

**2150.7515 PROTECTING THE PRIVACY OF CLIENTS.**

Subpart 1. **Safeguarding private information.** The provider shall safeguard the private information obtained in the course of the practice of professional counseling. Private information may be disclosed to others only in accordance with part 2150.7520, with certain exceptions as specified in subparts 2 to 13.

Subp. 2. **Limited disclosure to others without consent.** Private information may be disclosed without the consent of the client when disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another individual, or as otherwise provided by law or court order. In such case, the private information may be disclosed only to law enforcement agencies, the potential victim, the family of the client, or appropriate third parties in a position to prevent or avert the harm.

Subp. 3. **Services to dual clients.** Whenever professional counseling services are provided to dual clients, the provider shall initially inform each client of the provider's responsibility to treat any information gained in the course of rendering the services as private information, including any limitations to each client's right to privacy.

Subp. 4. **Obtaining collateral information.** Prior to obtaining collateral information about a client from other individuals, the provider shall obtain consent from the client unless the consent is not required by law or court order, and shall inform the other individuals that the information obtained may become part of the client's records and may therefore be accessed or released by the client, unless prohibited by law. For purposes of this subpart, "other individual" means any individual, except for credentialed health care providers acting in their professional capacities, who participates adjunctively in the provision of services to a client. Examples of other individuals include, but are not limited to, a family member, friend, coworker, day care worker, guardian ad litem, foster parent, or school personnel.

Subp. 5. **Minor clients.** At the beginning of a professional relationship, the provider shall inform a minor client that the law imposes limitations on the right of privacy of the minor with respect to the minor's communications with the provider. This requirement is waived when the minor cannot reasonably be expected to understand the privacy statement.

Subp. 6. **Limited access to client records.** The provider shall limit access to client records. The provider shall make reasonable efforts to inform or cause to be informed individuals associated with the provider's agency or facility, such as a staff member, student, volunteer, or community aide, that access to client records, regardless of their format, shall be limited only to the provider with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, or individuals authorized to have access by the written informed consent of the client.

Subp. 7. **Billing statements for services.** The provider shall comply with the privacy wishes of clients regarding to whom and where statements for services are to be sent.

Subp. 8. **Case reports.** Case reports or other clinical materials used in teaching, presentations, professional meetings, or publications shall be reasonably disguised to prevent identification of the client.

Subp. 9. **Observation and recording.** Diagnostic interviews or therapeutic sessions with a client may be observed or electronically recorded only with written informed consent.

Subp. 10. **Continued privacy of client information.** The provider shall maintain indefinitely the privacy of client information after the professional relationship has ceased between the provider and the client.

Subp. 11. **Court-ordered or other mandated disclosures.** The proper disclosure of private information upon a court order or to conform with state or federal law, rule, or regulation shall not be considered a violation of parts 2150.7500 to 2150.7610.

Subp. 12. **Abuse or neglect of minors or vulnerable adults.** In the course of professional practice, the provider shall not violate any law concerning the reporting of abuse or neglect of minors or vulnerable adults.

Subp. 13. **Initial contacts.** When the provider is initially contacted by an individual regarding professional counseling services to a potential client, the provider or another individual designated by the provider may, with oral consent from the potential client, contact third parties to determine payment or benefits information, arrange for precertification of services when required by the individual's health plan, or acknowledge a referral from another health care professional.

**Statutory Authority:** *MS s 148B.52*

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