

# Technology and VR: Ethical Considerations

## #changingtimes

Presented by:

Melissa Diehl, Project Director WINTAC Pre-Employment Transition Services

Dr. Rob Froehlich, Project Director, VR-ROI and Virginia Career Pathways

D.J. Ralston, Senior Research Associate, Project E3 and WINTAC



# Acknowledgement

**The contents of this presentation were developed with support from the:**

Innovative Rehabilitation Training program (CFDA: 84.263C) funded by the U.S. Department of Education, Rehabilitation Services Administration (Grant#: H2263C190007)

The ideas, opinions, and conclusions expressed, however, are those of the authors and do not represent recommendations, endorsements, or policies of the U.S. Department of Education.



# Center for Innovative Training in VR

The **Center for Innovative Training in Vocational Rehabilitation (CIT-VR)** at **The George Washington University** is focused on developing innovative methods to train VR personnel to support the work of State Vocational Rehabilitation agencies in delivering high-quality rehabilitation services and to improve employment outcomes for individuals with disabilities.

The Center is funded via a five-year grant, i.e., October 1, 2020 – September 30, 2024, from the US Department of Education, Rehabilitation Services Administration under the Innovative Rehabilitation Training Program (CFDA 84.263C).

# Objectives/Agenda



**At this present moment, due to the new reality, we are using more techniques to serve our clients including distance counseling and greater use of digital technology...**

**We will explore some ethical considerations when using these techniques and tools in this webinar.**

## **Topics to be covered include:**

- ➔ Updates to Code: Personal Virtual Relationships
- ➔ Confidentiality
- ➔ Boundaries
- ➔ Netiquette/Digital Footprints
- ➔ Rules of Engagement
- ➔ Competence in use of digital mediums and social media

# CRC Code

## Introduction

Rehabilitation counselors recognize that service provision is not limited to in-person, face-to-face interactions. **Rehabilitation counselors actively attempt to understand the evolving nature of technology, social media, and distance counseling and how such resources may be used to better serve their clients.** Rehabilitation counselors appreciate the implications for legal and ethical practice when using technology, social media, or distance counseling and are particularly mindful of issues related to confidentiality, accessibility, and online behavior.

# What is Distance Counseling?



ACA Code H4a – Benefits and Limitations:

“Such technologies include, but are not limited to, computer hardware and/or software, telephones and applications, social media and Internet-based applications and other audio and/or video communication, or data storage devices or media.”

# It is a range

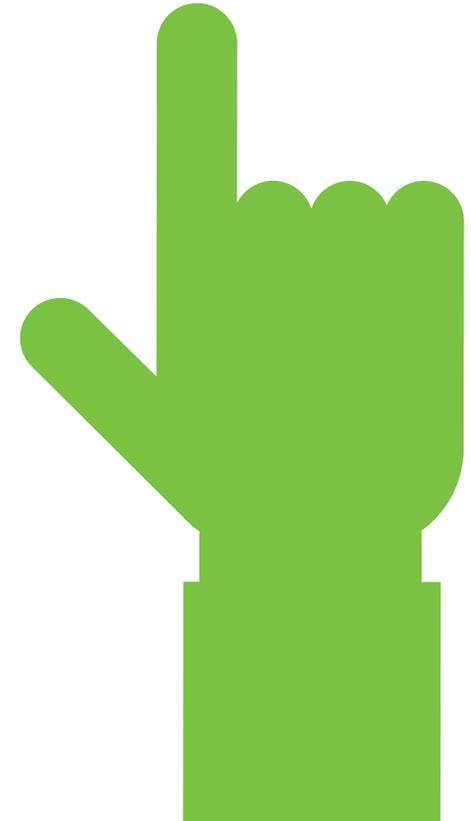
- All the way from phone calls and emails/text messages up to counseling using platforms like **Zoom** or **Doxy.me**
- Synchronous (Zoom) or Asynchronous (text).





# Board Certified Tele-Mental Health Provider Credential

 <https://www.cce-global.org/credentialing/bctmh/requirements>





# Benefits

- Allows Social Distancing
- No need to travel to provider
- Decreases stigma associated with seeking services

Psychology Today – Great piece on “14 Benefits of Teletherapy for Client”



<https://gwcrcre.org/resources/telecounseling/>

# Challenges

## Need for provider to:

- Have awareness of laws in multiple jurisdictions
- Have technological competency
- Understand background technology implications of topics like encryption, PHI, PII

