

## **FAMILY GUIDANCE CENTER OF WARREN COUNTY**

### **CONFIDENTIALITY POLICY FOR MENTAL HEALTH SERVICES**

All sessions at the Family Guidance Center are held in confidence within the Center. Any communication with outside persons can only be done with the written permission of the client or responsible party. In the case of a child under the age of 14, the parent or guardian shall have the right to consent to release information. In the case of a child over 14, the permission of both the child and the parent or guardian is required. The law provides for certain exceptions to confidentiality:

- I. If there is a suspicion that a child is being abused, the law requires that we report that fact to the Division of Child Protection and Permanency (DCP&P).
- II. If a person is making a specific threat to harm someone, we have a "duty to warn" that person and/or to inform the local authorities.
- III. If a person is in imminent danger of harming him/herself, we must take action to try to prevent that harm including, but not limited to, initiating psychiatric hospitalization.
- IV. If a clinician is subpoenaed into court, the level of privileged communication varies with different disciplines. Social workers, psychologists, and doctors are protected from disclosing privileged communications without permission of the client. However, it is possible that a court might force a clinician to divulge that information.

Whenever a request for information is received, the client shall be contacted to ensure that they are aware of the possible ramifications of that release. When a client signs a release of information, the file is reviewed by the clinician to make sure that its release is not detrimental to the client. If it is determined that the release of this information is not in the best interests of the client, the Center may refuse to release the information subject to the review of a court.

You should also be aware that most insurance companies require you to authorize the release of information to process your claim. This may include a clinical diagnosis, a treatment plan or summary, or, in very rare cases, a copy of the entire record. Some insurers, such as Medicare and Medicaid, are also requiring the release of a clinical diagnosis to process lab tests such as blood work. Your insurance or managed care company may have different policies regarding medical information so you should contact your insurance company to discover what their particular policy is about confidentiality.

### **CONFIDENTIALITY POLICY FOR SUBSTANCE ABUSE TREATMENT SERVICES**

1. Any information, including the fact that you talked with a substance abuse counselor is strictly confidential. This applies regardless of whether or not you become a "formal" client. These rights continue if and when you discontinue seeing us.
2. Anyone calling our agency to locate you or to find out if you are in treatment is given no information, unless you have authorized in writing for us to release such information.
3. Any information in your record is subject to Federal and State Confidentiality Regulations and may not be seen by the public or anyone else, which includes: any investigative, law enforcement, or prosecutorial agency; significant others, parents, children, or other family members; employers; etc. Not even a subpoena is sufficient to force disclosure of client information.
4. EXCEPTIONS:
  - A. Family Guidance Center must release information about you if we believe there is a medical emergency and/or your life or the lives of others may be in danger. Such circumstances rarely arise, but if we feel such a release must be made, you will be promptly notified.
  - B. If you are suspected of committing an extremely serious crime (e.g., kidnapping, homicide, rape) and a series of "good cause criteria" are met, the court may in special circumstances authorize disclosure of limited parts of your records after a special hearing; you and Family Guidance Center must be notified of such a hearing and have the opportunity to be represented by legal

counsel. No court order may be issued without such a special hearing. (Such circumstances are very rare).

- C. In certain other legal proceedings in which a special set of circumstances exists and a series of "good cause criteria" are met, the court may authorize disclosure of limited parts of your records after a special hearing; you and Family Guidance Center must be notified of such a hearing and have the opportunity to be represented by legal counsel. No court order may be issued without such a special hearing. (Such circumstances are very rare).
  - D. Federal laws and regulations do not protect any information about a crime committed by a client either at the program or against any person who works for the program or about any threat to commit such a crime.
  - E. Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under State law to appropriate State or local authorities.
5. As a client, you may choose to sign a release form which specifies, in writing, that only certain limited information can be disclosed to outside sources. Unless you specify other information, this is all that can be released by us. Only information specified by you in writing on the release can be disclosed. Similarly, only those persons or agencies specified by you may receive information. For example, if you have been required to participate in counseling by your employer, you might authorize the release of your counseling attendance records to your employer in order to prove that you are participating. Only attendance information would then be released.
  6. Further redisclosure of information we send (at your request) to some person or agency is prohibited by federal and state law: once someone receives information from us they cannot send it to someone else unless you authorize them to do so in writing.
  7. You may revoke or cancel your release at any time providing you are not court ordered for treatment. After cancellation, no further release of information may occur.
  8. The Family Guidance Center may refuse to initiate services to a minor under age 14 without parental consent. However, once a minor begins treatment all laws of confidentiality are in effect.
  9. Client data will not be kept in open view where another client or visitor might have access to it. The client will be notified in advance of a group of facility visitors at the time of his/her appointment. If the client desires, he/she may reschedule.
  10. Court-ordered, probation, parole and court-committed clients:  
If you are involved with Family Guidance Center as a condition of your status with the criminal justice system or are court-committed for treatment, the following exceptions to confidentiality exist:
    - A. The release of information to the Court or Department of Corrections may not be revoked or canceled;
    - B. The release of information to the Court or Department of Corrections allows Family Guidance Center staff to testify in court proceedings related to your criminal justice status or committal;
    - C. The release of information may be revoked when there is a change in the criminal justice conditions for which you were referred to treatment.
  11. Violation of federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal regulations. (See 42-U.S.C. 290dd-3 and 42-U.S.C. 290ee-3 for federal laws and 42-CFR Part 2 for federal regulations.)