

7200.4700 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 psychology. Private information may be disclosed to others only according to part 7200.4710 and with the exceptions 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, including the provider. In such case the private information is to 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 multiple clients.** Whenever psychological services are provided to multiple 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. 3a. **Obtaining collateral information.** Prior to obtaining collateral information about a client from other individuals, the provider shall inform the other individuals that the information obtained may become part of the client's records and may be accessed or released by the client, unless prohibited by law. A provider is not required to give prior informed consent to other individuals when those individuals are credentialed health care providers acting in their professional capacities.

Subp. 4. **Minor clients.** At the beginning of a professional relationship, the provider shall inform a minor client, to the extent that the client can understand, that the law imposes limitations on the right of privacy of the minor with respect to the minor's communications with the provider.

Subp. 5. **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 staff members, students, volunteers, or community aides, that access to client records shall be limited only to the provider with whom the client has a professional relationship, individuals associated with the agency or facility whose duties require access, and individuals authorized to have access by the written informed consent of the client.

Subp. 6. [Repealed, 37 SR 1085]

Subp. 7. **Case reports.** All client information used in teaching, presentations, professional meetings, or publications shall be disguised to prevent identification of the client unless the provider has obtained a signed release of information.

Subp. 8. **Observation and recording.** Diagnostic interviews or therapeutic sessions with a client may be observed or electronically recorded only with written informed consent, except as otherwise provided by law or court order.

Subp. 9. **Continued privacy of client information.** The provider shall continue to maintain the privacy of client information, including the records of a client, after the professional relationship between the provider and the client has ceased.

Subp. 10. **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 the Psychology Practice Act.

Subp. 11. **Abuse or neglect of minors or vulnerable adults.** In the course of professional practice, the provider shall comply with all laws concerning the reporting of abuse or neglect of minors or vulnerable adults.

Subp. 12. [Repealed, 37 SR 1085]

Subp. 13. **Communication to initiate services.** When the provider is initially contacted to establish psychological services to a potential client, the provider or another individual designated by the provider may, with oral consent from the potential client, contact third-party payers or guarantors to determine payment or benefits information or to arrange for precertification of services when required by the individual's health plan.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

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