



THERAPY APPS:

A Decision-Making Resource for Professional Counselors

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Introduction, Purpose, and Limitations

For a professional counselor, the choice to offer treatment services through a “therapy app,” also referred to as a “third-party platform,” should include ethical decision-making, understanding the legal requirements and adhering to clinical best practices.

This guide offers brief explanations on topics and relevant ACA ethical codes. In addition, it provides counselors with examples of questions they can ask to gain the necessary information they need to make informed decisions.

This guide is offered as a helpful starting point for counselors to thoughtfully deliberate their choice to provide telehealth counseling services through a third-party technological platform. Ongoing learning is imperative, and it is recommended that counselors who provide services via telehealth continue to engage in training and education in the provision of telehealth. Additional ACA and industry leaders’ resources are also provided. These resources are offered in good faith to our community. They are meant to be a guide, not prescriptive recommendations or advice, nor should this document and the information provided within be considered “foundational or required knowledge” for all counselors to understand and utilize.

This resource aims to point the way toward where one can locate the necessary information and encourage counselors to filter that information through an ethical lens. Counselors are encouraged to seek consultation and supervision and to consult a health care attorney who can best advise on the risks and benefits of providing services via a third-party platform. An exhaustive summary of all the factors, considerations, laws and best practices is outside the scope of this guide; therefore, additional resources are recommended below.

The terms “provider,” “therapist” and “counselor” are used interchangeably to reflect the variety of terminology used in practice to refer to licensed professional counselors.

Section One: Ethics

Ethics Are Imperative

Being a professional counselor comes with many responsibilities and duties, including the overarching and foundational requirement to act in accordance with the profession's codes of ethics. We recommend reviewing the following resources first in order to weigh one's options through a lens of professional counselor ethics:

- [2014 ACA Code of Ethics](#)
- The ACA offers a clearly defined process through an ethical decision-making model, which is outlined in [Practitioner's Guide to Ethical Decision Making \(2016\)](#) as well as an [infographic](#).

Considering the nuances of the intersection of ethics and the law is essential. The fact that something is legal does not mean the practice is ethical. Counselors should strive to ensure they are acting in alignment with the values of the counseling profession, which often requires one to go beyond the minimum requirements as dictated by health care legislation.

- C.1. Knowledge of and Compliance With Standards: Counselors have a responsibility to read, understand, and follow the [ACA Code of Ethics](#) and adhere to applicable laws and regulations.

Questions:

- *How are the codes of ethics for the various professions of all behavioral health providers, specifically those for professional counselors (The ACA Code of Ethics), who use the platform to provide services reviewed, analyzed, considered and utilized to inform technology, marketing materials, business practices, clinical practices and procedures, and any other aspect of the platform during creation, development, implementation, assessment, and monitoring?*

Primary Responsibility

First and foremost, all professional counselors have the ethical imperative to do no harm. The safety, well-being and privacy of clients and the public are paramount. Every decision a counselor makes should be built upon this foundation. Ensuring those served are respected and protected should be the starting point.

- A.1.a. Primary Responsibility: The primary responsibility of counselors is to respect the dignity and promote the welfare of clients.
- A.4.a. Avoiding Harm: Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.

Questions:

- *Are criminal background checks conducted at the time the provider begins services, as well as periodically?*
- *Should a counselor receive a legal charge prohibiting them from providing mental health treatment or restricting or suspending their license to practice, what actions does the organization take in response?*
- *What other policies and procedures are in place that create checks and balances to ensure that individuals who receive behavioral health treatment services through the platform do not have their safety, well-being and privacy compromised or put at risk by a provider, the technology or anyone or any entity that has access to their information?*

Section Two: **Liability and Legal Considerations**

Compliance With State and Federal Regulations/HIPAA

Counselors have the duty to adhere to their state and national laws and regulations and to seek out the necessary information needed to be in compliance with laws and regulations. Counselors are encouraged to seek out consultation with a healthcare attorney and may find consulting with members of one's state counseling association helpful in locating information specific to one's state and area of practice.

