



THE ETHICAL EVOLUTION: PRACTICING ETHICAL SOCIAL WORK IN THE FACE OF COVID-19

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WELCOME!

PLEASE
INTRODUCE
YOURSELF IN
THE CHAT

- Name, preferred pronouns
- PLEASE PUT ON YOUR NAME
- Affiliation (organization or area of interest, role)

Answer one of the following:

1. Favorite technological “tool” (fun or business)
2. Biggest concern about using technology
3. One word that comes to mind when you think of “technology”



FOUNDATIONAL IDEAS

AGENDA

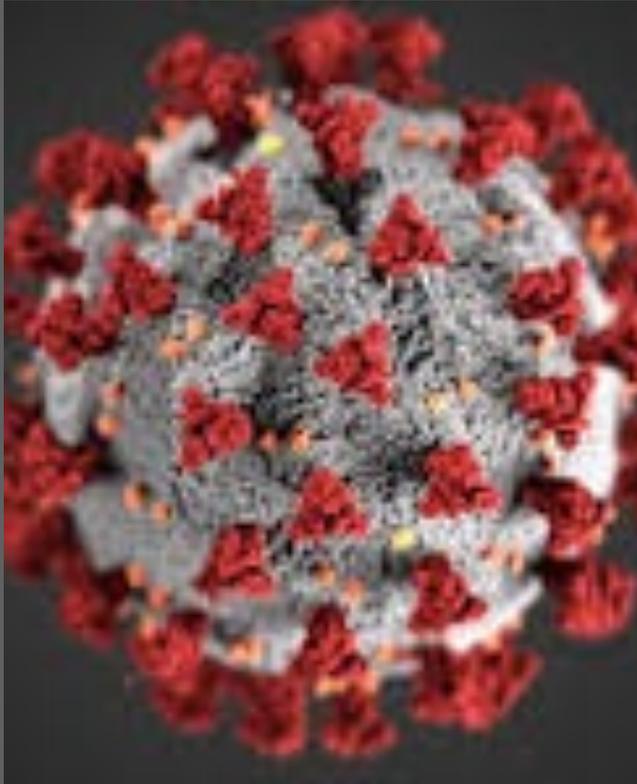
Current situation COVID & Tech

Ethical decision making

Beyond COVID: Social Media Policies

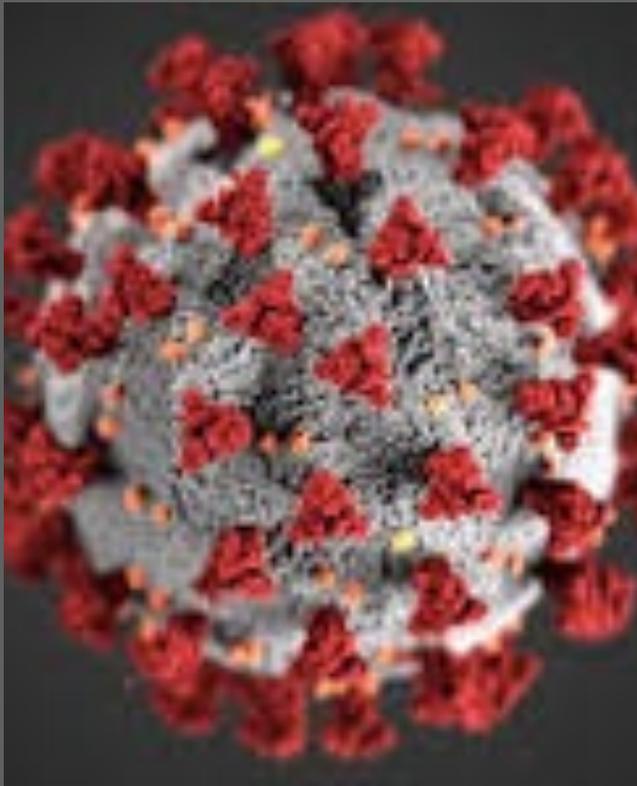
Evaluation

SMALL GROUPS: DISCUSSION



- How has COVID-19 changed your use of tech?
- What concerns do you have?
- What challenges are you facing?
- Any unexpected benefits?

