



## **STATEMENT OF LIMITS OF CONFIDENTIALITY**

The law protects the privacy of all communications between a patient and psychotherapist. In most situations, information about your treatment can only be released to others if you sign a written authorization form that meets certain legal requirements imposed by HIPAA and/or Maryland law. However, in the following situations, no authorization is required:

- For administrative purposes, such as scheduling and billing, basic information may be communicated to other office staff, who are also bound by rules of confidentiality.
- Disclosures may be required by health insurers to collect overdue fees.
- If you are involved in a court proceeding and request is made for information concerning your diagnosis and treatment, such information is protected by the therapist-client privilege law. Information cannot be provided without your written authorization or a court order. If you are involved in or contemplating litigation, you should consult with your attorney to determine whether a court order is likely.
- Information may be required by a government agency for health oversight activities.
- If a client files a complaint or lawsuit, relevant information regarding the client may be provided in the provider's defense.
- When consultation with other health and mental health professionals about a case is needed, every effort is made to conceal your identity.

There are some situations in which therapists are legally obligated to take actions to protect others from harm, which may necessitate revealing some treatment information.

- If there is reason to believe that a child or vulnerable adult has been subjected to abuse or neglect, or that a vulnerable adult has been subjected to self-neglect, or exploitation, the law requires that a report be filed with the appropriate government agency, usually the local office of the Department of Social Services. Once such a report is filed, additional information may be required.
- If a patient has a propensity for violence and the patient indicates that he/she has the intention to inflict imminent physical injury upon a specified victim(s), protective actions may be required. These actions may include established and undertaking a treatment plan that is calculated to eliminate the possibility that the patient will carry out the threat, seeking hospitalization of the patient and/or informing the potential victim or the police about the threat.
- If there is an imminent risk that a patient will inflict serious physical harm or death on himself/herself, or that immediate disclosure is required to provide for the patient's emergency

health care needs, appropriate protective actions may be indicated, including initiating hospitalization and/or notifying family members or others who can protect the patient.

If such a situation arises, every effort will be made to fully discuss it with the client before taking any action and disclosure will be limited to what is necessary.

#### Definition of Child Abuse and Neglect:

Child Abuse: Any physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or sexual abuse of a child, whether physical injuries are sustained or not.

Neglect: the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate that the child's welfare is harmed or placed at substantial risk of harm, or mental injury to the child, or a substantial risk of mental injury.

#### Definition of Vulnerable Adult, Abuse, Exploitation, and Neglect of a Vulnerable Adult:

A vulnerable adult is an adult who lacks the physical or mental capacity to provide for the his/her daily needs. Abuse: the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person. Exploitation: any action which involves the misuse of a vulnerable adult's funds, property, or person. Neglect: the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment, or habilitative therapy, shelter, or supervision.

#### Reporting Procedure:

Therapists are legally mandated to report cases of child abuse and neglect, and abuse of vulnerable adults, to the Department of Social Services (DSS). Initially a telephone call is made as soon as possible and followed by a written report within 48 hours after the contact. In the case of child abuse, a copy of the report is sent to the District Attorney's office.

In the case of adults abused as children, the therapist will encourage the client to make the report to DSS, but if that does not occur, the therapist will make the report after discussing the process with the client. The purpose is to protect children who may be currently at risk of abuse by the abusing person.