



COVID-19 Ethical Considerations for Remote Counseling

Introduction

Working online involves a distinct set of ethical challenges – some similar to working face to face and others unique to this way of communicating with students at a distance from you. In all cases the established values, principles and personal moral qualities provide useful points of reference for thinking through the issues involved.



American School Counselor Association (ASCA) Position.

During these unprecedented times, we recognize that changes in working, living, and learning environments as well as physical distancing have the potential to create added stress and anxiety for students. It may also be important for some students to access counseling services that they were receiving prior to the COVID-19 outbreak and subsequent school closures. School counselors have the responsibility to provide connections that would emulate school counseling that would take place in a face-to-face environment. In the past, remote school counseling was a way to reach a diverse student set. Today, it is to reach all students to ensure safety, emotional and mental well-being. Everything we do as counselors is meant to be helpful, not hurtful! And doing nothing is not helpful. Therefore, it becomes the task of all school counselors and psychologists to accommodate to the circumstance, support students to the best of their abilities and “consult, consult, consult” with their supervisors and community agencies, as necessary. The nature of the therapeutic counselor-student relationship has not changed. The process has temporarily changed where counselors are now privileged to enter a child’s world in ways many have not been able to in the past: they are entering their home via technology. School counselors should connect with their students and parents/caregivers (as appropriate) to discuss how counseling can look during the physical distancing period. Full disclosure of the potential benefits and drawbacks should be presented and strategies to minimize any potential harm to a student discussed. Verbal and then written consent should be received to continue with the counseling relationship under the new mode of service delivery. Counselors have an ethical obligation to continue with services in a reasonable manner consistent with the contexts they now find themselves in. Therefore, if they were in a counselor-student role prior to the pandemic it should continue to be so now. It is an unreasonable expectation that a student in need of services would be required to calibrate the nature of their relationship with their counselor because of interim organizational policies that may attempt to limit therapeutic engagement without considering the ethics of psychosocial support and intervention. The counselor and student must gauge what is best. In one case, three contacts per week for 15 minutes may now be more useful than the once a week session for 45 minutes at school in the past. And in another case, there must be flexible timing where the 45-minute remote session only occurs when the older sibling has gone to work. We have an obligation to maintain “continuity of care”. In crisis response we state that “everything we do is meant to lower the anxiety of the system we are supporting” or in this case, the individual. Maintaining safe, consistent, and predictable relationships is the foundation of supporting children and youth through a crisis.



What is Remote Counseling?

Remote or online counseling support has the same purpose or intention as counseling sessions that are conducted in person. However, due to the COVID-19 outbreak and physical distancing, students and counselors will connect using online platforms available through third party providers rather than meeting face to face.

The technical and practical knowledge may vary according to how services are delivered but all services will be delivered to at least fundamental professional standards or better.



Counselors should become familiar with alternate ways of communicating and providing service for students. Currently, technologies school districts are using for counseling include phones, audio, ZOOM, and Doxy.me. Other platforms in use by educators will include Microsoft Teams and Google Classroom. However, at this time, with all security features implemented, our recommendation for counselors is to use Doxy.me and ZOOM. We encourage parents and students to review the platform being used. Zoom's privacy policy is found at <https://zoom.us/privacy/>. The Doxy website can be found at doxy.me.

The School Counselor's role

Within this new environment, school counselors provide programming to encourage engagement in the remote school counseling platform to ensure students can gain access to the tools required to reach their potential.

Preparing for the new mode of service delivery by:

- Assessing the nature of their pre-COVID-19 counseling relationship with each student
- Assessing the possible impact the current pandemic may be having on the student due to current family dynamics and circumstances
- If necessary, seeking out additional information to plan any contextual modifications to their counseling case formulations
- Considering if the current course of treatment is reasonable under the circumstances or poses a risk to the student unless modified. For example, if a student has a highly conflictual relationship with a step-parent who usually works away from home but is now laid off, focus of the support may need to change. In this case, the presenting problem of a biological parent's "failure to protect them" from that step-parent in the past may be too unsafe to address now. Both counselor and student can agree to put that on pause while other areas may continue to be addressed with a safety plan as necessary.
- Assessing their own capacity to adapt to the new mode of communication



- Being open. Counselors should conduct a self-assessment if there is some reluctance to a new form of service delivery. Some professionals may identify it is the idea of use of technology causing personal distress and others may find their distress is related to other issues.
- Being prepared to reconsider their initial case formulation and utilize the heightened anxiety generated by the pandemic to improve their focus and approach and then implement
- Seeking to consult with other professionals as necessary
- Reviewing Psychological First Aid During A Pandemic (See Link: <https://www.nactatr.com/files/2020NACTATR-PFA.pdf>)
- Frequently assessing if the current mode of engagement is working for both the student and counselor and if not being prepared to try something different
- Reviewing their school's Virtual Threat Risk Assessment (VTRA) procedures.



