

What You Should Know About Confidentiality in Therapy

Address: 7220 N 16th St Suite G ♦ Phoenix, AZ 85020

Tel (480) 707-8172

e-mail: kelly.hurley@cedarandoaks.com ♦

website: www.CedarAndOaksCounseling.com

I will treat what you tell me with great care. My professional ethics (that is, my profession's rules about values and moral matters), and the laws of this state, prevent me from telling anyone else what you tell me unless you give me written permission. These rules and laws are the ways our society recognizes and supports the privacy of what we talk about—in other words, the “confidentiality” of therapy.

However, I cannot promise that everything you tell me will never be revealed to someone else. There are a few times when the law requires me to tell things to others, and there are some other limits on our confidentiality. We need to talk about these, because I want you to understand clearly what I can and cannot keep confidential. You need to know about these rules now, so that you don't tell me something thinking it will be a “secret” when I cannot keep that thing private, just between us. So please read these pages carefully, and keep this copy. At our next meeting, we can discuss any questions you have.

1. When you or other persons are in physical danger, the law requires me to tell others about it. Specifically:
 - a. If I come to believe that you intend to do serious harm to another person, I am required to try to protect that person. I may have to tell the person and the police, or possibly try to have you hospitalized.
 - b. If you seriously threaten or act in a way that is very likely to harm yourself, I may have to call on your family members or others who can help protect you or seek to hospitalize you. If such a situation does come up, I will try to discuss the situation with you fully before I do anything,
 - c. If I believe or suspect that you are abusing a child, an elderly or disabled person, or another vulnerable person, I must file a report with a state agency. To “abuse” means to neglect or not take care of another person; to hurt that person (physically or mentally); or to sexually molest, touch, or harm that person. I do not have any legal power to investigate the situation to find out all the facts. The state agency will investigate. If this might be your situation, we should discuss the legal aspects in detail before you tell me anything about these topics. You may also want to talk to your lawyer.
 - d. In an emergency where your life or health is in danger, and I cannot get your permission, I may give another professional some information to protect your life. I will try to get your permission first, and I will discuss this with you as soon as possible afterwards.

In any of these situations, I would reveal only the information that is needed to protect you or the other person. I would not tell everything you have told me.

2. In general, if you become involved in a court case or legal proceeding, you can prevent me from testifying in court about what you have told me. This is called your “privilege,” and it is your choice to prevent me from testifying or to allow me to testify. However, there are a few situations where a judge or court may order me to testify:
 - a. In child custody or adoption proceedings, where your fitness as a parent is questioned or in doubt.
3. In cases where your emotional or mental condition is important information for a court’s decision.
4. During a malpractice case or an investigation of me or another therapist by a professional group or licensing board.
5. In a civil commitment hearing to decide if you will be admitted to or continued in a psychiatric hospital.
6. When a court has ordered you to see me for evaluations or treatment. In this case, we need to discuss confidentiality fully, because you don’t have to tell me what you don’t want the court to find out through my report.
7. There are a few other things you must know about confidentiality and your treatment:
 - a. If you were sent to me for evaluation by workers’ compensation or Social Security Disability Insurance, I will be sending my report to that agency, and it can contain anything that you tell me.
 - b. I may sometimes consult (talk) with other professionals about your treatment. This person is also required by professional ethics to keep your information confidential. Likewise, when I am out of town or unavailable, another therapist will be available to help my clients in an emergency. I must give this professional some minimal information about my clients, but he or she will keep it confidential, to obey his or her professional codes of ethics and our federal and state laws/regulations.
 - c. I am required to keep records of your treatment, such as the notes I take when we meet. You have a right to review these records with me. If something in the record might seriously upset you, I may leave it out, but I will fully explain my reasons to you.
8. Here is what you need to know about confidentiality, health insurance, and money matters:
 - a. If you use your health insurance to pay a part of my fees, the insurance company, the managed care organization (if you have one), and perhaps your employer’s human resources office will require me to provide information about how well you function in many areas of your life, your social and psychological history, and your current symptoms. I will also be required to provide a treatment plan and information on how you are doing in therapy.
 - b. I usually give you my bill with any other forms needed, and ask you to send these to your insurance company to file a claim for your benefits. That way, you can see what the company will know about our therapy. Although I believe the insurance company will act legally, I cannot control who sees this information after it leaves my office. You cannot be required to release more information than I will provide just to get payments.

- c. If you have been sent to me by your employer's employee assistance program (EAP), the program's staffers may require some information. Again, I believe that they will act legally, but I cannot control who sees this information at their offices. If this is your situation, let us fully discuss my agreement with your employer or the program before we talk further.
- d. If your account with me is unpaid and we have not arranged a payment plan, I can use legal means to get paid. Generally the only information I will give to a court, a collection agency, or a lawyer will be your name and address, the dates we met for professional services, and the amount due to me.

5. Children and families create some special confidentiality questions.

- a. When I treat children under the age of about 12, I must tell their parents or guardians whatever they ask me. As children grow more able to understand and choose, they assume legal rights. For those between the ages of 12 and 18, most of the details of things they tell me will be treated as confidential. However, parents or guardians need to be able to make well-informed decisions about therapy, and so they have the right to general information, including how therapy is going. I may also have to tell parents or guardians some information about other family members that I am told, if these others' actions put anyone in any danger.
- b. In cases where I treat several members of a family (parents and children, or other relatives), the confidentiality situation can become very complicated. I may have different duties toward different family members. At the start of our treatment, we must all have a clear understanding of the purposes of our meeting and of my role. Then we can be clear about any limits on confidentiality that may exist.
- c. If you tell me something your spouse or partner does not know, and not knowing this could harm him or her, I cannot promise to keep it confidential. I will work with you to decide on the best long-term way to handle situations like this.
- d. If you and your spouse or partner have a custody agreement or dispute, I will need to know about it. My professional ethics prevent me from doing both therapy and custody or parental fitness evaluations.
- e. If you are seeing me for marriage counseling or couple therapy, you must agree at the start of treatment that if you eventually decide to divorce, you will not request my testifying for either side. That way we can focus on what is best for your relationship. The court, however, may order me to testify.
- f. At the start of family treatment, we must also specify which members of the family must sign a release form for the family record I create in the therapy or therapies. (See point 7b, below.)

6. Confidentiality in group therapy is also a special situation.

In group therapy, the other members of the group are not therapists. They do not have the same ethics and laws that I have to work under. You cannot be certain that they will always keep what you say in the group confidential.

7. Finally, here are a few other points:

- a. I will not electronically record our therapy sessions without your written permission.

- b. If you want me to send information about our therapy to someone else, you must sign a release- of-information or records form. I have copies of these forms that you can see, so you will know what is involved.
- c. Any information that you tell me and also share outside of therapy, willingly and publicly, will not be considered protected or confidential by a court or the legal system.

The laws and rules on confidentiality are complicated, so please raise your questions at any time. But I am not able to give you legal advice. If you have special or unusual concerns, and so need special advice, I strongly suggest that you talk to a lawyer to protect your interests legally and to act in your best interests.

The signatures here show that we each have read, discussed, understand, and agree to abide by the points presented above.

_____	_____	_____
Signature of client (or person acting for client)	Printed Name	Date
_____	_____	
Signature of Therapist	Date	