- See section C.1. Knowledge of and Compliance With Standards.

Questions:

- *What ensures the services provided via this platform are aligned with the requirements of state and federal legislation?*
- *How is the platform or service regulated?*
- *Is the platform or service accredited?*
- *What is the process for vetting the clinical credentials of the providers who offer services through the platform?*
- *How does the platform ensure that counselors work only with clients who legally reside and are currently located in the state in which they are licensed?*
- *How are providers supervised to ensure that they are providing appropriate and ethical services?*
- *How are situations managed if it is discovered that the counselor is potentially violating ethical practices or best practices?*
- *Is the platform HIPAA compliant? What measures, practices processes, and/or procedures are in place to ensure compliance with HIPAA?*
- *What measures are taken to ensure the confidentiality of client information and sessions, including communication in all forms (video, text/chat, phone calls, etc.)?*
- *Is any client information ever shared with a third party? If so, with what companies or groups?*
- *Does the company offer legal support to providers?*
- *Does the platform organization share in any liability for consumer lawsuits, licensure complaints or accusations of ethical violations?*

Compliance with Client Records

Professional counselors prioritize documentation and ensure the safety of that information. Clients are provided reasonable access to their records.

- A.1.b. Records and Documentation: Counselors create, safeguard, and maintain documentation necessary for rendering professional services.
- B.6.e. Client Access: Counselors provide reasonable access to records and copies of records when requested by competent clients. Counselors limit the access of clients to their records, or portions of their records, only when there is compelling evidence that such access would cause harm to the client. Counselors document the request of clients and the rationale for withholding some or all of the records in the files of clients.

Questions:

- *How are client records maintained?*
- *What processes does the organization maintain for quality assurance of the client record?*
- *What chart auditing practices does the organization use to protect client information?*
- *Are counselors able to maintain their records according to all state and federal laws that apply to them?*
- *How does the organization monitor for, communicate to providers and respond to changes in state and federal laws about client medical records?*
- *What policies and procedures are in place to respond to subpoenas?*
- *What policies and procedures are in place to respond to client record requests?*
- *What policies and procedures are in place to respond to record requests from nonclients (i.e., family members, outside agencies, lawyers or other health care providers)?*

Section Three: **Clinical Considerations**

Client Safety

The safety and well-being of clients served is the counselor's primary responsibility. Without ensuring the client is safe and free from harm by themselves, others and their provider, one cannot expect progress toward therapeutic goals for treatment. Therefore, it is paramount that counselors are trained to screen, assess and appropriately respond to situations in which the safety of their clients is at risk.

- See sections A.1.a. Primary Responsibility, A.4.a. Avoiding Harm, and B.2. Exceptions.

Questions:

- *What policies and procedures are in place to address any and all safety risks, including but not limited to imminent danger, suicide risk, domestic violence, child and elderly abuse, sex trafficking, substance misuse, altered mental status (i.e., psychosis) and other potentially harmful scenarios?*
 - *How is it ensured that therapists are trained in these policies and procedures?*
 - *What specific safety measures are recommended should a client's safety be at risk? For example, which screening assessments and other expectations for clinician response are used?*
 - *What, if any, professional development training is offered to therapists on addressing these concerns via telehealth?*
- *What measures are used to prevent and address harm to clients by their providers?*
- *Does the platform assist in resolving conflicts between providers and clients, and if so, what are these processes?*

Informed Consent - General

Consent is the first and most vital component of safe and effective care. To be able to give consent, clients must first be informed. Clients have the right to be fully informed of the potential benefits as well as potential risks involved with participating in counseling services, as well as any aspect of their treatment, including the method in which services are provided. Telehealth services require additional considerations and measures to assess and monitor the effectiveness of treatment services and the ethical and legal provision of said services.