SMALL GROUPS: REPORT BACK THEMES



- How has COVID-19 changed your use of tech?
- What concerns do you have?
- What challenges are you facing?
- Any unexpected benefits?

2018 CODE OF ETHICS



CODE OF ETHICS
OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

- Approved by the Delegate Assembly of the NASW 8/4/2017
- Effective 1/1/2018
- Discussions all confidential
- Questions?
- [Office of Ethics and Professional Review](#)

FACTORS IN TECHNOLOGICAL DECISION MAKING

- [Licensing boards regulations on technology](#)
- [Centers for Medicare and Medicaid Booklet on Telehealth Services](#)
- ASWBs Model Regulatory Standards for Technology and Social Work Practice
- NASW, ASWB, CSWE, CSWA [Standards for Technology in Social Work Practice](#)
 - Extensive document
 - Gives “interpretation”
 - Includes standards for:
 - Micro, meso, and macro work
 - Education
- Code of ethics
- [Illinois Joint Committee on Administrative Rules: Telehealth](#)

Telemental Health Chart

	HIPAA	Licensure	Medicare*
Before COVID-19	All vendors must be HIPAA compliant; video conferencing companies must sign business associate agreement (BAA)	Must be licensed where the social worker is located AND where the client is located; not all states authorize the use of telemental health.	Medicare coverage and payment of telehealth services provided on a limited basis
During COVID-19	OCR will not impose penalties for noncompliance with certain HIPAA Rules	Temporary suspension of social work licensure regulations for telemental health in certain states	Recently passed legislation eased some Medicare telehealth restrictions
	No risk of HIPAA sanctions/penalties for lack of BAA	The other state, where the client is located, also needs to allow the provision of telemental health services	Section 1135 waiver allows for Medicare coverage and payment of telehealth services on a broader basis (i.e. audio only telehealth)
	Permits use of non-public facing video conferencing apps (i.e. Skype, Facetime, Messenger)	Check with professional liability company for coverage of telemental health services	Section 1135 allows for waiver of telehealth provider licensure regulations for Medicaid/Medicare reimbursement
	Prohibits use of public-facing video conferencing apps (i.e. Facebook Live, TikTok)	Check with payor for reimbursement of telemental health services	Section 1135 waivers do NOT override state regulations



ETHICAL DECISION MAKING STEPS

1. Identify the problem-gather info; identify ethical issues
2. Review relevant codes of ethics, laws and regulations
3. Consult!
4. Consider possible and probable outcomes
5. Examine the consequences of actions
6. Decide on how to act
7. DOCUMENT

CURRENT COVID-19 TOOLS

- Missouri Division of Professional Regulation Covid-19 Guidance Statements
<https://pr.mo.gov/general-covid-19.asp>
- Waivers of rules and statutes requested for social workers (action pending)
<https://pr.mo.gov/common/Waiver-of-Rules-and-Statutes.pdf>
- ASWB <https://www.aswb.org/covid-19/>
- NASW Q & A
<https://www.socialworkers.org/LinkClick.aspx?fileticket=K4qBhkebVpU%3d&portalid=0>
- HIPAA rule changes
<https://www.natlawreview.com/article/hipaa-privacy-rule-waiver-other-medical-information-questions-during-covid-19>

CURRENT COVID-19 TOOLS, CONT.

<https://pr.mo.gov/socialworkers.asp>

Missouri License and telehealth

<https://www.socialworkers.org/About/Ethics/Ethics-Education-and-Resources/Ethics-8/Coronavirus-8-Ethical-Considerations-for-Social-Workers>

NASW 8 Ethical Considerations

<https://www.socialworkers.org/About/Legal/HIPAA-Help-For-Social-Workers/Telemental-Health>

Telemental Health: Legal Considerations for Social Workers

Public Health Emergency by DHHS 1/27/2020

FOUNDATIONAL PRINCIPLES

- Service
- Social Justice
- Dignity and Worth of the Person
- Importance of Human Relationships
- Integrity
- Competence

KEY ETHICAL STANDARDS

For COVID & Tech & Beyond

PUBLIC EMERGENCIES

6.03

PUBLIC
EMERGENCIES

6.03

Social workers should provide *appropriate* professional services in public emergencies to the *greatest extent possible*.