## Need for client to:

- Understand Technology
- Have access to Appropriate Technology



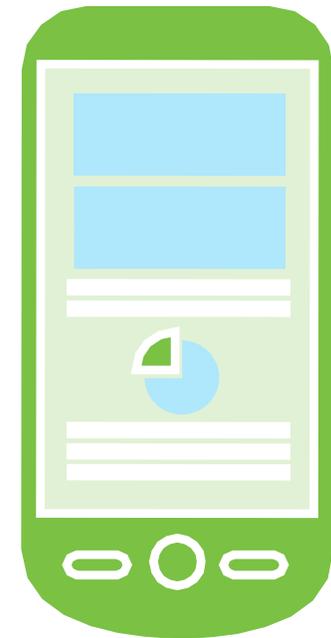
# Some CRCC 2017 Code Updates

## Technology:

- Recognizes how **technology is integrated** in every aspect of **practice**.
- Provides greater clarity for **informed consent** and **disclosure** in distance counseling.
- Addresses required practices in use of **social media**.  
(Section J and throughout the Code)

## Personal Virtual Relationships:

- Prohibits engaging in personal virtual relationships with current clients (e.g. through social media). (A.5.f)





# Evolving World...

- Section J – Technology, Social Media, and Distance Counseling; but now topics are infused throughout the code as well.
- This used to be an easier training topic! Just say no!
- Now, if you don't text them, you might never hear from them...



# Social Media Resources and CRC

## Topics like:

- Regardless of the tool, RCs are held to the same level of expected behavior and competence
- Informed consent and disclosure
- Online interactions and boundaries
- Addressing non-compliance

 <https://www.crccertification.com/filebin/pdf/>

# Before you get started

## Consider:

- What digital tools and technology are available to deploy
- Individual's experience with technology: Smartphones, tablets, apps, email, texting, etc.
- Your experience with technology
- Wifi availability and connectivity
- Individuals network of support
- What does your agency policies and procedures say?
- Are the tools secure? HIPAA Compliant?
- Setting up your home and how to prep the client for setting up their home

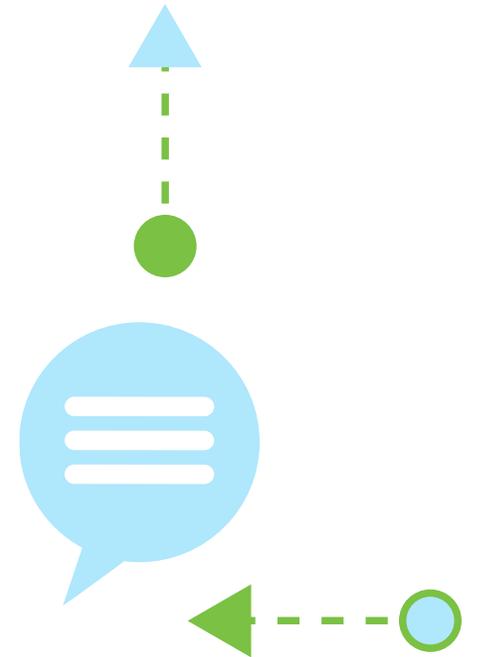


# #Confidentiality



# Confidentiality Considerations/Overview

Even though we are now working remotely and providing services via telecounseling etc. the requirements of confidentiality don't change...



# “A complete turnaround”

John is an 18 year old transition student/consumer you've been working with. Throughout your interaction with John, there has been tension between he and his mother. While John's mother wants him to go to college, John wants to work or participate in some sort of on the job training. He doesn't feel that college is for him (and the data you have matches that feeling). After a particularly challenging meeting with John and his mother at odds over his post secondary goals, you receive an email from John indicating that he has been wrong all along and really does think college is the best option for him. He demands that you begin researching schools and funding sources for him immediately.

**What thoughts do you have regarding this situation? How would you proceed?**

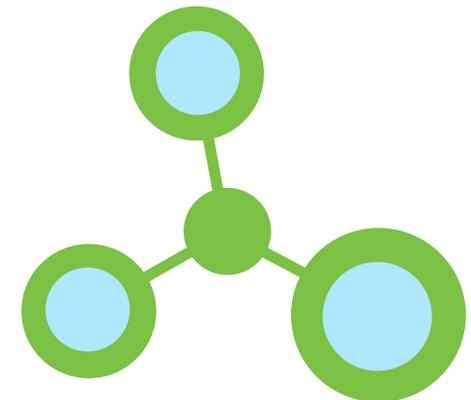


# Link to code / considerations

Section B: Confidentiality, Privileged Communication, and Privacy

## INTRODUCTION

- Rehabilitation counselors recognize that trust is the cornerstone of the counseling relationship. Rehabilitation counselors aspire to earn the trust of current and prospective clients by creating an ongoing partnership, establishing and upholding appropriate boundaries, and maintaining confidentiality. Rehabilitation counselors communicate the legal and ethical parameters of confidentiality to their clients in a culturally competent manner.
- Along with other topics section focuses on Rights, Exceptions, Information Shared with Others, Capacity to Consent, and Records and Documentation.



