

The Four Positives of Confidentiality

Keystone to Integrating Families/Significant People in Recovery

OMHSAS Advisory Council

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By David A. Dinich

Family Resource Network (FRN)

The Family Resource Network (FRN)

- Community Behavioral Health
- Consumer Satisfaction Team
- Family Support Specialist
- Family Training & Advocacy Center
- Mental Health Association of Southern Pennsylvania
- NAMI Hispanoparlante
- NAMI - Main Line
- NAMI - N
- NAMI - NE
- NAMI - NW
- Parent Involved Network
- Philadelphia Department of Behavioral Health
- Psycho-educational Program
- Philadelphia Compact
- Philadelphia Connections
- Pro-Act
- Training & Education Center



Confidentiality Project

- Kathleen Cantwell, FRN
- Edie Mannion, TEC
- Max Molinaro, Phila. Connections
- Lloyd Wertz, FTAC



Confidentiality

One of the major issues of the past 40 years.

Many people involved across the state and county: examples

- Berks SAMSHA Project
- Mayview Psychiatrist and Marge
- Many others



Confidentiality

- Grew out and a part of the FRN Standards Project
- Standards for Providers in working with Families/Significant people
(for more information go to frnfamilies.org)



Family Attitude Inventory: Survey Results

Completed by **640** provider staff, administrators, and students, at 37 presentations by FRN speakers between December of 2008 and May of 2010. Included case managers, therapists, supervisors and administrators at behavioral health outpatient, inpatient, case management, day programs, Philadelphia behavioral health system administrators, and graduate students (mostly Masters of Social Work students).

Family Attitude Inventory: Survey Results (cont)

	Total "Agree" & "Strongly Agree" Responses	Total "Disagree" & "Strongly Disagree" Responses	Total "Not Sure" Responses
QUESTION 1: "...confidentiality requirements will still prevent you from listening to any information that a significant person tries to give you unless you have the consumer's permission."	251 (40%)	339 (53%)	45 (7%)

Family Attitude Inventory: Survey Results (cont)

	Total "Agree" & "Strongly Agree" Responses	Total "Disagree" & "Strongly Disagree" Responses	Total "Not Sure" Responses
QUESTION 2: "...confidentiality requirements will still prevent you from giving even general information about family resources (such as a family support group) to families without the consumer's consent."	267 (42%)	319 (50%)	52 (8%)

The Four Positives of Confidentiality in Pennsylvania

1. LISTENING TO CALLERS WITHOUT A RELEASE

There is no legal or clinical reason to refuse to listen to a family member or friend who calls to give information about a consumer--even if no release exists. Staff members must still say that they can give no information about someone who may be a consumer, but they can also say that they can listen to the caller and if such a consumer does receive services, that the information will be conveyed to the appropriate staff member.

Listening to friends and family even when a release doesn't exist may be life-saving for a consumer who has not informed staff of thoughts or plans of harm to self or others, a severe medical problem, or a drug allergy.

The Four Positives of Confidentiality in Pennsylvania (cont)

2. GIVING RESOURCE INFORMATION TO CALLERS WITHOUT A RELEASE

There is no legal or clinical reason to avoid giving resource information (for example, the phone number of a support group, or a source of information about SSI benefits) to a family member or friend of a consumer who appears to need those resources in order to be more helpful to the consumer--even if no release exists. Staff members must still say that they can give no information about someone who may be a consumer, but they can add that a particular resource may be of help to the caller, and give information about that resource.

There are many ways that a staff member can directly help a consumer by suggesting resources to a family member or friend, especially when that person is someone upon whom the consumer depends.

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The Four Positives of Confidentiality in Pennsylvania (cont)

3. BREAKING CONFIDENTIALITY TO PROTECT A CONSUMER FROM SERIOUS RISK OF BODILY HARM OR DEATH

According to the Pennsylvania Code, staff members can break confidentiality by talking to family or friends of a consumer “when release of information is necessary to prevent serious risk of bodily harm or death. Only specific information pertinent to the relief of the emergency may be released on a nonconsensual basis.”

4. BREAKING CONFIDENTIALITY TO PROTECT THE IDENTIFIABLE VICTIM OF A CREDIBLE THREAT OF BODILY HARM

Staff members have a legal duty to warn the identifiable victim of a credible threat of bodily harm, even when a consumer is making the threat against a family member, friend, or identifiable other person, even if this breaks confidentiality.



Thank you

Questions or comments

Please contact Lloyd Wertz at
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