

# Confidentiality and Your Clients - Mistakes That Can Lead to a Lawsuit

written by CPH Insurance | June 16, 2016

The highest standard a healthcare practitioner can hold onto, other than administering the best level of care, is confidentiality and privacy. Patients place their trust in mental health professionals, and confidentiality not only maintains that trust but ensures quality care.

Your mental health patients have given you a secret, in confidence, whereby they seek out help and are assured that the help and care you administer is based on that confidence. Break that oath and you may face a number of legal issues. Adherence to company policy and procedures, as well as maintaining accurate records, go a long way in protecting you and your mental health patient.

**When talking about mental health patient privacy and confidentiality you are bound to the following:**

- Deciding what personal health information can be shared with others
- How that information can be shared, and with whom
- To not discuss information in areas where others could overhear

One of the challenges health care providers face in maintaining confidentiality is the increased use of computers and technology, which can make it easier to share the wrong information with the wrong people; these technologies include fax machines, email and other computer correspondence, electronic records and through voice mail.

Securing a mental health patient's privacy consists of making sure your servers and computers are highly protected from the risks of being hacked. Leaving information over voice mails is not a good habit to start; this information could get into the wrong hands, causing a liability problem. Do not discuss a patient's records with anyone until you have written permission from the mental health patient to share their information regardless of whether it is with other mental health professionals, family members or friends.

A breach in any area could include a reprimand or disciplinary action, irreversible damage done to the caregiver and the possibility of charges filed against the healthcare worker, the staff or the entire facility.

Remember that lives are affected by confidentiality breaches – take a minute to think through your actions and you will save yourself and your mental health patient what could amount to years of additional pain and suffering.