

Psychologists working from home for the first time may have to navigate new ethical concerns around maintaining patient confidentiality when everyone is living and working in tight quarters.



CE

CONTINUING EDUCATION ETHICAL GUIDANCE FOR THE COVID-19 ERA

BY ZARA GREENBAUM

The rapid spread of COVID-19 and physical distancing measures are changing the way psychologists work across the breadth of the field. And in the transition from face-to-face to remote communication, new ethical challenges are cropping up.

Practitioners migrating to telepsychology are striving to maintain confidentiality and boundaries with clients, while researchers are weighing whether they can continue to pay staff who can no longer collect data. Professors and supervisors are working to deliver quality

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Learning objectives: After reading this article, CE candidates will be able to:

1. Describe the ethical considerations psychologists should consider in light of the COVID-19 pandemic.
2. List several ways COVID-19 could affect practitioners, including competence, informed consent, confidentiality and boundary issues.
3. Describe several ways COVID-19 could affect researchers, including data collection, institutional review boards and public health messaging issues.
4. List several ways COVID-19 could affect educators, including instruction, evaluation and equity issues.
5. Describe several ways COVID-19 could affect applied psychologists, including forensic psychology and industrial and organizational psychology issues.

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education to students and trainees even though most courses cannot proceed according to plan.

“The landscape of research and teaching and practice and training has changed—and it will be changed for quite a while now,” says Rebecca Schwartz-Mette, PhD, an assistant professor of clinical psychology at the University of Maine and chair of APA’s Ethics Committee. “It’s a crucial time for ethics to be salient and central because they really are the cornerstone of critical thinking and flexible decision-making.”

Here are some considerations and preliminary guidance from psychologists on how to ethically practice, research, teach and do applied work in the era of COVID-19.

PRACTICE

■ **Competence.** Before starting telepsychology sessions with clients, practitioners should develop a baseline competency in the use of telepsychology software itself and of other logistics involved in delivering remote services, says clinical psychologist Janet T. Thomas, PsyD, a counseling psychologist in private practice in St. Paul, Minnesota, and a former Ethics Committee member. That includes knowing how to troubleshoot software, hardware and network-related problems that clients may face.

■ **Informed consent.** Discuss the risks and benefits of

providing services through videoconferencing with your clients. Risks include the possibility of a session being hacked or overheard on either end; benefits include limiting potential exposure to the coronavirus for both therapist and client, as well as the convenience of staying home.

■ **Confidentiality.** With children, partners and roommates spending more time at home, it can be difficult to maintain the confidential space key to the therapeutic relationship.

“The ideal we’re shooting for is that everything is hermetically sealed on both ends, but that may not be realistic,” Thomas says.

Encourage clients to prioritize privacy by finding a soundproof place to talk and keeping children sequestered and occupied—but have some flexibility in enforcing those standards given the extenuating circumstances many clients currently face. On your end, ensure that you are in a private room. If there are other people in the area, consider using a white noise machine outside the door and a headset.

■ **Boundaries.** Thomas notes that in this unprecedented situation, it can feel tempting to give up on trying to maintain your usual boundaries as soon as they are breached. But it’s still important to maintain professionalism, including dressing for work, sticking with regular start and stop times and staying in role.

When conducting video

sessions from home, practitioners risk making unintentional disclosures to clients. Aim to use a backdrop devoid of personal items. Some videoconferencing platforms even allow users to upload their own background image.

Of course, some interruptions may be inevitable; if a client hears a dog barking in your home during the session, that could trigger questions. They're also likely to express concern about you and your family, so Thomas recommends preparing some reassuring statements in advance to validate a client's concerns while shifting the conversation back to their experience.

"It might be tempting to commiserate with clients in a way we don't normally do, but your focus should remain on what's most beneficial for them," she says.

Part of maintaining appropriate boundaries involves adequate self-care—for instance seeking the emotional support you need and getting regular physical activity.

"When we're all this vulnerable, the risk of us turning to our clients for care or sympathy is high," Thomas says. "It's extra important for us to get our own needs met to reduce the chance of inadvertently leaning on them."

■ Resources

- Telepsychology Resources, APA
- Telehealth Continuing Education Resources, APA
- Temporary Interjurisdictional Telepsychological Practice & COVID-19, Association of State and Provincial Psychology Boards
- Self-Care for Psychologists During the COVID-19 Outbreak, APA

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RESEARCH

■ **Data collection.** Some studies that rely on face-to-face contact with vulnerable populations—for instance, a psychological intervention delivered in a hospital setting—must be paused or shut down completely during the COVID-19 pandemic. In such cases, researchers may have an ethical duty to provide pre-termination counseling to participants, perhaps via phone or video, says Celia B. Fisher, PhD, a psychology professor and director of the Fordham University Center for Ethics Education.