# Particularly Relevant to the Scenario

## Section J.3. Confidentiality, Informed Consent, and Security d. Client Verification.

- Rehabilitation counselors who engage in the use of technology-based distance counseling to interact with clients take steps to verify the client's identity at the beginning and throughout the rehabilitation counseling process.
- Verification can include, but is not limited to, using code words, numbers, graphics, or other nondescript identifiers.



# #Boundaries



# Boundaries / overview / considerations

Areas of Consideration relative to boundaries include Section A – The Counseling Relationship, and, more specifically Section A5 – Roles and Relationships with Clients. (No sexual or romantic relationships with clients, avoid same for 5 years with former clients or unlimited time for those who may be exploited or harmed.)

Includes Considerations related to Extending Professional Boundaries and related topics

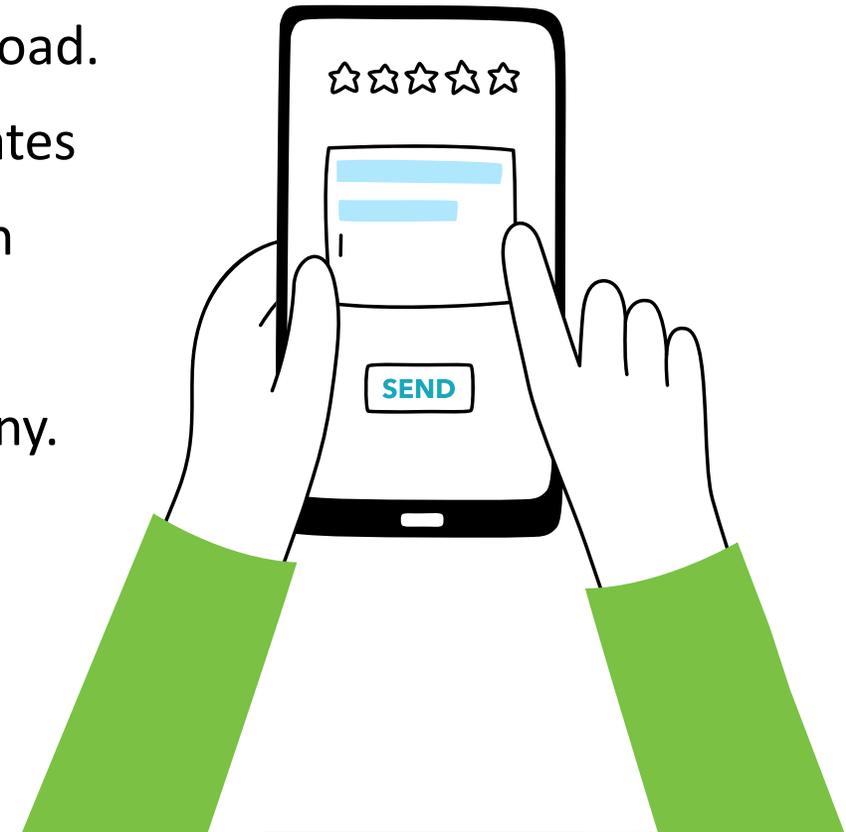


# Consumers and Social Media - Part 1

Casey Counselor has been working with Jenny for a little over 1 month on career development and college planning services. She is an 18 year old high school senior who is on your transition caseload. Jenny requests that you follow her on Twitter as she communicates primarily through this medium. Casey decides to follow Jenny on Twitter to help facilitate communication and because Casey believes this might be a good way to develop a rapport with Jenny.

**Does this present a dilemma for you?**

**Are there generational issues at play here?**





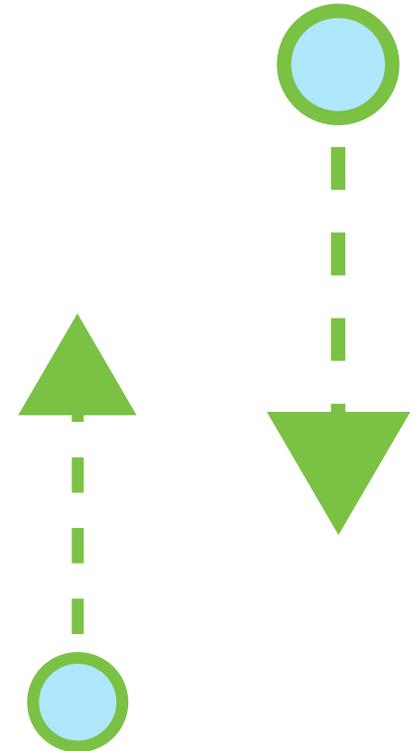
# Link to code/ considerations

Code Section J

## **Consider Your Professional Disclosure Statement**

Specifically Section J4 – Social Media

- C - Social Media and Informed Consent
- D - Privacy in Social Media (Respecting privacy of their client's presence on social media)
- E - Maintaining Confidentiality in Social Media



