

What You Should Know about Confidentiality in Therapy

I will treat what you tell me with the greatest possible confidentiality, care and sensitivity.

For most circumstances and situations, professional ethics and state laws typically prevent me from telling anyone else what you tell me unless you give me direct 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. But I cannot promise that everything you tell me never will be revealed to someone else. There are times when the law requires me to tell things to others. There are also some other limits on our confidentiality. We will discuss these at our first meeting, 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 as a “secret” that I cannot keep secret. These are very important issues, so please read these pages carefully and note that a copy of this text can be downloaded as an attachment on the bottom of this web page. At our first meeting, we can discuss any questions you might 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 are threatening serious harm to another person, I am required to try to protect that person. I will have to tell that person and the police, and perhaps try to have you enter a hospital.
- b. 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 do so.
- c. 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.
- d. 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” in this case 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 try to reveal only the information that is needed to protect you or the other person.

2. 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 “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:

- a. In child custody or adoption proceedings, where your fitness as a parent is in question.
- b. In cases where your emotional or mental condition is important information for a court’s decision.

- c. During a malpractice case or an investigation of me or another therapist by a professional group.
 - d. In a civil commitment hearing to decide if you will be admitted to or continued in a psychiatric hospitalization.
3. There are a few other things you must know about confidentiality and your treatment:
- a. 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. Likewise, when I am out of town or unavailable, another psychiatrist will be available to help my patients. I must give him or her information about all of my patients.
 - b. I am required to keep records of your treatment, such as the notes I take when we meet.
4. Here is what you need to know about **confidentiality in regard to insurance and money matters**:
- a. If you use your health insurance to pay my fees, insurance companies require some basic information about our therapy, specifically the date of our meeting, the duration of our meeting, procedural codes to describe the nature of our meetings (e.g. evaluation, consultation, psychotherapy, psychopharmacology, a mixture...), and a diagnostic code for the condition being treated (e.g. depression, bereavement, anxiety...)
 - b. It is against the law for insurers to release information about our office visits to anyone without your written permission. Although I believe the insurance company will act morally and legally, I cannot control who sees this information at the insurer's office.
 - c. Please see the section of this website regarding the Health Insurance Privacy Policy for further information.
5. Finally, here are a few other points:
- a. I will not record our therapy sessions on audiotape or videotape.
 - b. If you want me to send information about our therapy to someone else, you must sign a "release-of-information" form. (A blank "Release of Information " form is attached to this web page for easy download).
 - c. If you are hospitalized involuntarily due to a mental condition, you hereby give me permission (via signature on our treatment contract) to forward appropriate written records to the hospital to assist in your care.
 - d. If there is a concern that your condition might interfere with your ability to drive a motor vehicle safely, I may be required to file a report with the DMV or other State agency.
 - e. 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. 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 and to act in your best interests.