- A.2.a. Informed Consent: Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the counselor. Counselors have an obligation to review in writing and verbally with clients the rights and responsibilities of both counselors and clients. Informed consent is an ongoing part of the counseling process, and counselors appropriately document discussions of informed consent throughout the counseling relationship.

Questions:

- *What policies and procedures does the organization have regarding informed consent to participate in telehealth services and to educate the client about the potential risks and benefits of telehealth services? How are these outlined in client consent to services forms?*
- *If a client consents to services via telehealth, but the counselor recommends against it as supported by clinical rationale, what measures does the organization have in place to protect both client well-being and counselor liability?*

The Therapeutic Relationship

The relationship a counselor develops with their clients is the foundation of successful treatment. Counselors set appropriate boundaries with clients in order to create safe and healthy working relationships. Consumers who purchase services from a company that is not specifically a behavioral health care provider may have received information regarding the provision of clinical services that may not be reflective of reality. This could be in the form of advertising or other communications. It is essential to inquire about the expectations a client may have for their treatment or of their provider and to provide clarification, for example, on the limitations of asynchronous communication. Informed consent involves ensuring clients have all the necessary information to consent to participate in services and participate actively in their treatment. By initiating conversations about client expectations, counselors can equip their clients with the information they need to make informed decisions regarding their care. Any lingering misconceptions have the potential to be harmful to the client and their treatment process. Creating a therapeutic environment that can best ensure a positive treatment outcome is vital.

- See Section A, The Counseling Relationship

Questions:

- *How are the best practices for clinical processes, including diagnosis, developing treatment goals and objectives, and establishing the therapeutic relationship, considered and used to inform technology, marketing materials, business practices and any other aspect of the platform during creation, development, implementation, assessment and monitoring?*

Clinical and Technological Competence

Counselors have the ethical duty to provide services that are of high quality, effective and within one's scope of practice expertise. To provide services to specific populations, treatment for specific clinical concerns, utilization of therapeutic interventions and methods of care delivery (to include telehealth services), one must have adequate education, training and supervised experience to do so ethically, safely and effectively. Counselors who provide services via telehealth receive education, supervision and consultation prior to providing said services via a private or third-party technological platform. Counselors aim to utilize best practices in clinical decision-making and seek out supervision and consultation as needed.

- C.2.f. Continuing Education: Counselors recognize the need for continuing education to acquire and maintain a reasonable level of awareness of current scientific and professional information in their fields of activity. Counselors maintain their competence in the skills they use, are open to new procedures, and remain informed regarding best practices for working with diverse populations.
- See Section C.2. Professional Competence

Questions:

- *What training in utilizing the platform and the provision of telebehavioral health services is offered to providers?*
- *How are the competency and effectiveness of providers clinically and technologically measured?*
- *What, if any, clinical and technological consultation and/or support services are provided to counselors?*
- *What educational materials or resources are available for potential and current clients regarding any privacy limitations associated with utilizing the app?*

Cultural Responsiveness

Counselors implement proactive measures to ensure one can respond in culturally sensitive ways throughout the treatment process. Counselors adapt every aspect of treatment as needed to tailor the process to each client's individualized needs, preferences and worldview. Counselors value culture as a multifaceted and critical lens and work to tailor all they do by using the lens of each client's intersectional cultural identities. This includes screening, assessment, diagnosis, treatment planning, therapeutic interventions, rapport building, eliciting feedback, monitoring progress and determining the need for ongoing treatment or termination. Counselors remain humble in knowing they will never be the expert in a culture to which they do not belong and that, even in cases of shared cultural membership, everyone experiences their culture in varied and often contrasting ways. Counselors balance doing their homework to seek out education regarding diverse cultures and the impact of marginalization with their work at an individual level by learning from their clients about what culture means to them. Counselors engage in the lifelong learning and reflection journey of appreciating and understanding the vast and intricate ways culture impacts client health and well-being.