**#Netiquette**  
**#DigitalFootprints**



# Considerations/Overview of Netiquette and Digital Footprints

Refers to one's unique set of traceable digital activities, actions, contributions and communications that are manifested on the Internet or on digital devices

- **What does your digital footprint look like?**
- **Would it help or hinder your chances at being hired for a job you really wanted?**

## Permanency of Information

Viktor Mayer-Schonberger – Professor Oxford Internet Institute: *“A society in which everything is recorded will forever tether us to all actions, making it impossible, in practice, to escape them. Without some form of forgetting, forgiving becomes a difficult undertaking.”*

Texas AM SHRM Professional – *“Worst thing you have done is the first thing people will know about you.”*

# Consumers and Social Media - Part 2

Casey is now getting more than she bargained for. Jenny's Tweets include everything from mundane narrative about what she had for breakfast to details of her sex life and broadcasting the debilitating symptoms she experiences as a result of her disability. Not to mention, Jenny has now taken to @-ing (ie. tagging) Casey whenever Jenny is having disability related symptoms.

**How will this impact your counseling relationship?**

**What tools would you use to help you resolve this issue?**



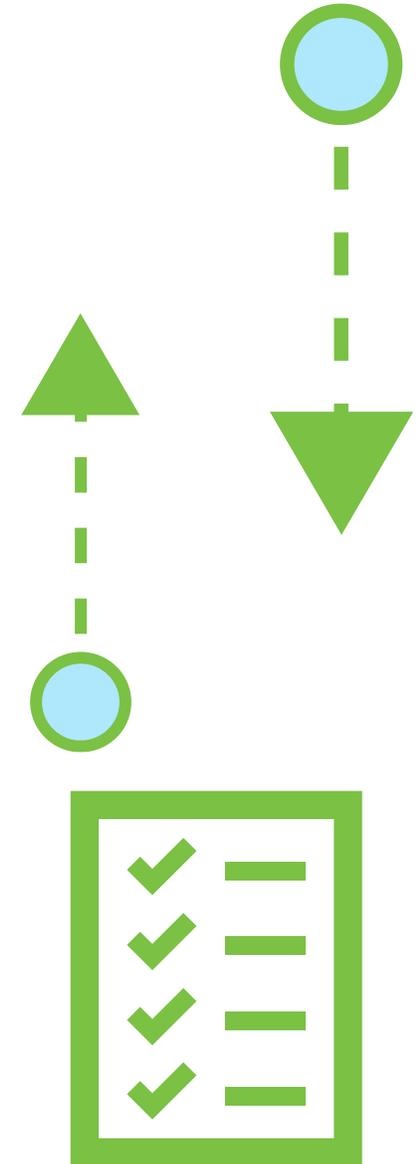
# Link to code/considerations

Review Section A5

Review Section J4

## Potential Considerations:

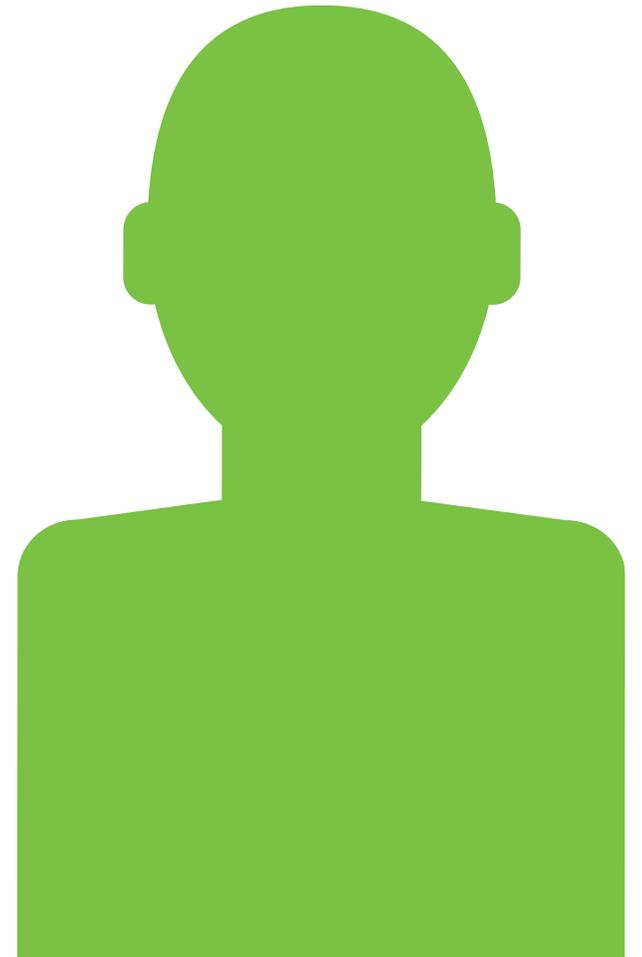
- Approach from an educational perspective as opposed to punitive.
- Weave in discussion of Support Networks, Coping Skills, permanency of social media information, impact on career selection, etc.



