Ethical & Legal Considerations of Online Counseling are Ongoing

By Marina London

Anytime the Employee Assistance Professionals Association (EAPA) presents either a webinar or a workshop on social media and online counseling practices, we are flooded with questions about the ethics and legal implications of email counseling, Facebook, Twitter, and the like.

The truth of the matter is that the Internet, social media, and a broad range of web-based applications are developing at warp speed, and professionals who write codes of ethics for psychologists, social workers and counselors of all stripes, as well as lawyers who author case law, are just beginning to come to grips with the implications of these technologies. Few professional associations have yet to touch on issues connected to online counseling. So where can the ethically minded online practitioner go for guidance and information?

EAPA is very fortunate that one of the leading experts on the ethics of online counseling, DeeAnna Nagel, presented a full-day pre-conference training on this topic at the 2009 World EAP Confer-ence (Oct. 21-24) in Dallas, Texas.

DeeAnna is also the brains behind The Online Therapy Institute Blog, a must read for anyone interested in cutting edge information about online practice.

A recent Institute blog post addressed whether an online therapist has to be licensed in every state to offer online therapy. The following are some highlights from the response:

❖ In theory, some officials suggest that a clinician could be liable for ethics charges or even loss of license if they see a client who resides in another state.

❖ The state of Ohio is looking at a new rule saying that therapy takes place wherever the client is.

❖ There are no legal cases yet.

❖ Insurers are generally not happy with the concept of Internet services but coverage remains in place.

❖ The first person who gets hit (with a lawsuit) will get hit big.

❖ Even so, many individuals are seeking therapy online.

❖ Various associations offer ethical guidelines but retain attitudes ranging from indifference to hostility.

❖ Informed consent may need to be modified for online work.

❖ It is suggested that if your license is listed on your website, you come under the jurisdiction of the license regardless of what service you state you are providing (consulting, coaching or advice).

Not surprisingly, like most information in this area, the post, while thought-provoking and informative, is neither ultimately conclusive nor prescriptive.

The Institute also recently posted an interesting ethical framework about the use of technology in mental health. Visit www.onlinetherapyinstitute.com/id43.html. Some sample bullet points from this comprehensive framework include:

➢ **Dual Relationships**: Practitioners discuss with clients the expected boundaries and expectations about forming relationships online. Practitioners inform clients that any requests for "friendship," business contacts, direct or @replies, blog responses or requests for a blog response within social media sites will be ignored to preserve the integrity of the therapeutic relationship and protect confidentiality.

Moreover, if the client has not been formally informed of these boundaries prior to the practitioner receiving the request, the practitioner will ignore the request via the social media site and explain why in subsequent interaction with the client.

➢ **Insurance, Subsidy or Reimbursement Information**: If the client resides in a geographic area that generally accepts insurance or other forms of reimbursement for therapy services, the practitioner informs the client of this information. Conversely, the practitioner also informs the client about services delivered via technologies that are not covered at all or at the same rate.

The framework is essential reading for anyone considering an online practice. ■

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