

CONFIDENTIALITY KEY POINTS

- Counselors should protect the confidentiality of clients during legal proceedings to the extent permitted by law. When a court of law or other legally authorized body orders counselors to disclose confidential or privileged information without a client's consent and such disclosure could cause harm to the client, they should request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection.
- ***Counselors should not discuss confidential information in any setting unless privacy can be ensured. Counselors should not discuss confidential information in public or semipublic areas such as hallways, waiting rooms, elevators, and restaurants.***
- Counselors should discuss with clients and other interested parties the nature of confidentiality and limitations of clients' right to confidentiality. Counselors should review with client's circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. ***This discussion should occur as soon as possible in the counselor-client relationship and as needed throughout the course of the relationship.***
- Counselors should protect the confidentiality of clients during legal proceedings to the extent permitted by law. When a court of law or other legally authorized body orders counselors to disclose confidential or privileged information without a client's consent and such disclosure could cause harm to the client, they should request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection.

Confidentiality is an ethical concept, and simply put, means that what is shared within the therapeutic relationship will not be voluntarily disclosed by the counselor.

- Confidentiality is essential because it fosters trust, which is the bedrock of the therapeutic alliance.

Privilege is a legal concept that protects clients from their counselor being forced to disclose confidential material.

- Privilege is distinguished from confidentiality in that the disclosure is typically involuntary. In other words, confidentiality binds the counselor not to reveal client material even if the counselor feels inclined to do so, and privilege protects client information from inappropriate disclosure pressed for by legal authorities, rather than entertained by the counselor.

OTHER EXCEPTIONS TO CONFIDENTIALITY

- Care where there is required treatment compliance: COURT APPOINTED THERAPY
- Information regarding **TPO** [Treatment, Payment & Operations]
 - Insurance companies / Appointment reminders / Correspondence
- Emergency situations: care is primary over consent and confidentiality

BASIC CONFIDENTIALITY POLICIES

- Counselors should respect clients' right to privacy. They should not solicit private information from clients unless it is essential to providing services or conducting counseling evaluation or research. Once private information is shared, standards of confidentiality apply.
- Counselors may disclose confidential information when appropriate with valid consent from a client or a person legally authorized to consent on behalf of a client.
- Counselors should protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. (To prevent harm to a client or other).
- In all instances, counselors should disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made.

- Counselors should inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made. This applies whether counselors disclose confidential information on the basis of a legal requirement or client consent.
- **BILLING INSURANCE COMPANIES:** Counselors should not disclose confidential information to third-party payers unless clients have authorized such disclosure.
- Counselors should protect the confidentiality of clients when responding to requests from members of the media.
- Counselors should protect the confidentiality of clients' written and electronic records and other sensitive information. Counselors should take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access.
- Counselors should not disclose identifying information when discussing clients with consultants unless the client has consented to disclosure of confidential information or there is a compelling need for such disclosure.