# #RulesofEngagement

# Considerations/Overview

- What are you comfortable with in terms of your counseling relationships, boundaries, technology, client needs, organization's policies and procedures, and the interplay of all those variables?
- Your privacy?
- Client's privacy?
- What are potential risks associated with your approach?
- Do you have a standard approach and can you articulate it?



# Viral Tweet

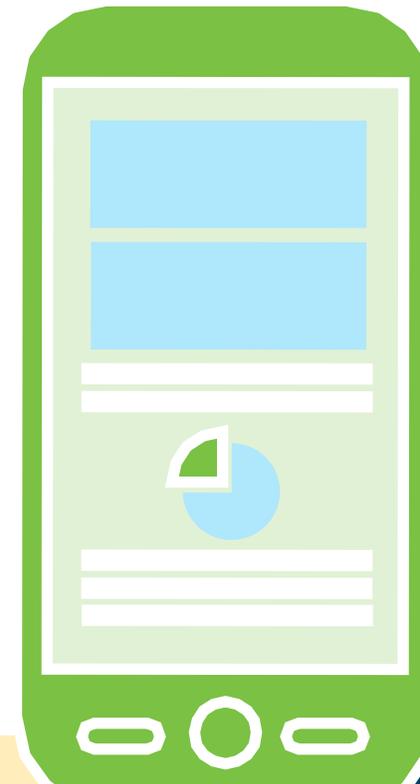
While scrolling through Twitter and trending hashtags, you come across a tweet that has gone viral that resonates with you. You click through to the profile and upon seeing the Twitter Bio realize it is one of your consumers.

**What do you do?**

**Do you dive in and read through all their tweets, mentions and likes?**

**Do you start following your consumer?**

**Do you inform the consumer you saw their tweet?**





# Link to code /considerations

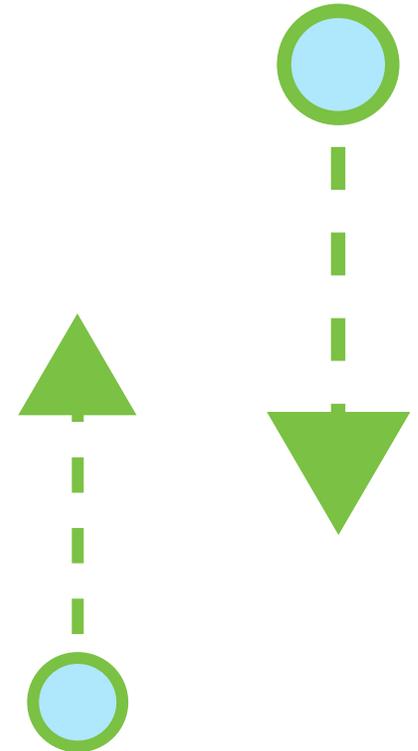
## Section J4 d – Privacy in Social Media

Consider this related scenario... what if you saw a client give an absolutely amazing presentation... you were only at the presentation venue for personal reasons, had no idea the client would be there, and the encounter is random.

**Would you go up and talk to the client?**

**What implications would that have on your relationship? On the clients privacy? On disclosing your role with the client?**