Other research projects, such as surveys that were previously administered in person, can be modified for delivery via phone, video or web browser. In choosing whether or how to modify an experimental protocol, investigators should consider their own resources, the resources of study participants and the rules of their institutional review board (IRB).

■ **Funders and IRBs.** "When we move from in-person to online studies, different confidentiality protections, such as data encryption, are required," Fisher says. But studies approved by an IRB without those protections will need to be modified and reviewed before data collection can continue ethically.

The National Institutes of Health, the National Science Foundation and other granting agencies are working to ensure the continuation of funding—for example by extending grant periods and reporting deadlines. As a result, investigators may need to modify contracts with

their research staff. For instance, researchers who can no longer collect data may be moved into part-time data-analysis roles.

"We have ethical and legal responsibilities to our funders—we cannot pay hourly research assistants if they are not working," Fisher says. "Our job is to get creative and determine what assignments within those limits meet our financial obligations to both the funders and employees."

■ Public health messaging.

Psychologists conducting clinical trials may be working with some of the populations at greatest risk for severe illness or death if they contract the coronavirus, including people with substance use disorders or other mental health issues that make it difficult to protect themselves during the crisis.

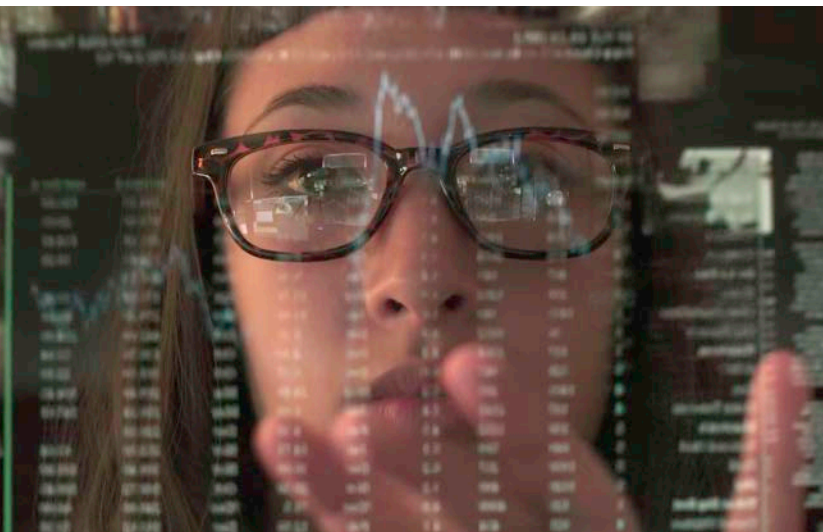
"As psychology researchers, we are in a unique position to provide these vulnerable populations with the information they need regarding the coronavirus," Fisher says. "Given our knowledge and our relationship with participants, I would argue that we have a responsibility to convey these public health messages."

■ Resources

- Conducting Research During the COVID-19 Pandemic, APA
- Message to Applicants and Recipients of NIH Funds on Flexibilities Needed for COVID-19 Public Health Emergency, NIH

TEACHING AND TRAINING

■ **Instruction and evaluation.** As colleges and universities rapidly transition to online instruction,



Some research may be modified from in-person to online data collection.

educators remain ethically bound to provide students with a valuable learning experience and to require that students meet minimal levels of achievement in order to receive a passing grade, says Erica H. Wise, PhD, a clinical professor in the department of psychology and neuroscience at the University of North Carolina at Chapel Hill and director of the department's adult community clinic.

"At the same time, students may have many competing responsibilities at the moment, so be mindful of what you're expecting them to do," says Wise, who is a former chair of the Ethics Committee.

Many universities are offering the option to grade courses on a pass-fail basis for the spring 2020 semester—because the precision required for accurate grading may have been compromised in the sudden and unexpected move to remote teaching.

That said, Wise emphasizes that teachers are still responsible for covering the material laid

out in their syllabus and for assigning grades that reflect a student's level of mastery of that information.

■ **Equity and access.** "Educators should also be aware of social justice issues around the shift to online instruction," Schwartz-Mette says. "Every student should be included regardless of their level of basic access to hardware, software and a reliable internet connection."

One way instructors can accommodate students with limited resources is by recording and uploading video lectures for asynchronous viewing, to provide flexibility for those who may be working to offset lost family income. Some institutions are also purchasing laptops for those in need or setting up secure Wi-Fi networks in campus parking lots for students to access from their cars.

Students with disabilities are often left out of the conversation, but there are simple ways

KEY POINTS

1
Practitioners transitioning to telehealth face new challenges in learning technology platforms and navigating patient confidentiality and boundary issues.

