



**PROFESSIONAL COUNSELING  
POLICIES AND PROCEDURES**

**SUBJECT: Client Consent for Digital Communication in Professional Counseling Programs**

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Effective Date:	3/1/2011
Reviewed by Clinical Team:	3/1/2011
Reviewed by Behavioral Health Team:	2/24/2011
Reviewed by HIPAA Team:	2/3/2011
Reviewed by Senior Management:	2/15/2011

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**Policy:**

Digital Communication -- Email, cell phone, text communication, video communication, and web based, interactive sites -- including distance treatment or “telehealth” treatment -- are all now prevalent in everyday life. These resources are often utilized by clients for timely and efficient communication; and for many individuals it is increasingly substituted for phone or personal communication. When used appropriately, digital communication has been shown to be effective in strengthening client engagement in treatment.

For reasons of privacy, it is the practice of Heartland Family Service Professional Counseling Programs (Substance Abuse, Mental Health, Domestic Violence, Gambling Treatment), which involve the handling of protected health information (PHI); to communicate with clients by e-mail, video or text message, or via distance treatment sites, **ONLY** with the client’s prior consent, **AND** when the program has an identified need for one or more of these forms of electronic communication.

During the client’s initial interview, or at other times during treatment when the use of email, text messaging, video communication, distance treatment, or other electronic communication is proposed, the **client’s informed consent for specific form(s) of digital communication must be obtained in writing** and placed in the client file.

**Appropriate use of digital communication:**

Digital communication can augment active personal attendance and participation in treatment. In some programs, Distance Treatment may actually occur primarily through digital or video means. The limitation to digital communications, is that the therapist cannot assess the client’s mood or status with as much reliability as they could either in person or even in a phone call where there are additional dimensions of communication (appearance, manner, vocal tone) and where immediate interaction is possible. It is not as immediate as phone communication and cannot be relied on in an emergency. There are risks related to confidentiality and privacy of communications

**Digital Communications such as Email or text messages are appropriate for reasons such as these:**

- Scheduling or rescheduling appointments
- Identifying issues for discussion in session
- Checking in, monitoring progress
- Requesting assistance, feedback or encouragement
- Completion of assignments between sessions
- Support in implementing changes which have been discussed in sessions eg Safety Plan, Relapse Prevention Plan, etc.

**Digital communication is not appropriate for the following:**

- Replacing attendance or participation in treatment sessions – unless enrolled in a distance treatment program
- When an immediate response is needed as in any emergency situation involving risk of harm to self or others

**Benefits of Digital Communication:**

- There is opportunity and access to send messages at any time
- Opportunity to compose messages and responses thoughtfully
- Creates a record of communications for ongoing reference in treatment
- Allows communication about client progress and practice or application of skills between treatment sessions
- Some clients find that it may be easier to initially communicate some issues through digital means rather than face to face discussion

**Risks of Digital Communication:**

- Although the agency has protections in place for the privacy of phone, text, video and email communication, it is still possible that an accidental disclosure could occur:
  - Email messages may be sent but not received, or may be delivered to the wrong party
  - Email messages may be filtered out as “spam” or “junk”
  - Confidentiality may be breached by phone or email being intercepted by those not intended to receive it; or by errors in the address
  - Emails sent from employer’s worksite are typically subject to review by the employer and cannot be considered confidential
  - Video communications, even when sent through a secure site, may be intercepted or otherwise disclosed
- Digital communications, such as Email content, become part of the client’s record
- Email or other digital communication that discloses the potential for harm to the client or to another person, including child or dependent adult maltreatment concerns, cannot be kept confidential
- Email may not be monitored regularly during the day and we cannot guarantee an immediate response. The telephone system must be used in an emergency.

**Alternatives to Digital Communication:**

The alternative to **Digital Communication** is to communicate face to face during sessions, and by phone.

**Safeguards:****Client responsibilities**

- Clients are responsible for safeguarding the privacy of digital communications from access by others in their home environment; or from shared or public computers if applicable. A separate password protected email account is recommended.
- Clients may request “return receipt” to acknowledge that their message has been received.
- Client must acknowledge that email from work accounts, if applicable, is generally NOT CONFIDENTIAL from their employer and should not be used for any sensitive treatment information.
- Client must acknowledge that electronic communication is not to be used for any emergency or urgent communications; and agree to follow established emergency phone contact procedures if needed.
- Client must acknowledge that that email messages will be kept as part of my client’s treatment record
- Client and therapist will determine the appropriate use of electronic communication, and agree on the nature, volume and frequency of email communication which supports effective treatment.
- Client may revoke consent at any time and we will no longer use that form of digital communication
- The agency reserves the right to cease the use of digital communication if it is inappropriate or unsafe to continue.

**Agency responsibilities**

- Heartland Family Services has policies and practices in place to safeguard the privacy of all client information whether written or in digital form.
- Heartland Family Service has established, and adheres to, confidentiality practices for all emails received by employees. These include staff training, privacy procedures, and password protected accounts, and secure encrypted email capacity.
- Heartland Family Service has the responsibility to thoroughly assess the security features and the risks of any third party site utilized in distance treatment before agreeing to use this site.

**Training**

Staff in Professional Counseling programs will be trained regarding digital communications practices during their orientation as new employees. Refresher training is required on an annual basis.

**HEARTLAND FAMILY SERVICE**

**Sample: INFORMED CONSENT FOR DIGITAL COMMUNICATION WITH CLIENTS**

**Note that this general form may be edited to fit particular use in the program. Please submit revisions to HIPAA Team for review before implementing**

Client Name: \_\_\_\_\_ Date of Birth \_\_\_\_\_

Program: \_\_\_\_\_ Therapist: \_\_\_\_\_

I consent to the  sending  receiving of  email communication  text message  telephone communication regarding my treatment:

- For routine scheduling or changing of appointments only
- For communicating between sessions as part of the treatment plan

I consent to participate in WEB BASED DISTANCE TREATMENT (IOWA GAMBLING PROGRAM/KID SQUAD )

**Comments:**

I understand that email, text, or distance treatment site must not be used for urgent or emergency situations and that I must use the telephone including emergency/on call access in an emergency where immediate response is needed.

**Risks, Benefits of, and Alternatives to Email or Text Use:**

**Risks:**

- Messages may be sent but not received or delivered to wrong party
- Confidentiality may be breached by phone or email being intercepted on either the sending or receiving side, or in transit.

**Benefits:**

- Access to send messages at any time
- Opportunity to compose messages and responses thoughtfully
- Record of communications for ongoing reference

**Alternatives:**

The alternative to digital communication includes personal discussion in sessions, and telephone calls.

- I understand that I am responsible for safeguarding my sent and received email, text, phone or video communications from access by others in my home or work environment; or from shared or public computers if applicable. I understand that a separate password protected account is preferable.
- Through my email carrier, I may request "return receipt" to acknowledge that the message has been received.
- I understand that Email from my work accounts is NOT CONFIDENTIAL and should not be used for any sensitive personal or treatment information.
- I understand that Email is not to be used for any emergency or urgent communications. I agree to follow established emergency contact procedures.
- I understand that my digital communications with my therapist will be kept as part of my treatment record
- My therapist and I may establish guidelines as necessary regarding the volume and frequency of digital communication which support effective treatment.
- I may revoke my consent for email or other digital communication at any time by informing my therapist
- My therapist may opt to discontinue email or other digital communication if it is inappropriate or unsafe to continue it
- I understand that Heartland Family Service has established, and adheres to, confidentiality practices for all client