**Is social media different?**



# #Competence Digital Medium/Social Media



# Considerations/Overview Competence in Use of Digital Medium/Social Media

## Section J 1 Competence and Legal Considerations

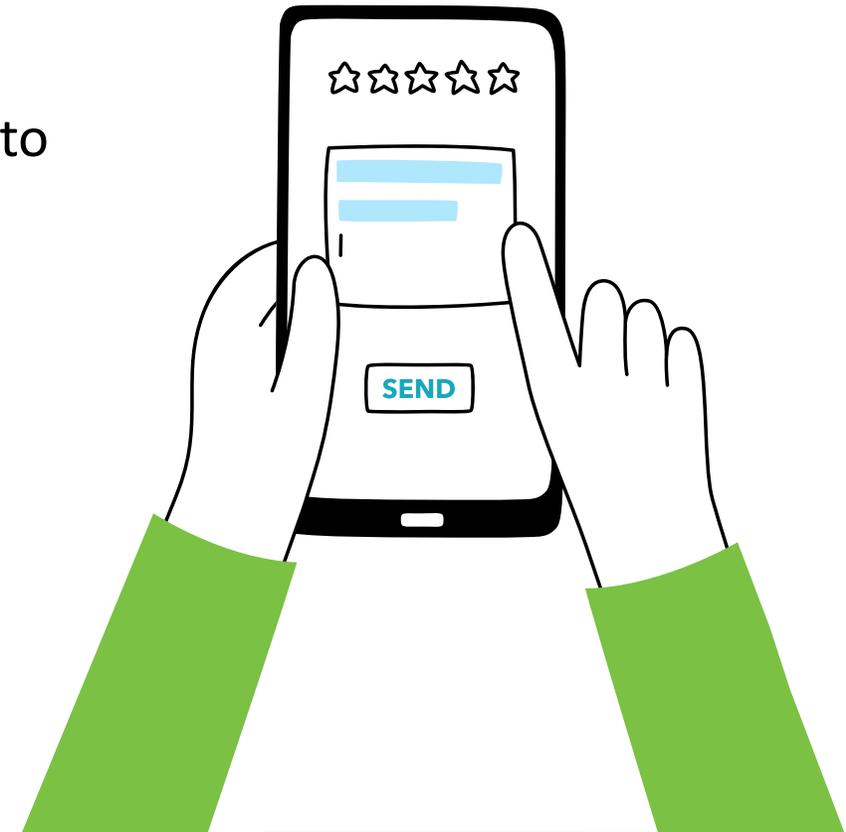
- **COMPETENCE.** When technology is used in the counseling relationship, rehabilitation counselors are held to the same level of expected behavior and competence as defined by the Code regardless of the technology used or its application.
  - **LEGAL CONSIDERATIONS.** Rehabilitation counselors who use technology, social media, and/or distance counseling in their practice understand they may be subject to laws in both the rehabilitation counselor's practicing location and the client's place of residence. Rehabilitation counselors are aware of and adhere to laws governing the practice of counseling across state lines or international boundaries. Rehabilitation counselors seek business, legal, and technical assistance when necessary and make reasonable efforts to ensure that technology is used appropriately and client rights are protected.
- 

# Using Technology

Randy has been a VR counselor for 22 years. Due to COVID 19, he has to find alternate means to communicate and meet with his consumers other than face-to-face. One of Randy's consumers does not respond to emails and texts but is always talking about their snapchat. Randy considered downloading snapchat as a means to communicate with their customer.

**What things should Randy consider and or investigate before implementing such a strategy?**

**Are their ethical considerations Randy needs to think through before he uses social media as a method for communication?**



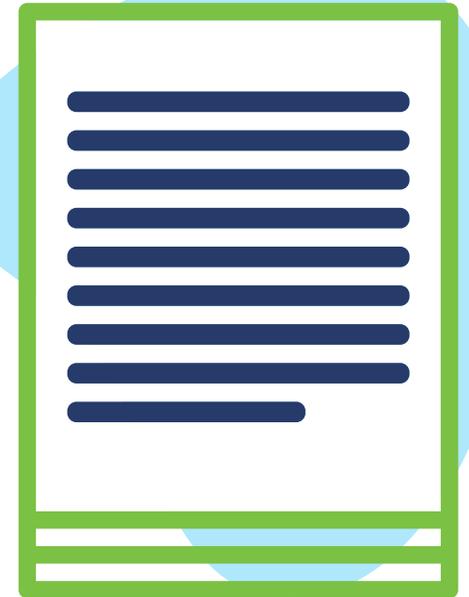
# More Topics for Consideration (CRC)

- Accessibility – (Disability Related; SES related; geography related)
- Competence
- Legal Considerations
- Bottom Line – J1A - a. COMPETENCE. When technology is used in the counseling relationship, rehabilitation counselors are held to the same level of expected behavior and competence as defined by the Code regardless of the technology used or its application.



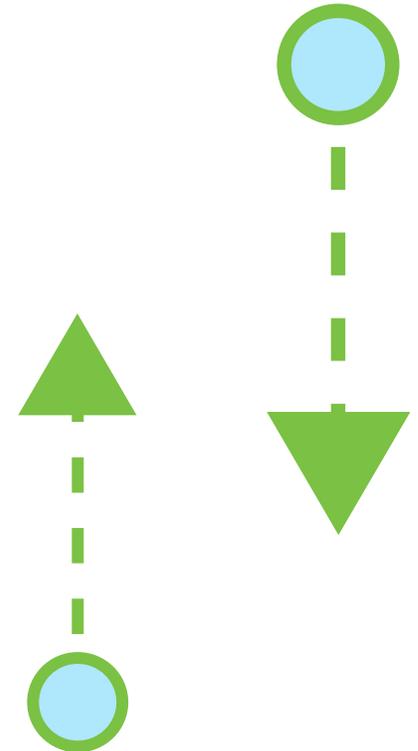
# Confidentiality

- Is the platform HIPAA compliant?
- Three Parts:
  - Privacy Rule (PHI – Who can disclose and under what circumstances)
  - Security Rule – (Conduct an assessment of risks and threats to confidentiality and implement safeguards)
  - Breach Notification Rule – (Monitor and identify when a breach has occurred and the requisite actions after a breach)



