

*Addiction & Mental Health Counseling of San Diego*

*11417 West Bernardo Ct., Suite K*

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***This notice describes how confidential information about you may be used and disclosed and how you can obtain access to this information. Please review it carefully.***

### **What You Should Know About Confidentiality in Counseling**

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 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 counseling. But I cannot promise that everything you tell me will *never* be revealed to someone else. There are some situations when the law requires me to tell things to others. There are also some other limits on our confidentiality. We need to discuss 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 divulge something as a “secret” that I cannot keep secret. These are very important issues, so please read these pages carefully and keep this copy. At any time 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 may have to tell the person and the police, or perhaps try to have you put in 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.
  - 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. I will try to get your permission first, and I will discuss this with you as soon as possible afterwards.

- 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” 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.

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 questioned or in doubt.
- 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 counselor by a professional group.
- d. In a civil commitment hearing to decide if you will be admitted to or continued in a psychiatric hospital.
- e. When you are seeing me for court-ordered 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.

3. There are a few other things you must know about confidentiality and your counseling:

- a. I am required to keep records of your counseling, such as the notes I write after our sessions. You have a right to inspect these records with me and to receive a copy. If something in the record might seriously upset you, I may leave it out, but I will fully explain my reasons to you.
- b. You have the right to add amendments to your records if you believe they are inaccurate.
- c. My colleague and I consult with one another regarding our cases. This is to ensure the highest quality services to each client. My colleague has access to my client records, but

is only expected to access them as needed. When I am out of town or unavailable, another therapist will be available to help my clients. I may give him or her some information about my clients.

- d. I may sometimes consult with another professional about your counseling. This other person is also required by professional ethics to keep your information confidential.
- e. If you want me to share information about our counseling to someone else, you must sign a “release-of-information” form. I have copies you can see, so you will know what is involved. I will not disclose any information about you without your prior authorization.
- f. My business associates and I will comply with both the HIPAA and state regulations and procedures.
- g. Any information that **you** share outside of counseling, willingly and publicly, will **not** be considered protected or confidential by a court.
- h. 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.

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

\_\_\_\_\_  
Signature of client (or person acting for client)

\_\_\_\_\_  
Effective this date

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature of psychologist

\_\_\_\_\_  
Date