COMMITMENT TO CLIENTS

1.01

Social workers' primary responsibility is to promote the well-being of clients.

INFORMED CONSENT

1.03

TECHNOLOGY
PRACTICE
CHANGES:
INFORMED
CONSENT

- Consent to use technology 1.03(f)
 - Requires ability to determine identity of the client giving consent
 - Phone call
 - Passcode, image, etc.
 - Need to understand location for context

Challenges in times of
COVID-19?

INFORMED CONSENT, CONT.

- Discuss policies about use of technology 1.03(e)
 - Social media policies (more later)
 - Policies about using electronic technology to gather information on clients 1.07(p)
- Get consent before “googling” clients 1.03(i); 1.07(q)
 - Unless to prevent “serious, foreseeable, and imminent harm”
- Get client consent and assess for ability when using technology for evaluation or research 5.02

COMPETENCE

1.04; 4.01

TECHNOLOGY CHANGES: COMPETENCE

- SW required to use technology in a competent manner; understanding communication challenges and strategies to address challenges 1.04(d)
- Knowledgeable about ethics, laws, and regulations for providing services using technology
- Inform clients about benefits and risks of using technology so they can determine if they want to proceed (a piece of informed consent)

Challenges in times of
COVID-19?



CHALLENGES: PROVIDING SERVICES ACROSS THE MILES

- Must comply with the laws governing electronic social work within jurisdiction where social worker is located & where client is located 1.04(e)
- Licensure policies in both locations
- Current with laws governing provision of SW in both locations
- Inform clients of legal obligations in both locations
- Create strategy if services are interrupted
- Familiar with emergency services where client is located and share info with clients

Challenges in times of
COVID-19?

CULTURAL AWARENESS & SOCIAL DIVERSITY

1.05

Disability to Ability
(throughout code)



Cultural Competence and Social
Diversity 1.05 to Cultural
Awareness and Social Diversity

ETHICAL CHANGES
RELATED TO
DIVERSITY

TECHNOLOGY PRACTICE CHANGES:

DIVERSITY & ASSESSMENT

- Biopsychological assessment needs to include technology assessment 1.03(g) (informed consent)
 - Strengths, needs, risks, challenges: How does the client use technology?
 - Remember to consider unique needs of different populations
 - Assess benefits and risks
 - Client well being should be paramount
 - Access
 - Ability
 - Cultural beliefs/practices, social diversity 1.04(d)

If technology not appropriate, identify other methods of service 1.03(g)

How do we do this in COVID-19?

CONFLICTS OF INTEREST

1.06

TECHNOLOGY CHALLENGES: CONFLICT OF INTEREST/BOUNDARIES

Social workers who provide electronic SW services shall maintain clear professional boundaries

Challenges between social workers right to freedom and best for the client; trust “professional judgement”

Be aware that clients may discover personal information about you based on personal affiliations and use of social media 1.06(h)

Create social media policies!

CONFLICT OF INTEREST: BOUNDARIES, CONT.

Code Discourages:

- Communicating with clients using technology for personal or non-work related purposes 1.06(e)
- Posting personal information on professional websites or other media 1.06(f)
- Accepting requests from or engaging in personal relationships with client on social networks or electronic media 1.06(g)

PRIVACY AND CONFIDENTIALITY

1.07

1.07(C) PRIVACY AND CONFIDENTIALITY

“Protect confidentiality of all information...except for compelling professional reasons...does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client *OR OTHERS.*” (*NASW Code of Ethics, p. 7-8*).

