



North Jersey Health Collaborative  
health matters

# Patient Privacy and Confidentiality

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# Goal

- To increase awareness of privacy and confidentiality issues in mental health care for individuals with intellectual and developmental disabilities



# Objectives

- Define privacy and confidentiality and identify examples of each
- Understand the importance of privacy and confidentiality in mental health
- Identify challenges to privacy and confidentiality
- Identify strategies for protecting privacy and confidentiality



# Developmental Disabilities Center (DDC)

- Multidisciplinary Team
- Behavioral Health Services
- Adults with I/DD
- DDD grant
  - Ages 21+
  - Registered with DDD
  - Medicare or Medicaid
- Assessment and Individual Psychotherapy



# Privacy vs. Confidentiality

## Privacy

- Apply to the **Person**
- Rooted in common law

## Confidentiality

- Apply to the **Data**
- Ethical obligation



# Importance of Privacy and Confidentiality

- DDD Personal Rights
  - “You have the right to... 1. Privacy and Respect”
- APA Ethical Principles of Psychologists and Code of Conduct
  - **4.01 Maintaining Confidentiality**  
“Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium, recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship.” (Ethical Principles of Psychologists and Code of Conduct, 2017)



# Importance of Privacy and Confidentiality

- Maintains Trust
- Ensures Best Quality of Care
- Promotes:
  - Quality of Life
  - Well-being
  - Empowerment
  - Inclusion
- Safe space to talk about anything and everything without fear of judgement or penalty
- Protection from potential harms:
  - Psychological harm (eg embarrassment or distress)
  - Social harms (eg loss of employment or damage to one's financial standing)
  - Criminal or civil liability
- Enhance or support other services



# Limits to Privacy and Confidentiality

- Duty to Protect
- Duty to Warn
- Mandated Reporting
- Court order





# Challenges to Protection of Privacy and Confidentiality

- Limited or unclear information
- Limited understanding of the therapeutic process and privacy
- Services
- Living Situations
- Guardians
- Telehealth



# Protecting Privacy and Confidentiality

- Discuss at start of therapy
- Review and check for understanding
- Agreement
- Location and space
- Ongoing discussion
- EMR