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# HS 102 - Values

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Confidentiality

# Limits of Confidentiality

- ❑ **When clerical assistants handle confidential information**
- ❑ **When counselor consults**
- ❑ **When counselor is being supervised**
- ❑ **When client has given consent**
- ❑ **When client poses danger to self or others**
- ❑ **When client discloses intention to commit a crime**
- ❑ **When counselor suspects abuse or neglect of a child or vulnerable adult**
- ❑ **When a court orders counselor to make records available**

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# Duty to Protect Potential Victims

- **Identify clients who are likely to do physical harm to third parties**
  - **Protect third parties from clients judged potentially to be dangerous**
  - **Treat those clients who are dangerous**
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# Liability for Civil Damages When Practitioners Neglect Duty by:

- **Failing to diagnose or predict dangerousness**
  - **Failing to warn potential victims of violent behavior**
  - **Failing to commit dangerous individuals**
  - **Prematurely discharging dangerous clients from a hospital**
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# Legal Precedents

- **Tarasoff Case**
    - duty to warn of harm to self or others
    - duty to protect
  - **Bradley Case**
    - duty not to negligently release a dangerous client
  - **Jablonski Case**
    - duty to commit a dangerous individual
  - **Hedlund Case**
    - extends duty to warn to anyone who might be near the intended victim and who might also be in danger
  - **Jaffee Case**
    - communications between licensed psychotherapists and their clients are privileged and therefore protected from forced disclosure in cases arising under federal law
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# Guidelines for Implementing Duty to Warn Requirements

- **Get informed consent**
  - **Plan ahead through consultation**
  - **Develop contingency plans**
  - **Obtain professional liability insurance**
  - **Involve the client**
  - **Obtain a detailed history**
  - **Document in writing**
  - **Implement procedures to warn**
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# Guidelines for Assessing Suicidal Behavior

- **Take direct verbal warnings seriously**
  - **Pay attention to previous suicide attempts**
  - **Identify clients suffering from depression**
  - **Be alert for feelings of hopelessness and helplessness**
  - **Monitor severe anxiety and panic attacks**
  - **Determine whether individual has a plan**
  - **Identify clients who have a history of severe alcohol or drug abuse**
  - **Be alert to client behaviors (e.g. giving prized possessions away, finalizing business affairs, or revising wills)**
  - **Determine history of psychiatric treatment**
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# Ethical Guidelines for Disclosure of a Client's HIV Status

- **Sufficient factual grounds for high risk of harm to third party**
  - **Third party is at risk of death or substantial bodily harm**
  - **Harm to the third party is not likely to be prevented unless counselor makes disclosure**
  - **Third party cannot reasonably be expected to foresee or comprehend high risk of harm to self**
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# Recommendations to Professionals Who Counsel HIV Clients

- **All limits to confidentiality should be discussed with the client at the outset of treatment**
  - **Therapists must be aware of state laws regarding their professional interactions with HIV-positive clients**
  - **Therapists need to keep current with regard to relevant medical information**
  - **Therapists need to know which sexual practices are safe**
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