Establishing the Remote Counseling Relationship with students by:

- Adhering to the same ethical guidelines in a virtual setting as in a face-to-face setting
- Recognizing and acknowledging the challenges and limitations of virtual school counseling
- Implementing procedures for students to follow in both emergency and non-emergency situations when the school counselor is not available
- Recognizing and mitigating the limitation of virtual school counselor confidentiality, which may include unintended viewers or recipients
- Informing both the student and parent/guardian of the benefits and limitations of virtual counseling
- Educating students on how to participate in the electronic remote school counseling relationship to minimize and prevent potential misunderstandings that could occur due to lack of verbal cues and inability to read body language or other visual cues that provide contextual meaning to the school counseling process and the counselor-student relationship
- Educating students about appropriate conduct in the remote setting
- Incorporating lessons that align with academic, career and social/emotional domains
- Counselors should inform their school district administrator responsible for privacy in responding to any breach of security or privacy

What about confidentiality?

The confidentiality obligations that apply to counselling sessions are not affected by the fact that services are delivered in a "remote" environment.

In accessing counseling services, students may:

- Refuse or withdraw consent to participate. (This will not affect the student's right to access counseling services in the future).
- Expect that the school will maintain the confidentiality of personal information that is discussed with your child during counseling sessions.



However, information obtained through counseling sessions may still be subject to disclosure in the following limited circumstances:

- With the student's consent;
- If the student is at risk of harming themselves or harming someone else;
- If the student is at risk of being harmed by someone else;
- If the law requires that the counselor makes a report or disclosure (e.g. to child protection authorities when a child is need of protection);
- If the law requires disclosure, such as where a subpoena or court order is issued.

All personal information collected by counselors is collected under the authority of the Freedom of Information and Protection of Privacy Act and the School Act, and is collected, used and disclosed for the purposes described above.

What about information sharing with parents?

Our practices regarding sharing information with parents have also not changed when counseling is delivered online. Sometimes parent(s) or guardian(s) are interested in a student's counseling progress and may want to speak with the counselor. Except as described above, information about what is discussed confidentially with students is only shared with parents in consultation with the student and in the student's best interests. This is to ensure that any disclosures do not harm the ongoing trust relationship between the counselor and the student.

Example template for schools

The school intends to make online counseling sessions available through < insert name of school district approved platform > (for example Zoom or doxyme.com online video conferencing platforms). We encourage parents and students to review < insert link to video conferencing school district approved platform> (example: Zoom's privacy policy <https://zoom.us/privacy/>).

As with any information transmitted over the internet, the availability of the service and the security of the data cannot be guaranteed by the school. Services may be disrupted or intercepted by unauthorized persons. If you are concerned about data security, please ensure that you read the materials referenced above. When accessing < insert name of platform> please also make sure that you follow the security instructions provided by the school district.

There are also important steps that students and parents must take to preserve the privacy and confidentiality of these sessions, including:

- permitting students to access sessions from a private space at home so that sessions cannot be overheard by others;
- using password protected online connections;
- avoid using public Wi-Fi networks which may not be secure;
- refraining from use of Facebook or other services to sign in;
- refraining from recording sessions; and ensuring all meeting invitations, passwords and links to access sessions are kept private and secure.
- counselors should inform their school district administrator responsible for privacy in responding to any potential breach of security or privacy.

Online counseling services and care may not be as complete as face-to-face services, and counselors may recommend/refer students to alternate services or supports to better support their needs. If you would prefer that your child access counseling services using a different method, please let us know.

Other limitations that may apply

As with any counseling service, students may benefit from online support, but results cannot be guaranteed or assured. In some cases, counseling may be ineffective or cause other issues to arise. If a student's circumstances or mental health appears to be worsening, this should be discussed with the counselor and alternatives considered.

When working with students who require emergent supports, they should be referred to local community support agencies and online resources.

Careful consideration should be given to how the counselor will respond to students who become so distressed or disturbed that they require additional services or support from healthcare providers or their social network.

Counselors should complete Suicide Risk Assessments to the best of their ability, understanding that additional support may be needed to assist students in finding appropriate emergency services which includes contacting law enforcement to conduct a mental health check.

Online counseling is also not intended as an emergency service. Students who are in crisis, considering self-harm or facing an emergency should call 911 or proceed to the nearest hospital emergency room for help. Students can also access the National Suicide Prevention Lifeline at 1-800-273-8255 or through Lifeline Chat at <https://suicidepreventionlifeline.org/chat/> for free 24-hour support.

It is suggested that you reach out to students who wish to access counseling services and advise them to email the school counselor.



Personal use of social media by counselors

Boundaries between your personal and professional activities are as important online as they are working face to face. It is recommended that counselors maintain a clear distinction between their personal and professional online presence. All professional inquiries and contacts are best directed to professional platforms.

