

Quick Guide: Managing Confidentiality & Informed Consent

Objective: To provide clinicians with best practices in managing confidentiality and informed consent in addiction treatment while upholding ethical and legal standards.

Ethical Issue	Best Practice
Client requests records release to a third party.	Ensure proper release forms are completed before disclosing any information. Verify that the client understands the scope and limits of the disclosure.
Court mandates disclosure of treatment details.	Disclose only the required information while maintaining client dignity and privacy. Consult legal and ethical guidelines before responding.
Client's safety is at risk.	Breach confidentiality only when legally and ethically required (e.g., harm to self or others, abuse reporting). Document decisions carefully.
A client asks for access to their own records.	Follow legal guidelines regarding client access to records, providing appropriate summaries when needed. Discuss potential emotional impacts of reviewing sensitive information.
A family member requests client treatment details.	Do not release information without written consent from the client, even if the family is involved in care. Explain confidentiality laws.
A client refuses to sign informed consent paperwork.	Discuss concerns, clarify the purpose of consent, and document refusal. Clients cannot be forced into treatment but should understand the limitations of care without consent.
Telehealth sessions and digital confidentiality.	Use secure, encrypted platforms and inform clients of potential privacy risks. Obtain electronic consent for telehealth services.
Minors or legally incapacitated clients.	Clarify who has the right to access records and make treatment decisions. Balance client autonomy with legal guardianship rights.
Group therapy confidentiality risks.	Educate clients on the limits of confidentiality in group settings and obtain signed agreements from all participants.
Client requests deletion of certain records.	Follow legal and ethical guidelines—clinicians cannot alter or delete medical records but can add clarifying notes upon request.

Steps to Ensure Ethical Confidentiality & Consent Management

Clearly Explain Confidentiality Policies at Intake:

- Provide written informed consent forms with clear explanations.
- Discuss limits of confidentiality, including legal reporting requirements.

Maintain Transparent Documentation:

- Accurately record client consent, disclosures, and requests for confidentiality exceptions.
- Follow HIPAA, 42 CFR Part 2, and state-specific laws on privacy in addiction treatment.

Engage in Ongoing Client Education:

- Regularly revisit confidentiality policies, especially in mandated treatment or legal involvement.
- Encourage clients to ask questions and seek clarifications about their rights.

Use Ethical Decision-Making Models for Dilemmas:

- Seek supervision or legal consultation for complex confidentiality cases.
- Apply the least invasive approach when breaching confidentiality is required.

Reflection & Next Steps

How can I balance confidentiality with mandated reporting?

What steps can I take to ensure clients fully understand their rights?

Are my current documentation practices legally sound and ethically transparent?