2
Researchers must figure out how to keep their projects running and balance their responsibilities to funders and staff during research disruptions.

3
Amid the transition to remote learning, educators should consider equity and access issues and how they can serve all students.

4
Applied psychologists such as forensic psychologists must weigh the risks and benefits of online versus in-person work.

for educators to accommodate them, too, says Richard Harnish, PhD, a professor of psychology at Penn State New Kensington and co-editor of "The Use of Technology in Teaching and Learning," an e-book released by APA's Div. 2 (Society for the Teaching of Psychology). For example, instructors can provide captions or transcripts of video lectures—or share detailed lecture notes and slides—for hearing-impaired students and can use a software platform with chat or speech-to-text options so all students can participate in group discussions.

■ **Interns.** Several considerations should guide supervisors' decisions about the activity of psychology interns and trainees, says Schwartz-Mette. One priority is to care for their welfare, as well as the health and safety of their clients.

"We should be balancing these mandates with our duty to continue training interns and the fact that there's an extremely high demand for psychological services in the current moment," she says.

In many cases, the best option is moving to telehealth, which also allows interns to develop competence with that technology and mode of practice. If interns are placed in external practicum settings that are not using telehealth, program directors may choose to withdraw trainees from the internship to protect their well-being.

That could require programs to negotiate with internship sponsors and make arrangements for other work. To support such shifts, the Association of Psychology Postdoctoral and Internship Centers (APPIC) released a

statement in March on increased flexibility for meeting internship requirements.

■ Resources

- Advice for Psychology Supervisors and Trainees on Caring for Patients During the COVID-19 Crisis, APA
- Electronic Resources Available for Distance Learning, APA
- Psychology Training and Education Joint Statement—COVID-19, APPIC
- “The Use of Technology in Teaching and Learning,” APA Div. 2 (Society for the Teaching of Psychology)

APPLIED WORK

■ **Forensic psychology.** Psychologists engaged in forensic work, such as matters of family law and custody, are facing their own set of ethical challenges as a result of COVID-19. Robin Deutsch, PhD, a professor of clinical psychology at William James College in Boston and a practitioner at Comprehensive Forensic Associates in Wellesley, Massachusetts, warns that psychologists who have decision-making authority on child custody matters may face difficult questions from clients.

“If one parent is a medical professional on the front lines treating COVID-19, the other might request temporary physical custody over concerns of exposing their children to the virus,” says Deutsch, also a former Ethics Committee chair.

In such cases, she emphasizes the importance of staying in role; therapists should focus on mediating disagreements within the family rather than making



recommendations. You can also help families make informed decisions around the coronavirus by sharing information from authorities such as the U.S. Centers for Disease Control and Prevention or the World Health Organization.

Forensic psychologists conducting child custody evaluations must weigh the competing demands of court deadlines and rules, the standards laid out in APA's Ethics Code, and the risks and benefits of interviewing parents and children in person versus remotely. For instance, interviewing parents remotely can reduce exposure to the coronavirus but may increase the likelihood that a child overhears a session.

Forensic psychologists involved with civil and criminal work may also face ethical dilemmas around physical distancing orders. For instance, interviewing an inmate at a local prison without personal protective equipment could put a practitioner or the inmate at risk of contracting the coronavirus.

“Each psychologist has to weigh the orders of their jurisdiction, the exceptions in case of emergency and how to protect

Amid physical distancing orders, forensic psychologists working on issues like custody arrangements and criminal cases must weigh the risks and benefits of in-person versus online evaluations.

themselves in those circumstances,” Deutsch says.

■ **Industrial and organizational psychology.** In industrial and organizational and other applied consulting settings, standard ethical considerations—such as informed consent, confidentiality and evidence-based practice—still apply. But an extra layer of complexity exists because applied psychologists often work at the individual, group and organizational levels, says Stewart Cooper, PhD, ABPP, the director of counseling services at Valparaiso University in Indiana.

The shift to telepractice presents an added challenge around how to ethically and effectively administer assessments and deliver interventions when many team members are now working from home. For example, it may be difficult to preserve confidentiality and maintain the security of proprietary company information when employees' personal lives unexpectedly intrude into the work environment.

■ Resources

- Ethics Resources on the Coronavirus, Hastings Center
- COVID-19: Resources for Addressing Key Ethical Areas, Johns Hopkins Berman Institute of Bioethics
- Seven Guidelines for Parents Who Are Divorced/Separated and Sharing Custody of Children During the COVID-19 Pandemic, Association of Family and Conciliation Courts
- Ethics Guidance for ABA Providers During COVID-19 Pandemic, Behavior Analyst Certification Board ■