Care and consistency are required in how encounters are managed with students on personal sites in order to ensure that appropriate personal and professional boundaries are maintained.



Good practice suggests that counselors exercise their rights to use social media for personal communications and relationships online in ways that will neither compromise the work with their students nor bring the profession into disrepute. Best practice in such circumstances is to establish and maintain clear boundaries between personal and professional communications so far as is practicable.

A script for Initial or Introductory Contact During the Pandemic

(J. Kevin Cameron et al, Rising to the Challenge: Staying Connected with All of Our Students ©2020 North American Center for Threat Assessment and Trauma Response™)

The age, emotional maturity, family circumstance and your relationship with the student will determine the direction of your conversation. Their responses will determine if there is a need for follow-up from another professional or support for the student or their family. Some students will want to know when they can come back to school so it's important for staff to only communicate what their district leadership has communicated publicly.

Introduction:

1) Q. I am glad we are able to connect over the phone or remotely and wondering how you and/or your family are doing?

Note: Some students will immediately talk about themselves, but others will talk about their families. This may denote what their priority is right now. If the answer is a generic "ok," let them know you have missed them and look forward to being back together at school.

2) Q. Who is living at home or visiting your home now?

Note: This is to understand who may be able to be supportive of the student's learning and who may be elevating family anxiety.



3) Q. So what have you been doing the most since I have seen (talked to) you last?

4) Q. Have you been able to find a place to do some schoolwork?

5) Q. So what do you think about this COVID-19 stuff?

Note:

- Model Openness.

- This is an opportunity to hear if they are becoming fixated on the news and fearing for their own safety or, if family members are, as some may say, "I think it is..... but my Mom says it's....."

- Use the opportunity to normalize and say: "I know, I have heard some people saying..... But as we learn in school the facts are and the best place to look is (whatever information source you are using in your region).

6) Q. What are your friends saying about this COVID-19 stuff?

Note: An opportunity to understand, particularly for adolescents, if they are isolated or how much peer support or influence there is in the current situation.

7) Q. What do you miss about school?

8) Q. What have you been doing to help you get through these difficult times?

Note:

- This question focuses on coping and resilience, and what things students are doing to naturally manage stress.

- Students sometimes have important objects that regulate them that are at school. For example, a backpack, a picture they made, or if they are missing a person - a quick phone call from that person to just hear their voice may make a big difference.

9) Q. What's the most fun you have had since school has been out?

Questions to ask students: (To be asked if prompted to explore further due to student responses during regular contacts)

- When is the most relaxing time of the day for you?
- When is the most stressful or anxious time of the day for you?

How to End a Conversation

Try to end on a positive and let them know when you will be in contact again. Consider saying, "I know some people are saying this is our new normal, but this is only temporary. We will get back to normal but until then I'm glad I had this time to connect with you."





Remote Counseling Consent

ONLINE COUNSELING MEDIA CONSENT <INSERT SCHOOL NAME> may collect, use, disclose and retain personal information in compliance with the Health Insurance Portability and Accountability Act (the HIPPA).

During the course of counseling, individual content may be captured to establish date, time, schedule, number of participants, and content of session, and/or individual(s) participation, for the purpose of oversight and guideline compliance.

No content will be used for promo/in outside various media (e.g. printed materials, website, social media).

IT IS REQUESTED THAT THE STUDENT AND/OR PARENT/GUARDIAN DO NOT CAPTURE ANY CONTENT FROM THE SESSION VIA SCREEN-CAPTURE, THIRD-PARTY RECORDING (phone/tablet), OR SECONDARY BROADCAST VIA STREAMING PLATFORM WITHOUT INFORMED CONSENT FOR CAPTURE AND DISTRIBUTION FROM ALL PARTICIPANTS.

Unique service delivery challenges will be faced by some counselors during the pandemic. However, the unprecedented nature of COVID-19 provides latitude for all helping professionals to be professionally thoughtful and creative in finding ways to be helpful. In this regard, the U.S. Department of Health and Human Services (HHS) is leading the way in:

Exercising what it terms "enforcement discretion" and is waiving potential penalties for violations of the Health Insurance Portability and Accountability Act (HIPAA) for providers who use telehealth to treat patients during this time of crisis. The intent is to make it easier for providers to give necessary care at a time when office visits are generally not going to be possible, according to the HHS. In fact, they specifically referenced Skype, FaceTime and other non-compliant telehealth platforms as reasonable options to provide care for Medicare patients during this crisis.

<https://www.apa.org/members/your-growth/practice-management/telepsychology>

The most powerful form of assessment and intervention is a multidisciplinary collaborative team. Therefore, school counselors, psychologists, and social workers along with school and district leaders and governments should be regularly reviewing practice issues and successes as we chart a new course during this temporary crisis.