

What You Should Know about Confidentiality in Therapy

I will treat what you tell me with great care. My professional ethics (that is, my profession's rules about moral matters) and the laws of this state govern what and when I can tell anyone else what you have told me. According to those rules and laws, what you and I discuss is private, and I cannot tell anyone else what you have told me without your permission, except in certain defined instances. Sometimes, the law requires me to tell others some things you have told me. Sometimes, there are other rules that affect my ability to keep what you have told me in confidence. I need you to understand these limits on the confidentiality of therapy, so that you do not expect me to keep something as a secret that I cannot keep secret. I set those limits out in this letter. I ask you to review them and maintain a copy of them. At our next meeting we can discuss any questions you might have.

When you or other persons are in physical danger, the law requires me to tell others about it. Specifically, if I come to believe that you are threatening serious harm to another person, I am required to protect that person. I may have to tell the person and the police, or perhaps try to have you put in a hospital. If you seriously threaten or act in a way that is very likely to harm yourself, I may have to seek a hospital for you, or to call on your family members or others who can help protect you. If such a situation does come up, I will fully discuss the situation with you before I do anything, unless there is a very strong reason not to. In an emergency where your life or health is in danger and I cannot get your consent, 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.

If I believe or suspect that you are abusing a child, an elderly person, or a disabled person, I must file a report with a state agency. To abuse means to neglect, hurt, or sexually molest another 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.

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.

In general, if you become involved in a court case or proceeding, you can prevent me from testifying in court about what you have told me. This is called a privilege, and it is your choice to prevent me from testifying or to allow me to do so. However, there are some situations where a judge or court may require me to testify: 1) In child custody or adoption proceedings, where your fitness as a parent is questioned or in doubt. 2) In cases where your emotional or mental condition is important information for a court decision. 3) During a malpractice case or an investigation of me or another therapist by a professional group. 4) In a civil commitment hearing to decide if you will be admitted to a psychiatric hospital.

There are a few other things you must know about confidentiality and your treatment: 1) I may sometimes consult (talk) with another professional about your treatment. This other person is also required by professional ethics to keep your information confidential. 2) Likewise, when I am out of town or unavailable, another therapist will be available to help my clients. I must give him or her some information about my clients, like you.

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.

Here is what you need to know about confidentiality in regard to insurance and money matters: 1) If you use your health insurance to pay a part of my fees, insurance companies require some information about our therapy. Insurers such as Blue Cross/Blue Shield or other companies usually want only your diagnosis, my fee, the dates we met, and sometimes a treatment plan. 2) Managed care organizations, however, ask for much more information about you and your symptoms, as well as a detailed treatment plan.

If your account with me is unpaid and we have not arranged a payment plan, I can use legal means to get paid. The only information I will give to the court, a collection agency, or a lawyer will be your name and address, the dates we met for professional services, and the amount due me.

Marriage Counseling, Couples Therapy and/or Family Therapy: 1) If you are seeing me for marriage counseling, you must agree at the start of treatment that if you eventually decide to divorce, you will not request my testimony for either side. You have been fully informed that my ability to treat you and your spouse in marriage therapy may be compromised if there is a possibility of my testifying in any divorce or custody action between the two of you. The court, however, may order me to testify. 2) At the start of family treatment, we must also specify which members of the family must sign a release form for the common record I create in the therapy or therapies.

Finally, here are a few other points: 1) I will not record our therapy sessions on audiotape or videotape without your written permission. 2) If you want me to send information about our therapy to someone else, you must sign a release of information form. I have copies which you may see so you will know what is involved. 3) Any information that you also share outside of therapy, willingly and publicly, will not be considered protected or confidential by a court.

The laws and rules on confidentiality are complicated. Situations that are not mentioned here come up only rarely. Please bear in mind that 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.

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

Signature(s) of client or clients _____

Printed Name(s) _____ Date _____

Signature of Therapist _____ Date _____