

Section 15: Ethics and Best Practices

15.3. Sending and Storing client confidential Material and Videos

The APA code of ethics, section 4.01 reads:

4.01 Maintaining Confidentiality

Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium, recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship.

The rest of the code describes this in more detail.

In addition many of our operations fall under HIPAA which relates to the handling of medical records. Even where HIPAA does not cover IRI, we seek to meet the standards defined in HIPAA.

HIPAA is the Health Insurance Portability and Accountability Act. Title II of HIPAA, known as the Administrative Simplification (AS) provisions, requires the establishment of national standards for electronic health care transactions and national identifiers for providers, health insurance plans, and employers.

When IRI handles confidential client information

There are two main circumstances identified when IRI handles client confidential information.

1. During the review of complaints received

This usually involves written information, which needs to be conveyed from the client who is complaining, and to be reviewed by the Executive Committee. There is also information exchanged between the Executive Committee and the client.

The procedure for handling complaints includes clear directions for how this information is to be handled.

2. During the review of clinical videos for Certification or Consultation

Videos of clinical sessions are made for the purposes of showing to other colleagues for consultation and/or certification purposes.

It is critical that no video ever falls into the wrong hands. Therefore the following is recommended.

1. Maintain a log of all the clinical videos which come into your possession. Record when you have destroyed them, or passed them to someone else with the date. We recommend keeping a log similar to table 15.3.1.
2. Always obtain and keep the written consent given by the couple. Make sure that it specifies that the video will be shown to other clinicians for the purposes of their training and evaluation. Consent forms for videoing are provided with the materials for Basic Clinical Training.
3. Always keep the recording materials in a locked drawer while in your house or office. Avoid any possibility of situations where they might be found by others in your family who might watch them, and even share them with friends, perhaps online, without understanding the significance.
4. Mark the materials as CONFIDENTIAL
5. When taking them with you to show another professional, take them in a separate envelope or container clearly marked confidential and with a return address incase they are lost. Ensure that no copy is made, and that you return with the materials.
6. If you need to send the video to another person for review we recommend the procedures for mailing in section 2A or electronic transfer 2B.

2A. Sending videos by mail

1. Do not use the standard postal service
2. Hand deliver is best. If you can do this, please hand deliver.
2. Use Fedex, UPS or other services which track the parcel. Ensure that it is delivered, and ensure the media is returned to you, or a signed document testifying that it was destroyed.

Prior to sending the DVD, please ask the person you are sending the DVD to print out and fax or mail back this signed note.

Dear XXXX

I wish to share a confidential video of a clinical session with you for the purposes of clinical consultation and/or evaluation only.

I will be sending this by Fedex or UPS and will require a signature on delivery.

Before I send this to you, please confirm with me the following, by faxing or mailing this form to me:

NAME: _____

I agree to view a confidential video of a clinical session for the purposes of consultation or review only. I agree to view this video privately, and show it to no-one else. I agree to make no copies, or attempt to download.

Then include either of the following:

After I have viewed the DVD I will return it to you, by a service requiring a signature on delivery

OR

After I have viewed the DVD I will destroy it by cutting it up into several pieces, and will return these to you by normal mail.

2B. Sending videos by a secure electronic service

Although putting the document on the web might seem a step away from security, if it is done properly there are security advantages:

- A. You don't need to entrust a physical object to be lost by mail
- B. You don't need to ensure that the recipient either destroys or returns it
- C. With a good video sharing system you can ensure that the media is not downloaded, and that you are able to delete it after it has been viewed. Good services also keep their media password protected, and SSL encrypted so that it is secure. **Do not use a service**

that allows the recipient to download the video, or which is not encrypted and password protected.

The procedure outlined here may seem long, but may be quicker than using Fedex etc;

Use an SSL encrypted password protected professional grade video sharing service. For example www.ContentCube.com offers a free account which should be enough to meet your needs. Another alternative is PandoPro.com (Not the basic service).

If you choose this option make sure that:

- A. You provide this to one viewer only
- B. You send them separately a password
- C. Ensure that the video cannot be downloaded
- D. Delete the video from the system as soon as it has been viewed.
- E. Keep a track of this on your video security log.

Here is the full procedure for ContentCube.

1. Visit www.ContentCube.com and set up a free account
2. Visit your account page and upload your video
3. Click the tab “Collections and Sharing”. Create a new collection – entitled “Confidential: Clinical Video #xxxxx”
4. Add your video to the new collection. If this requires you to make a copy onto your PC from a DVD, after upload, immediately remove it from your PC.
5. You will see a new tab in the central box saying “Sharing” – click this
6. Select “Share this collection with a guest user”. Make sure that only the file you intend to share is in this collection.
7. Make the following selections:
 - A. Enter the name of the person you intend to share with

B. Create a password for them. We recommend at least 6 long – with at least 2 numbers

C. DO NOT check the “allow download” box. This will ensure that the video remains secure, and cannot be downloaded. However it can be recorded off the screen, therefore you must only share it with other professionals who you can trust.

D. You may select the other two boxes for email notifications if you want to see when your video is viewed.

E. Click the orange SUBMIT button at the end

8. Let the intended viewer know that a confidential video is available for them. This can be by email.

Please use this message:

Dear XXXX

I wish to share a confidential video of a clinical session with you for the purposes of clinical consultation and/or evaluation only.

You may go to www.ContentCube.com to download this video, but you will need a username and password from me to access it.

Before I send you the username and password, please confirm with me the following, by faxing or mailing this form to me:

NAME: _____

I agree to view a confidential video of a clinical session for the purposes of consultation or review only. I understand I will receive a username and password to view this view online. I agree to view this video privately, and show it to no-one else. I agree to make no copies, or attempt to download.

After I have viewed the video I will destroy the record of my password, and will immediately notify you so that you can remove it from the online sharing service.

Signed _____

9. Once you receive this declaration, keep it with your log. Then call them on the phone, or send by fax (DO NOT EMAIL) their username and password as you entered them.
10. The person you are sharing with will then be able to access the video by entering their username and password into the www.ContentCube.com login. Both username and password are case-sensitive.
11. Once you have heard that the video has been viewed, remove it from www.ContentCube.com.
12. If you have no longer need of the video, then remove all copies from your computer, and destroy the DVD and/or video, and record this in your log.

Table 15.3.1 Sample video log

This shows the type of log that is recommended that each therapist keeps of the videos that they make:

Section 1 - List of videos

Therapist name: Joe Bloggs

ID #	format	Description	Release form	Date made	Date destroyed
JB - 12-12-2010	File recorded on my MAC	John and Catherine, BCR, for consultation prior to certification.	Yes, with permission to show for evaluation	12-dec-2010	

Section 2 – Log recording when video is sent and received

Date tape sent	ID #	Recipient	How sent	Recieved by recipient date	Returned by recipient or destroyed date.
10-jan-2011	JB-12-12-2010	Mary Smith	Made DVD and sent by Fedex	12-jan-2011	Cut up DVD returned - 20-jan-2011

