is accessible to the client.

### Fostering Consumer Engagement

- Explain how the information and data gathered from the technology-based tool will be used in treatment. Discuss ways that this information can build collaboration and self-management in the treatment environment to help the client achieve greater autonomy.
- Clarify who has access to the technology and the information it may collect about the client. What data can the clinician access? What data can the client access?

### SAMHSA Guidance on Technology-Assisted Care

- Clinical judgment, and not merely the existence of a given technology, should guide the application of said technology in clinical contexts.
- Practitioners should use technological solutions only within their realm of professional competence and scope of practice.
- The way technology-based tools are used may differ across populations and settings.
- Clinicians and clients should thoughtfully consider and discuss the risks and benefits of technology-based tools as part of the therapeutic process.

### Communication and Digital Technology: HIPAA Issues

- PHI - Protected Health Information (PHI), also referred to as personal health information, generally refers to demographic information, medical histories, test and laboratory results, mental health conditions, insurance information, and other data that a healthcare professional collects to identify an individual and determine appropriate care.
- A covered entity simply provides treatment, payment and operations in healthcare. A business associate has access to patient information and provides support in treatment, payment or operations.

### Key Questions

- Question 1: Am I a covered entity?
- Question 2: Am I transmitting PHI?
- Question 3: Is PHI encrypted?
- Question 4: Do I have a business associate agreement in place?

Quick re-scheduling text, email homework reminder for DBT group, SMS medication reminders

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**THANKS SO MUCH...**

**AL Wise Woman Program**

**PWLHIV**

**My friends at ADPH**

**Rhonda, Bill, Ryan, Brandon, and Darren**

**YOU for making time today — and ALL YOU  
DO!**