- A.2.c. Developmental and Cultural Sensitivity: Counselors communicate information in ways that are both developmentally and culturally appropriate.
- See also section C.2.f. Continuing Education

Questions:

- *What steps have been taken to ensure that counselors are competent in areas of multicultural counseling competency, LGBTQ+ counseling competency, BIPOC populations, as well as any areas of claimed expertise?*
- *What, if any, consultation, support and training regarding culturally responsive care are offered to counselors?*
- *How do clients' cultural identities and experiences inform the development and implementation of the platform's products and services?*
- *What measures are in place to ensure clients receive culturally responsive and affirmative care?*
- *Are there policies and procedures to address incidents of provider bias, prejudice and marginalization (i.e., stigma, ableism, racism, classism, fatphobia, sexism) to protect the safety and well-being of clients?*

- *Are there policies and procedures to address incidents of client bias, prejudice and marginalization (i.e., stigma, ableism, racism, classism, fatphobia, sexism) to protect the safety and well-being of the providers?*

Billing and Financial Practices

Counselors recognize and respond to the fact that financial considerations have a direct impact on the client's well-being, the therapeutic relationship and treatment outcomes. Counselors provide clients with comprehensive information regarding billing and financial policies and practices. Counselors are sensitive to the individual financial status of their clients and ensure that the cost is not prohibitive, nor are clients abandoned due to the inability to pay for services.

- A.2.b. Types of Information Needed: Counselors inform clients about fees and billing arrangements, including procedures for nonpayment of fees.
- A.10.c. Establishing Fees: In establishing fees for professional counseling services, counselors consider the financial status of clients and locality. If a counselor's usual fees create undue hardship for the client, the counselor may adjust fees, when legally permissible, or assist the client in locating comparable, affordable services.
- See also sections A.2.a. Informed Consent, A.4.a. Avoiding Harm, A.12. Abandonment and Client Neglect

Questions:

- *What happens when someone can no longer pay for the service?*
- *What processes are in place to ensure care is not disrupted and that clients are not at risk of harm due to losing access to care because of their inability to pay for services?*

Termination

Counselors terminate services with clients based on ethically sound grounds and clinically based criteria. Counselors do not abandon clients due to lack of payment. Additionally, counselors provide necessary services that are in the client's best interest and do not retain clients for personal financial benefit.

- A.12. Abandonment and Client Neglect: Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination.
- A.11.c. Appropriate Termination: Counselors terminate a counseling relationship when it becomes reasonably apparent that the client no longer needs assistance, is not likely to benefit, or is being harmed by continued counseling.

Questions:

- *Do providers oversee the termination of services process, regardless of a user's financial status and monetary amount owed?*
- *Are providers financially incentivized to retain clients?*
- *How are the safety and well-being of clients ensured if they do not renew their subscription or can no longer afford to pay for services?*
- *What policies and procedures does the organization have to address potential client abandonment concerns, specifically for clients presenting with safety, acute psychiatric concerns and high-risk factors?*



Section Four: **Technology and Privacy**

Privacy and Confidentiality

Counselors do not share any information about clients without their expressed and written permission, aside from circumstances regarding safety as outlined by one's local state laws. Counselors obtain written authorization to disclose information to any third-party billing service, payer or vendor. Through the informed consent process, counselors safeguard the information about prospective clients with whom they have not formally established a client-counselor relationship. Client sessions are not recorded or observed in any way, including text, audio or video communications, without the client's prior permission, after the client has been informed of the benefits and risks of this practice. Clients are informed about what information may need to be shared with other parties without their permission, for example, in the case of suspicion of child and elder abuse, suicide risk and duty to warn. Counselors are aware of and adhere to their state laws regarding these circumstances.

