Privacy and Telecommunication in the Practice of Psychology

Informed consent, cyber security, and teletherapy

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Best practices and how to accomplish this

- Last meeting we discussed ethical ways to use teletherapy. This brought up many concerns about privacy and technology. Some themes include:
- Use HIPAA compliant forms of communication
- Keep patient's privacy a priority
- Inform the patient about possible risks to their privacy when using electronic forms of communication (Informed Consent)
- Have a complete electronic back-up. If cloud-based, use an encrypted form of storage
- Be sure of jurisdictional rules

Examples of some ways to help protect privacy

- Phone: use a password or fingerprint, delete text messages regularly (after charting them), do not save patient information on your phone's address book.

- Email: use a third party secure email service, delete email messages regularly, change passwords regularly, do not send identifying information over email, send Protected Health Information (PHI) via encrypted means.

- Other software: If there is any chance somebody could get to your computer, password protect all private information. Microsoft can now do this very easily, though there are other ways as well. More on these later…

Considerations the patient should be aware of

- It is important that the patient understand the risks involved with telecommunication:
  - Security measures can be followed, but security cannot be *guaranteed*
  - Devices left open, unlocked, or unattended can be viewed by others
  - Devices may be lost or stolen
  - Malware, hacks, viruses, and other malicious security breaches
  - User error (wrong number, mistyped address)
  - Deleting a message doesn't mean it's erased from existence!

Examples of informed consent documents

See handouts…

All-in-1 apps/software

- There are many providers that offer a platform for scheduling, electronic records, billing, insurance filing, credit card processing, sometimes teletherapy, etc. These will require a fee, and somewhat of a learning curve (though pretty user friendly). Here are a few
- www.therapyappointment.com ($57.50/mo)
- www.theranest.com ($1/mo per client)
- Why might you use such a program: convenience, ease of access for you and patient, lower overhead than office assistant, secure
- Office therapy/docutrac http://www.docutracinc.com/products-pricing/

Local Password Protection

- Use a strong password on your operating system

- Password protect back-ups and any sensitive folders
  - Note that windows does not have an option for password protecting entire folders, you would need 3rd party software for that

- Encrypt and password protect specific documents
  - Easy to do in Office (show how to do this in Office)
    - File→Save/Saves as →tools→General options→password to open/modify
    - Or File→Export→create pdf→options→Encrpyt the document with a password

Cloud Storage

- There is no requirement to have cloud storage, you can simply back-up all of your data on an external drive (password protected) and store in a separate location. But nowadays, cloud storage is easy to come by, and can't be burned down, lost, or stolen.

- Store documents in the Cloud and protect in HIPAA compliant ways
  - Office 365 is not HIPAA compliant with a BAA
  - Microsoft exchange for email can be HIPAA compliant

- Other cloud storage options…
  - SpiderOak
  - Wuala
  - Drop-box might have a HIPAA compliant paid option

Sending Encrypting Documents

- Encrypt the document with Office ahead of time.
  - Export-> add encryption and password (super easy, and free if you have Office)
  - https://www.howtogeek.com/124824/how-to-password-protect-pdf-files-in-word-2013/
- Kryptel Silver Key (encrypts and password protects attachments)
  - http://www.kryptel.com/download/ free
- Virtru (encrypts and requires recipients to verify their identity)
  - https://www.virtru.com/ free
- Adobe
  - Encrypt .pdf using adobe SC, very easy, but cost $12/mo

Teletherapy

- Teletherapy was covered in the last presentation, but the bottom line is that teletherapy is allowed, but requires a few specific things:
- comply with licensure rules in the state they are located (most states require at least a temporary licensure : http://www.apapracticecentral.org/advocacy/state/telehealth-slides.pdf
- Notes should include the location of the patient and that the session was conducted via teleconference
- have emergency contact information on file for the patient's current location,
- Comply with any other state specific rules for teletherapy, for example, in Louisiana, teletherapy must include video AND audio
- Bill accurately: for insurance purposes, you can use the same therapy codes, but add the correct location (usually "12" for in-home) and the specifier code GT. Reimbursement rates are typically the same as in person. From experience, I taked BCBS-PPO, and the reimbursements rates for 90837 GT and 90834 GT are exactly the same.

Teletherapy software

- Determine HIPAA compliance. If you are not using a HIPAA compliant platform, be sure to inform the patient of the potential risk, even if minimal.

- Software designed for teletherapy/telemedicine. Example:
  - Theraplatform- https://www.theraplatform.com/
  - Breakthrough.com
  - Free and HIPAA compliant: VSEE and doxy.me
  - The con is that this typically requires a little more work on the patient's end to become familiar with the specific software and setup an account

- Skype and Facetime-both offer encryption, but do not have a BAA (Business Associate Agreement) with HIPAA. Some say these services are an exception because they are only a conduit. The problem here is that there have apparently been cases when law enforcement has had access to calls. This implies that they have the encryption key and can decode it.
  https://www.linkedin.com/pulse/facetime-hipaa-compliant-jon-taylor
  http://www.zurinstitute.com/skype_telehealth.html

Are you scared of technology?

- Are you nervous about using email for communication?
- Or nervous about teletherapy?
- Or worried about using online scheduling and billing tools?

- Are you scared of how the internet is affecting the world and the way that we do business? Concerned about privacy and confidentiality. We are going to show you some ways to protect yourself, manage your liabilities, and use technology as an asset.

- For a non-clinical example…

Are you scared of how youtube is affecting you and your loved ones?

- Good things can come from youtube ☺

- This is not directly related to doing therapy, but I just wanted to share one example of a way that technology affects psychology practice. I'm not saying we need to show these clips to our clients, but just know that they might across them, that even staring at a screen can be part of identity development. Many of the famous youtubers right now are actually in their mid 20s and seem to have a decent amount of self-awareness and lots of positive things to say about things like self-esteem and identity. Here's one example.

- Thomas Sander, a famous viner turned youtuber (2 million subscribers)
  https://www.youtube.com/watch?v=pFdg8l25D2k

- Thomas Sanders exploring Identity
  https://www.youtube.com/watch?v=S9xPOCk91mc&list=PLYA7DZ_sbUzvB1l6KsO5LZV2rrk2u1xl4

- Thomas Sanders exploring his Anxiety
  https://www.youtube.com/watch?v=rjMxXTCGPu8&index=3&list=PLYA7DZ_sbUzvB1l6KsO5LZV2rrk2u1xl4