

Fact of the Relationship

written by Richard Leslie | May 24, 2016

Avoiding Liability Bulletin - July 2005

... Care must be taken to protect the confidentiality of not only the records and communications between therapist and patient, but the “fact of the relationship” as well.

Suppose a police officer comes to your office and wants to know whether you are treating a particular patient. Or suppose a welfare worker wants to know whether or not you are seeing a particular patient. The appropriate answer to give (modified by your own style), unless applicable law compels you to act otherwise, is: “I’m sorry, but I cannot help you. I do not comment upon who my patients are and who are not patients.” For those who may be a bit uncertain, you could add: “If the law is otherwise, please let me know the section of law (so that you can look at it and seek information about it) that compels me to answer. I generally abide by the law.”

The “fact of the relationship” is also important when it comes to such seemingly mundane things as sending mail to the patient or calling patients at their home or other location. Perhaps a married person comes for treatment without the knowledge of the spouse. If a therapist’s letter or bill is sent to the patient’s house, even if it is marked “personal and confidential,” the spouse may thereby be informed that their spouse is in therapy. Likewise with a phone call or phone message from the therapist. Make sure that you have the patient’s permission to communicate with them in the manner of communication chosen. This should usually be done at the outset of the relationship.