Unrelated to technology

TECHNOLOGY CHANGES: CONFIDENTIALITY

- Avoid posting identifying or confidential information about client on professional websites or social media, even with consent; help clients think through permission to post for media campaigns 1.07(r)
- Refrain from soliciting electronic or online testimonials from clients who are vulnerable to “undue influence”

TECHNOLOGY
CHANGES:
CONFIDENTIALITY,
CONT.

- AMEND: When working with families, groups, couples seek agreement with parties should include whether confidential information may be exchanged in person or electronically among clients or others. 1.07(f)
- Limit access internally to client's electronic information; who needs access? Why?
- Disposing used electronic equipment

CLIENT RECORDS

1.08

TECHNOLOGY CHANGES: RECORDS

Challenges in times of COVID-19?

- Use of encryption and strong firewalls
- Inform clients of unauthorized access to SW electronic communication or storage system 1.07(o)
- Develop and disclose policies for informing clients of data breach in timely manner 1.07(n)
- Electronic payment and insurance claims safely; same with fundraising
- Explain whether and how use electronic devices to gather, manage, store client information
- Client access to electronic records provided in a manner considering confidentiality, privacy, client's best interest

SOCIAL WORK WELL BEING (IMPAIRMENT)

4.05

IMPAIRMENT

4.05

“SW should not allow their own personal problems, psychological distress...or mental health difficulties to interfere with their professional judgment and performance or to jeopardize the best interests of people for whom they have a professional responsibility”

Keeping
ourselves
HEALTHY is an
ethical
responsibility

WHAT DOES
THIS MEAN FOR
US?



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WHAT HAVE YOU BEEN DOING TO TAKE CARE
OF YOURSELF DURING THIS TRYING TIME?

Share out loud or via chat!

AMENDMENTS

- Amended many codes to add “technology” or “electronic” or modernize language regarding technology
- Informed Consent 1.03 (h)
- Privacy and Confidentiality 1.07(f), 1.07(i), 1.07(m) Client records 3.04
- Sexual Relationship 1.09 Sexual Harassment 1.11
- Derogatory Language 1.12 Interruption of Services 1.15
- Sexual Relationships 2.06 Sexual Harassment 2.08
- Unethical conduct of an employee 2.10 Supervision and Consultation 2.10
- Supervision and Consultation 3.01 Education and Training 3.02

LONG RANGE
GOAL:
CREATING A
SOCIAL MEDIAL
POLICY

WHY DO YOU NEED A SOCIAL MEDIA POLICY?

- HIPAA
- Client's may not understand our ethical and legal boundaries
- Creates clear expectations and informed consent; transparency and consistency

SOCIAL MEDIA
POLICIES
SHOULD
INCLUDE (AT A
MINIMUM):

- Explanation of WHY the policy exists
 - You are committed to protecting their privacy and
 - Building strong relationships
- How you handle friending and following
- How you can be contacted
- Use of business review sites
 - You don't expect them to review practice
 - Won't engage with them on business review sites or respond to comments

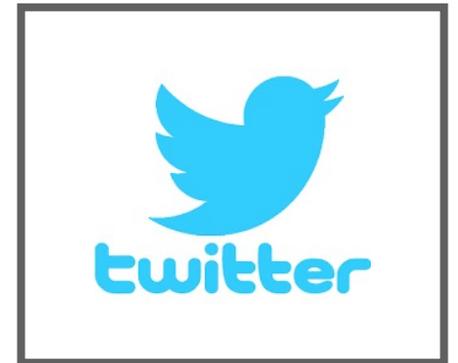
SOCIAL MEDIA POLICIES



- [Dr. Keely Kolmes social media policy info](#)
- [Simple example](#)
- [Teaching Example](#)
- [Social-Media-Policy-Sample for non-profits](#)

SOCIAL MEDIA POLICIES BEYOND CLIENTS...

- Informs clients, practitioners, volunteers about:
 - Release of info
 - Conflict of interest
 - Client privacy and confidentiality
 - Online ethics
 - Expectations of personal and professional use of social media while at work
 - Other social media and technology issues within the organization



TECHNOLOGY AND ORGANIZATIONAL ENVIRONMENT

- What is the culture of organization regarding technology?
 - How do you know?
 - How is this communicated?
 - Check personal cell phones at work? Texts? Personal calls?
 - Access Facebook/Snapchat/Instagram/Tik Tok during lunch house?
 - Respond to work emails after hours?