- B.1.b. Respect for Privacy: Counselors respect the privacy of prospective and current clients. Counselors request private information from clients only when it is beneficial to the counseling process.
- B.1.c. Respect for Confidentiality: Counselors protect the confidential information of prospective and current clients. Counselors disclose information only with appropriate consent or with sound legal or ethical justification.
- B.1.d. Explanation of Limitations: At initiation and throughout the counseling process, counselors inform clients of the limitations of confidentiality and seek to identify situations in which confidentiality must be breached.
- B.3.d. Third-Party Payers: Counselors disclose information to third-party payers only when clients have authorized such disclosure.
- B.6.b. Confidentiality of Records and Documentation: Counselors ensure that records and documentation kept in any medium are secure and that only authorized persons have access to them.
- B.6.c. Permission to Record: Counselors obtain permission from clients prior to recording sessions through electronic or other means.
- B.6.d. Permission to Observe: Counselors obtain permission from clients prior to allowing any person to observe counseling sessions, review session

transcripts, or view recordings of sessions with supervisors, faculty, peers, or others within the training environment.

Questions:

- *Are the information and data created via and in client therapy sessions (text, video, audio communications, or metadata) recorded or monitored in any manner? If so, how?*
- *Can users decline the gathering, storage, utilization and selling of their information before and after starting treatment? Can users who refuse still access services through the platform?*
- *What user information is gathered from prospective clients before establishing the counselor-client relationship? How is this information collected, stored and utilized?*
- *Is the information of both active and prospective clients sold or shared with external third parties? If so, what individuals and businesses? Is the information de-identified? If so, what methods are used to ensure complete privacy and to avoid sharing any identifiable client data?*
- *What educational materials or resources are available for potential and current clients regarding any privacy limitations associated with utilizing the app?*

Informed Consent - Privacy & Confidentiality + Technology

Clients have the right to be informed of all aspects of the counseling process, including the risks and benefits of technology use and the involvement of third parties. Counselors are responsible for advising clients about the methods and practices of third-party telehealth platforms regarding the gathering, storing and utilizing of their information. Client information should never be disclosed to third parties without a client's expressed and written permission to provide their data to a specific individual or business.

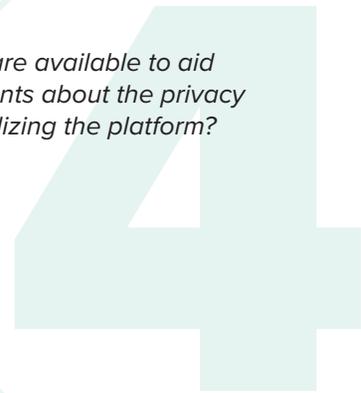
- A.2.b. Types of Information Needed: Counselors explicitly explain to clients the nature of all services provided. They inform clients about issues such as... the role of technology... Clients have the right to confidentiality and to be provided with an explanation of its limits (including how supervisors and/or treatment or interdisciplinary team professionals are

involved), to obtain clear information about their records, to participate in the ongoing counseling plans, and to refuse any services or modality changes and to be advised of the consequences of such refusal.

- B.3.e. Transmitting Confidential Information: Counselors take precautions to ensure the confidentiality of all information transmitted through the use of any medium.
- B.6.g. Disclosure or Transfer: Unless exceptions to confidentiality exist, counselors obtain written permission from clients to disclose or transfer records to legitimate third parties. Steps are taken to ensure that receivers of counseling records are sensitive to their confidential nature.
- See also section A.2.c. Developmental and Cultural Sensitivity, A.2.a. Informed Consent, B.1.d. Explanation of Limitations

Questions:

- *What systems, processes, and safeguards are in place to identify the third parties who receive a client's information as provided by the platform?*
- *Are clients offered a release of information for third parties to either sign and consent or refuse that their data can be shared and distributed?*
- *What systems, processes, and safeguards are in place to ensure those third parties who receive client information are "sensitive to their confidential nature?"*
- *What educational resources are available to aid counselors as they inform clients about the privacy limitations associated with utilizing the platform?*



Section Five: Professional Considerations

Business Relationships

While an “independent contractor” employment relationship is not explicitly named in the *ACA Code of Ethics*, Section D provides guidance on “relationships with employers” that apply to any relationship a counselor has with a business, including contract and consulting work. Therefore, this section should be used in one’s ethical decision-making regarding forming and continuing any relationship one has with any business organization.