# More code/considerations

- State Agencies and Policies
- Reaction Post COVID19... creatively working to find solutions to reach clients in safe ways
- Policies and Procedures during this tumultuous time are emerging, although sometimes slower than one would like.



# Additional Considerations

Other Areas of Importance

# Topics Commonly Addressed in SNS Policies and Procedures

- Personal/Professional Distinction
- Who are you speaking for? (You? Your Agency?)
- Avoid anything illegal
- Cannot advocate politically using state media
- Cannot advertise or represent a business
- Nothing pornographic
- Nothing discriminatory of any group of persons
- Confidential information treated as such



# How Can I Tell the Difference Between the Digital World and in Person?

What's Real?

# Online Disinhibition Effect

People do and say things online that they wouldn't in a face-to-face world.

Suler, J. (2004). *CyberPsychology and Behavior*, 7, 321-326

- You don't know me
- You can't see me
- See you later
- It's all in my head
- It's just a game
- We're equals



# Texting – Questions to Consider

## Generational Preferences?

75% of all teens text and they send on average more than 100 text messages per day.

**Is it a state issue/agency phone or not?**

**Have you used settings so that your email address is displayed and not your phone number?**

**What if you're out of the coverage area/can't respond immediately?**



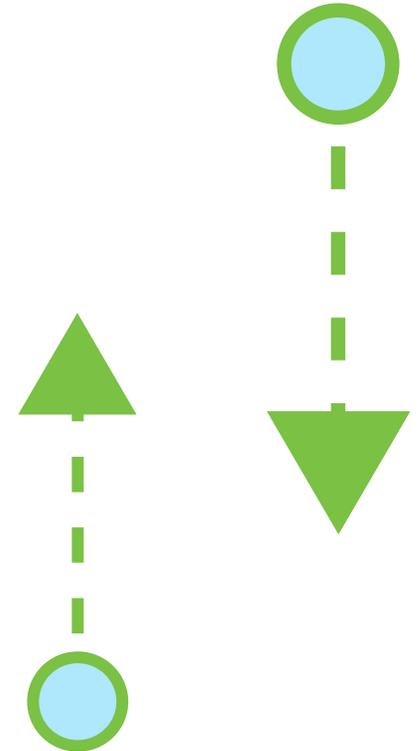
# Using Google

- Are you looking because you are curious?
- Are you looking with an employment related intention?
- Is there a way you can involve the consumer in this process?
- Do you have a standard you use to make decisions on this topic so that you are not profiling consumers?



