Confidentiality Policy

Policy:

CAPS staff members must maintain strict confidence of a person’s status as a client and all information divulged in the context of a therapy relationship is confidential. CAPS confidentiality policies are in line with professional ethical standards, State of Florida, and Federal Statutes. The following policy applies to all CAPS clients who are at least 18 years of age.

I. When a client has sought services at CAPS, both the fact that the client has sought services and the content of those services is confidential from anyone external to CAPS except in situations described below in the subsection “Limits of Confidentiality.”
   a. To provide the best services, clinicians will share information about clients with other CAPS staff members for case assignment, consultation, and/or supervision purposes.
   b. All documentation of services is confidential.

II. Third parties (e.g., family members, friends, mental health clinicians or health providers who are not staff members of CAPS, FAU personnel in other departments, or non-FAU personnel) will not be informed of a client’s participation in counseling without a client’s written consent. In all cases in which a CAPS staff member will communicate with a third party about a client, permission for the release of client information needs to be obtained from the client in writing before any communication of client information occurs.
   a. If a clinician is asked about a client and written consent is not provided, the clinician is to respond by stating “Our services are confidential and I can neither confirm or deny that the person is a client.”

III. Limitations of Confidentiality: There are a limited number of circumstances where breach of confidentiality is permissible/required which are determined by Florida Statute. A client’s right to confidentiality may only be breached without valid written consent in the following situations:
   a. A client is judged to be at imminent risk of harming themselves or others in life threatening ways. CAPS clinical staff are obligated by law to take necessary action to prevent such harm from occurring which may include notifying proper authorities (FS Statue 394.45)
   b. When a client lacks the capacity or refuses to care for themselves, and such lack of self-care presents substantial threat to their own safety or the safety of others.
   c. The clinician suspects the abuse, neglect, or exploitation of a minor, an elderly person, or a dependent/vulnerable adult.
   d. When a client pursues civil or criminal legal action against FAU CAPS or its staff or submits a formal complaint to a Professional Board about a clinician.
   e. When a judge has ordered the release of a client’s clinical information because of a legal proceeding that involves the client.
   f. In accordance with the Patriot Act, CAPS may disclose a client’s mental health information to authorized federal officials, who are providing protective services to the President of the United States and other important officials, or to authorized federal officials who are conducting national security and intelligence activities. By law, CAPS cannot reveal to the client when such information has been disclosed.
   g. A client provides written consent for the clinician to provide information about their treatment to a particular person or agency.