ONLINE PRESENCE

- What is your online footprint?
 - Google yourself
 - What are your privacy setting for social medial sites?
 - Would it help to direct traffic to professional website?
- How do you communicate online privacy issues with clients?
 - Do you discuss appropriate means of communication? Social Media boundaries?



SMALL GROUP WORK

Complete your worksheet. Be prepared to report back!

Your organization is holding an online fundraiser and your client has been asked to share their story of recovery from heroin addiction. When the event was going to be live, your client excited to tell her story to the room, but now the media director at your organization records a zoom video of your client. Your client calls you to tell you about the change in plans and now she is feeling a little nervous about her story “living” in cyberspace, but she really doesn’t want to let your organization down.

What are relevant code(s) of ethics for this situation?

- Informed Consent 1.03(e)
- Privacy and Confidentiality 1.07(r)
- Competence 1.04
- Cultural Competence and Social Diversity 1.05(d)
- Others?

WHAT ARE
CONCERNS?

WHAT DO YOU
DO?

You are working with a 20-year-old college student on issues with a recent break up. She recently went home to Arkansas when the campus shut down for COVID. You have continued to meet via Facebook Messenger. Last week, her mom walked into her room during your appointment and said to her daughter, "Who the hell are you talking to." Your client looks at you and says, "You tell her."

What are relevant code(s) of ethics for this situation?

- Competence 1.04(d)(e)
- Informed Consent 1.03(e)(f)(g)
- Cultural Competence and Social Diversity 1.05(d)
- Privacy and confidentiality 1.07
- Others?

WHAT ARE CONCERNS?
WHAT DO YOU DO?

You have been seeing your client for over a year for depression. In the past, your client was part of the Incel community and an active participant on Incel forums but has said that he no longer wants to be a part of “that hate”. However, after the shooting in Atlanta, your client told you that he can understand where the shooter was coming from. He tells you that he recently posted some of his thoughts on a reddit forum and he explicitly tells you he doesn’t want you to read the posts. Two weeks ago, he told you that he bought a gun because he feels unsafe in his home at night after recent robberies. You want to search for his Reddit posts, but you are worried about confidentiality and ethical obligations to the client.

What are relevant code(s) of ethics for this situation?

- Privacy and Confidentiality 1.07(c)
- Others?

WHAT ARE CONCERNS?
WHAT DO YOU DO?

You are conducting family therapy via Zoom with two adult partners and their twin 16-year-old daughters. The family is working on improving communication.

At your session today one of the daughters was extremely upset because her parent posted on Facebook, “Our family is doing so much better now that we’re in therapy! #winning”.

What are relevant code(s) of ethics for this situation?

- Privacy and Confidentiality 1.07(f)
- Competence 1.04(d)
- Cultural Competence and Social Diversity 1.05(d)
- Others?

WHAT ARE CONCERNS?
WHAT DO YOU DO?

WHAT ARE CONCERNS?
WHAT DO YOU DO?

In your private life, you are a part of a Catholic advocacy group. You recently became president of the group and you are proud of the work you are doing on the sanctuary church movement for undocumented immigrants. You decide to add a recent article about your new role on your LinkedIn page. The next week, a client comes in and says, "I didn't know you were Catholic. I am too! What parish do you belong to?"

What are relevant code(s) of ethics for this situation?

- Conflict of Interest 1.06(f)
- Cultural Competence and Social Diversity 1.05(d)
- Others?

What are some of your current technology concerns?

What are some of your current technology needs?

What are your technology strengths?

List your technology and practice short term goals.

TECHNOLOGY GOALS/CHANGES

CHECK OUT

- One thing you are taking away

OR

- One question you still have about technology and social work

OR

- One thing you want this group to know

RESOURCES:

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THANK YOU!
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