

FORM 5

Personal Health Information and Technology, Social Media & Distance Counseling Disclosure and Policy

Many people want the convenience of communicating electronically about their appointments, initial paperwork and updates about their personal situations. HIPAA and professional ethical guidelines suggest that providers have policies in regard to the use of email, texting and other electronic forms of communication. The following are the policies that are used by Sharon L. Ward, MS, LPC, NCC effective March 15, 2020.

I am only available from 10 am to 6 pm Monday – Thursday for emergency calls and those calls are billed at the same rate as if you were in the office. If you have a life threatening emergency at any time of the day or night, regardless of my availability, call 9-1-1 or go to the nearest emergency room.

There are significant risks to using electronic communication for Personal Health Information [PHI]. PHI includes anything related to services provided to you or your family member including diagnosis, appointment times/locations and other information. This is a partial list of some of the risks of electronic communication:

- 1) Information may be “hacked” which means an unknown person or entity may try to get information for their own purposes anywhere along the path of electronic communication. Messages you send and receive are held on your internet service provider’s host computer for an unknown period of time and there is no way to know who may access that information or when.
- 2) Viruses can compromise the ability of electronic systems to communicate properly and accurately.
- 3) Human error on the part of anyone involved in the process of electronic communication can cause information to accidentally be sent to someone that is not the intended recipient.
- 4) Employers, family members and others may be able to access information on your device to track activity, keystrokes and other information without you knowing it.
- 5) Electronic communication doesn’t always do what we tell it to do. Texts don’t arrive and emails get caught in spam filters and firewalls. It is never 100% effective or secure.

Virtual Assistants and Privacy

The American Counseling Association has issued a statement warning that patients may unknowingly be sharing their Personal Health Information over electronic devices if apps such as Siri, Cortana, Google Now, Alexa, Android Virtual Assistant [etc.] are active during medical and psychological treatment. You may turn these apps off by going to settings on your phone. As your provider, to protect your privacy, I have turned these apps off on my phone for this reason.

Email

The standard email communication that most people use is **not** secure or encrypted. HIPAA 2013 omnibus rule states “...if individuals are notified of the risks and still prefer to use unencrypted email, they have the right to receive protected health information [PHI] in that way.”

If you choose to send me PHI via standard email, you may. However you may also send PHI via USPS mail, fax or I can send you a link to access an encrypted email service. Encrypted email may also be used to communicate with other members of your treatment team. There is no charge for this service.

Your PHI includes appointment scheduling. If I offer you an appointment via email, I will hold that slot for a limited period of time [usually 2 hours]. If I do not receive a response from you, that slot may be given to another patient.

When I am in session, I am not responding to email, text or phone communications. I am also in the office at varying times and days of the week. Due to these constraints, I may or may not respond to email communication. Email is not checked on Friday, Saturday or Sunday. Do not email me with urgent or emergency issues.

Distance Counseling

Current law states that a therapist can only practice within the state that he/she is licensed. I do not typically offer online electronically aided therapy. However, During times of national or state emergency, such as COVID-19, I will offer teletherapy to existing clients. I use a HIPAA compliant platform. Your accepting of an email invitation and your signature on this form indicate that you are willing to accept any risks to your privacy during a telehealth session. It is your responsibility to make sure that your environment [spouse, kids, coworkers, physical space, electronic monitoring etc] are appropriate for HIPAA privacy and I will do the same on my end.

Texting

Many people want to be able to text their therapist. This is also not a secure form of communication. Please do not text any personal information other than appointment scheduling. Even your appointment is considered protective health information and by signing this form, you are acknowledging that you understand this is not be secure and that my response back to you is not secure.

Social Media

I do not connect, respond to or interact with patients or their families on social media [Facebook, Instagram, Twitter, Snapchat, LinkedIn etc.].

Payments

I use Square to process credit card information. The first name of the patient [and sometimes last initial] and the date of service are recorded in Square in the course of charging the credit card. If you do not feel comfortable with this information being included, you will need to pay with cash or check. If you provide an email for receipts, you may get other emails from Square.

Phone/Voicemail

My primary number is a cell phone and as such, communication is through a series of computers and transmission towers, all of which are susceptible to interference and monitoring. You may also be given a phone number to a front office to use for scheduling appointments based on the location where you are seen. In either case, messages [including email] do not always get through to me. If you do not hear back from me, please call again. I make every effort to respond to voicemails by the close of the next business day or on Monday if you contact the office on a Friday.

I, _____ [print name] have read, understand and agree to the Technology, Social Media and Distance Counseling Disclosure and Policy.

[signature]

[date]