- Section D.1.g. Employer Policies: The acceptance of employment in an agency or institution implies that counselors are in agreement with its general policies and principles.
- D.1.h. Negative Conditions: Counselors alert their employers of inappropriate policies and practices. They attempt to effect changes in such policies or procedures through constructive action within the organization. When such policies are potentially disruptive or damaging to clients or may limit the effectiveness of services provided and change cannot be affected, counselors take appropriate further action. Such action may include referral to appropriate certification, accreditation, or state licensure organizations, or voluntary termination of employment.

Questions:

- *What processes and procedures are in place for resolving potential conflicts between a provider’s professional code of ethics and their required duties and responsibilities as a provider through your platform?*

Personal Reflection Questions

We offer these questions to aid in counselors' reflection and decision-making process regarding engagement with a third-party telehealth platform as a behavioral health treatment provider.

- *Do the practices and procedures of this company align with the values of the counseling profession?*
- *How do this company's practices and procedures align with my values?*
- *What are the risks and benefits of becoming a provider on this platform?*
- *What can I do to seek out sufficient evidence-based information regarding the company with which I am considering working for to make an informed decision about becoming a provider through their platform?*
- *Do I have a working knowledge and understanding of health care laws and regulations, including but not limited to HIPAA requirements, regarding the provision of telehealth services?*
- *Have I learned all I need to know about the emerging technologies I am utilizing or considering?*
- *Do I have sufficient knowledge to provide thorough informed consent to my clients? For example, can I accurately educate my potential clients about the platform, the risks and benefits of receiving services through this platform, and provide informed consent regarding the privacy, or lack thereof, of their information?*

ACA Resources

The following resources provided by the ACA to help counselors become competent, ethical, and judicious telehealth providers.

Books

- [Distance Counseling and Supervision: A Guide for Mental Health Clinicians](#), 2020
- [The Counselor and the Law: A Guide to Legal and Ethical Practice](#), Eighth Edition , 2019
- [ACA Ethical Standards Casebook](#), Seventh Edition, 2014
- [Boundary Issues in Counseling: Multiple Roles and Responsibilities](#), Third Edition , 2015
- [Ethics Desk Reference for Counselors](#), Second Edition , 2014

Continuing Education Courses

- [Demystifying Ethics and Law for Telebehavioral Health](#), 4 hours, 2019
- [The Ethics of HIPAA and Technology](#) , 1 hour, 2018
- [Professional Updates: Navigating Telehealth and the Counseling Compact](#) , 1 hour, 2021
- [Distance Counseling and the Regulatory Environment](#), 1.5 hours, 2022
- [Ethical Issues Related to the Use of Technology in Clinical Supervision](#) , 1 hour, 2016
- [Ethical, Legal, and Risk Management Considerations: Understanding the Landscape of Telebehavioral Health and Supervision](#), 1 hour, 2021

Counseling Today Articles

- [Mental health apps as therapeutic tools](#), 2023
- [The impact of telebehavioral health on clinical practice](#), 2023
- [Rethinking the accessibility of digital mental health](#), 2022
- [Using apps to promote client safety](#), 2020

ACA Partner Resources

Courses and resources provided by industry leaders and experts in the delivery of telehealth services.

Telehealth Certification Institute

- [Privacy Law for TeleMental Health](#), online course, 2.5 hours, 2021
- [Ethical, Legal, and Clinical Aspects of Selecting Technology](#), online course, 1.5 hours, 2021

Healthcare Providers Service Organization (HPSO)

HPSO Resources on Telehealth Liability

- [Counselor Spotlight: Telebehavioral Health | HPSO](#) | Includes, “*Self-Assessment Checklist: Telebehavioral Health/Distance Counseling*”
- [Risk Management Considerations in Telehealth and Telemedicine | HPSO](#)
- [Counseling Board Complaint Case Study: Unprofessional conduct while providing services through a mental health therapy app | HPSO](#)