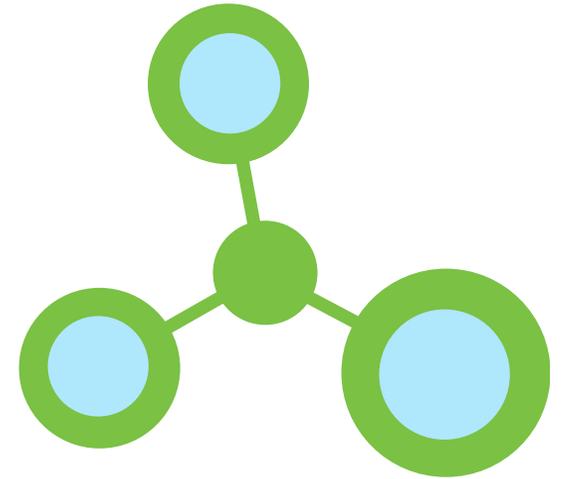
# Shall We Link

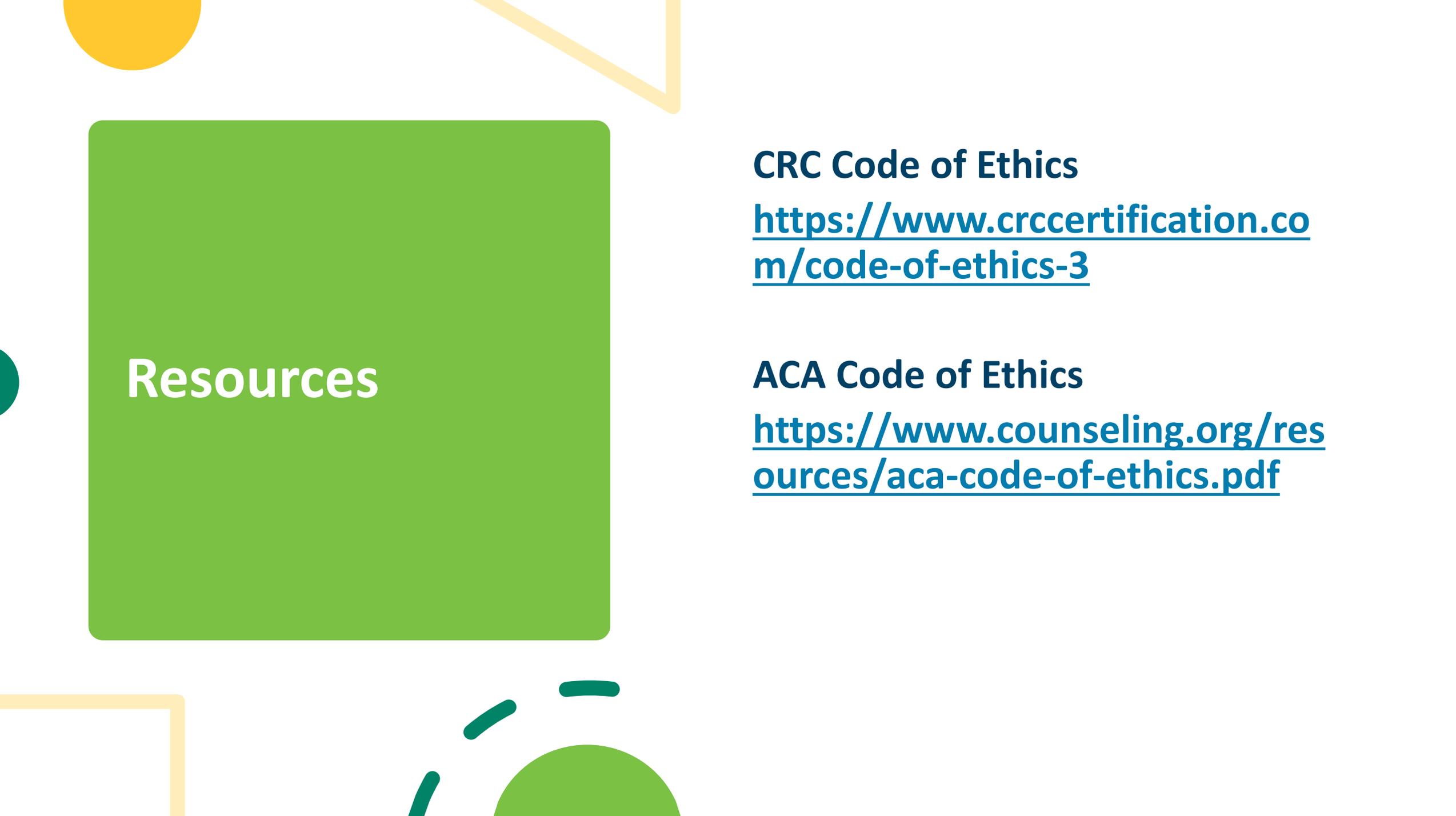
- How do you all manage LinkedIn requests from consumers?
- Do these requests present an ethical issue/dilemma from you?
- If you don't choose to 'link' how do you respond to the requests?
- Have a standard policy/script and use it every time!



# Social Media and Communication Tools

- 
- What am I trying to accomplish?
  - Why will this tool make me more effective/quicker/have better quality/etc.?
  - What may be some potential downfalls or barriers associated with using this tool?
  - What are the accessibility issues associated with this tool?





## Resources

### **CRC Code of Ethics**

<https://www.crccertification.com/code-of-ethics-3>

### **ACA Code of Ethics**

<https://www.counseling.org/resources/aca-code-of-ethics.pdf>

# Thank You

**Dr. Rob Froehlich, Ed.D., LPC, CRC**

[rfro@gwu.edu](mailto:rfro@gwu.edu)

**Melissa Diehl, M.Ed, CRC**

[mpdiehl@gwu.edu](mailto:mpdiehl@gwu.edu)

**D.J. Ralston, M.A.**

[djralston@gwu.edu](mailto:djralston@gwu.edu)

# Contact Us

---

THE GEORGE  
WASHINGTON  
UNIVERSITY

---

WASHINGTON, DC

## **Dr. Maureen McGuire-Kuletz**

Principal Investigator

[mkuletz@gwu.edu](mailto:mkuletz@gwu.edu)

## **John C. Walsh**

Project Director

[jcwalsh@gwu.edu](mailto:jcwalsh@gwu.edu)