



## **Confidentiality of The Counselor-Client Agreement: Conditions Under Which Breaking Confidentiality Becomes Mandatory**

Protecting the confidentiality of clients' personal health information is a key component of the counseling profession's Code of Ethics and Standards of Practice. It's also mandated by HIPAA's privacy provision and state privacy laws. But there are important exceptions to these rules, outlined in federal and state statutes. Disclosures are generally allowed under the following circumstances, though only done in accordance with state law and, if applicable, the counselor's policies and procedures.

**Consulting with other practitioners.** Counselors can share pertinent information with key members of the healthcare team as needed for continuity of care. Clients must be informed and provide documentation of their understanding and consent that such disclosure may be necessary in order to provide complete assessment and appropriate treatment.

**Court or disciplinary actions.** A court can order a counselor to release confidential health information without a client's permission—unless the counselor can compel the court to reconsider because of potential harm to the client-counselor relationship. In some cases, a counselor may also be compelled to disclose confidential client information as part of a defense against a civil, criminal or disciplinary action.

**Dangerous clients or danger to the client or danger to a minor cared for by the client.** If the counselor believes a client is suicidal or poses a "clear and imminent danger" to himself or others, they are obliged to report the concern to a member of the client's immediate support system, the client's primary care provider, and/or the appropriate authorities. If a client threatens to harm someone, the counselor may also be required to warn or attempt to protect that person from danger.

Additionally, the American Counseling Association's Code of Ethics stipulates that a counselor may be justified in disclosing the health information of a client who has a communicable and potentially fatal disease, such as HIV, to third parties at high risk of contracting it. The counselor would be justified in disclosing this information, however, *only* after ascertaining the client had not informed the third party about the disease and had no intention of doing so in the immediate future.

**Abused/neglected or abusive clients.** Counselors practicing in Colorado are required by state law to disclose information about a client in suspected instances of abuse and/or neglect. The counselor is obligated to file a report with the appropriate state agency or the police. This requirement includes all instances of suspected child or elder abuse or neglect, and may apply whether the client is the abuser or the one being abused.