


Telehealth and Documentation 2.0

Hank Cecil, ACSW, LCSW
Informed Consent

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Bio

Hank Cecil is the owner of Starship Care, LLC. He was previously employed as a Quality Practice Advisor for Wellcare Health plans, a Managed Care Organization. Prior to this he worked at Four Rivers Behavioral Health in Paducah, KY where he served as a therapist for children and adults and other roles including Quality Director, HIPAA Compliance Officer, and Information Technology.

Mr. Cecil is a graduate of the University of Kentucky College of Social Work with a Masters degree (MSW) and a Master of Science in Health Informatics from Northern KY University and a Master of Science in Information Systems from Murray State University. Mr. Cecil also has a Masters in Divinity (MDiv) and Religious Education. He is currently working towards a Master of Science in Cybersecurity Management at Murray State University.

Mr. Cecil is a Licensed Clinical Social Worker in the state of KY. He is a member of the National Association of Social Workers and the Academy of Certified Social Workers and currently serves as treasurer of the KY PACE Committee. He is a member of the Kentucky Society for Clinical Social Work and a life member is the Golden Key International Honor Society and Beta Gamma Sigma. Hank is also a member of the Healthcare Information and Management Systems Society (HIMSS) and the Institute of Electrical and Electronics Engineers (IEEE). Mr. Cecil does volunteer work with Stephen Ministry at his church where he serves as the coordinator.

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Telehealth Informed Consent

- ▶ Your explanation and documentation are key
 - ▶ Do not rely only on signed forms
 - ▶ It's a process, not a document
- ▶ There are sample forms but tailor it to fit your practice
- ▶ APA/Trust sample consent form
 - ▶ <https://parma.trustinsurance.com/Resource-Center/COVID-19-Resources>
- ▶ NASW sample consent form
 - ▶ <https://naswassurance.org/pdf/telehealth-informed-consent.pdf>
- ▶ NAADAC sample consent forms
 - ▶ https://www.naadac.org/assets/2416/marlene_maheu_ac17ho.pdf
 - ▶ https://www.naadac.org/assets/2416/marlene_maheu_ac17ho2.pdf
- ▶ https://youtu.be/bvritF25k_qI

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Unique issues to consider for your telehealth informed consent

- ▶ The client understands:
 - ▶ What telehealth means
 - ▶ Continually assess appropriateness of telehealth
 - ▶ Can opt out of telehealth visit at any time, but during the pandemic it may change ability to receive care
 - ▶ Risks/benefits
 - ▶ Risks of interception/hacking, breach of confidentiality
 - ▶ Electronic communications can be forwarded, intercepted, or changed without client's knowledge, despite taking reasonable measures
 - ▶ Client's responsibility for privacy, internet connection, camera and microphone, lighting
 - ▶ Limits of confidentiality where the client is located, i.e., duty to report, duty to warn, and domestic violence

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Unique issues to consider for your telehealth informed consent (cont...)

- ▶ Electronic systems accessed by employers, friends or others are not secure and should be avoided
- ▶ Should use secure private network, avoid public WiFi
- ▶ Risk of sessions disrupted/distorted by technical failures; need plan how to deal with issue – continue by phone? Discontinue?
- ▶ General issues, e.g., billing, financial responsibility, access to records, signing documents, contacts between sessions and any fees
- ▶ Assume risk of using video platform that may not provide HIPAA-secure platform during pandemic
- ▶ Need back-up plan for interruptions, connection loss, and safety plan – landline numbers for emergencies
- ▶ Provider's motives for telehealth – client benefit or clinician

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Unique issues to consider for your telehealth informed consent (cont...)

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- ▶ Responsibility to take reasonable steps to protect client from unauthorized use of electronic communications by third parties; find private place for session where client will not be interrupted, other people not present and cannot hear
- ▶ Avoiding distractions and multitasking - texting, checking email, etc.
- ▶ Importance of verifying identity and current location
 - ▶ Responsibility of patient to verify identity, credentials of provider
- ▶ Failure to comply with boundaries and procedures may terminate visit or care
- ▶ Telehealth sessions may not be appropriate for emergencies, time sensitive matters; limited ability to respond to emergencies; need emergency contacts for behavioral and medical emergencies, family/support emergencies, fire, etc. where the client is located at the time of service.
- ▶ Limits related to non-visual communications, e.g., inability to see/interpret body language
- ▶ Appropriateness of client due to age, use of tech, condition(s)

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Unique issues to consider for your telehealth informed consent (cont...)

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- ▶ No recording of any online sessions without consent by both clinician and client and others involved; recording can be done for supervision, consultation; in other words, specify how the recording is going to be used, stored, disposed.
- ▶ If having suicidal or homicidal thoughts, actively experiencing psychotic symptoms/mental health crisis that cannot be resolved remotely, may need higher level of care; what is the plan?
- ▶ Jurisdiction requirements

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