HPSO Articles and Case Studies

- [Counselor Spotlight: Documentation](#)
- [Counselor Spotlight: Informed Consent](#)
- [Alleged breach of confidentiality](#)
- [Counselor Spotlight: Reporting to Third Parties](#)
- [When to Disclose Confidential Information](#)
- [Counseling Board Complaint Case Study: Unprofessional conduct while providing services through a mental health therapy app](#)
- [Additional HPSO Resources](#)

Simple Practice

- [Telehealth: Legal and Ethical Issues](#), online course, 1 hour, 2020 (Free)
- [Telehealth Payer Verification Guide](#)
- [Navigating Telehealth Insurance Billing](#), video
- [The Ultimate Telehealth Insurance Resource Guide](#)
- [Mental and Behavioral Telehealth in Private Practice](#), article
- [Getting Started with Telehealth](#), article

Recommended Additional Resources

These are external resources that are recommended for counselors to review to better understand the complexities and nuances of healthcare legislation and the technical aspects of emerging healthcare delivery technologies.

American Psychiatric Association

- [App Advisor: An American Psychiatric Association Initiative: Guide covering how to evaluate an app that one might be considering for one's practice.](#)
- [The Comprehensive App Evaluation Model: Guide with step-by-step assessment questions of five main areas including Access and Background, Privacy and Security, Clinical Foundation, Usability, and Data Integration towards Therapeutic Goal.](#)
- Published articles about the APA's evaluation model: [Actionable health app evaluation: translating expert frameworks into objective metrics, 2020](#); [Mental Health App Evaluation: Updating the American Psychiatric Association's Framework Through a Stakeholder-Engaged Workshop, 2021](#)

U.S. Department of Health and Human Services

- [HIPAA for Professionals](#) , Resources for understanding privacy laws, 2021
- [HHS Summary of the HIPAA Privacy Rule](#), Resource for understanding who must abide by HIPAA and what is considered protected information, 2013
- [Evaluation of Mental Health Applications](#), Research protocol, 2021

U.S. Food and Drug Administration (FDA)

- [Device Software Functions Including Mobile Medical Applications](#), 2022
- [Enforcement Policy for Digital Health Devices For Treating Psychiatric Disorders During... COVID-19](#) , 2020

Additional Legislative Topics

- [Federal Trade Commission Actions](#)
- [Letter from Senator Elizabeth Warren](#)

Guides to understanding app data privacy and use

- [Apple/ iOS](#)
- [Google/Android](#)

Additional Reading and Resources

- [Data Brokers and the Sale of Americans' Mental Health Data: The Exchange of Our Most Sensitive Data and What It Means for Personal Privacy](#), Duke University, February 2023
- [Mental Health Apps , Privacy & Security Guide](#), Mozilla Foundation_
- [Evaluating the Privacy of Mental Health Apps](#), Consumer Reports, 2021
- [Teletherapy From the Home or Mobile Office: HIPAA, Ethical, and Standard of Care Issues](#), Person Centered Tech, online course, 1 hour, 2020
- [The Distance Cure: A History of Teletherapy](#) , book by Hannah Zeavin, MIT Press, 2021

- [You're very easy to track down, even when your data has been anonymized](#), MIT Technology Review, 2019
- [GoodRx, Health Data Brokerage, and the Limits of HIPAA](#), Lawfare, March 2023

This and additional resources can be found [here](#).

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Disclaimer: *The contents of this publication are for informational and educational purposes only. Health care law is complex, and specific requirements vary by state. Adherence to any health care legislation referenced herein requires expertise and information that is outside the scope of this article. This resource is not a substitute for seeking out personal legal advice and/or consultation. ACA does not and cannot provide legal advice or direction to our members or state associations. We encourage all professional counselors to consult with their state licensure board and a health care attorney to ensure compliance with state and federal legislation.*