Mindful Continuing Education

Ethical Concerns When Working With Children and Adolescents: Confidentiality and Consent

The Basics

1. The fundamental intent of confidentiality is to protect a client's right to privacy by ensuring that matters disclosed to a professional not be relayed to others without the informed consent of the client, and in discussing confidentiality, therapists also hope to encourage:

A. Trust
B. Rapport
C. Communication
D. Acceptance

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2. States vary in the degree to which their laws specify limitations on privileged communication between counseling professionals and minor clients, with some protecting only disclosures about problems related to alcohol and other drugs, and others giving broad protection, specifying a few exceptions such as reporting child abuse and crime or potential criminal activity.

A. True
B. False

Children’s Assent

3. While advocacy for minors’ rights in education and mental health has led to greater consideration of the rights of children and adolescents to be involved in making decisions that affect them, long-standing controversies have reemerged about the risks and benefits of young people’s involvement in decision making and their competence to make appropriate decisions.

A. True
B. False

Consent

4. Each of the following is a main function served by the informed consent mechanism EXCEPT:

A. The promotion of individual autonomy and the protection of clients or subjects
B. The avoidance of fraud and duress and the promotion of rational decisions
C. The encouragement of self-scrutiny by professionals and the involvement of the public in promoting autonomy as a general social value
D. The promotion of collaboration between the therapist and client to ensure an interactive and thought-provoking process

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Involving Parents in Counseling

5. Experts such as Ed Deci and colleagues contend that one way to encourage family cooperation and involvement in the therapeutic process is to use practices that enhance feelings of acceptance, usefulness, and engagement.

A. True
B. False

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6. When making initial therapeutic contacts with family members, factors to consider include using the consent process to assess and enhance motivation, contracting for involvement, handling concerns about privacy and confidentiality, and managing parent reactions to initial contacts and assessment.

A. True
B. False

Maintaining Motivation and Involvement During the Process

7. Strategies for maintaining motivation throughout an intervention include ensuring parents feel a growing sense of relatedness to the intervener, enhancing value by providing many desirable ways for parents to participate and by facilitating their decision making, and providing continuing support for:

A. Affirmation, productivity, and problem-solving
B. Learning, growth, and success
C. Connecting, resolving conflicts, and reaching goals

Concluding Comments

8. Interveners who want to enlist parent involvement must be clear about the value and forms of such involvement as well as the:

A. Risks
B. Complications
C. Barriers
D. Feasibility

Limits to Confidentiality for the Student

9. One benefit of encouraging adolescents to share personal stories or feelings is that while learning how to honor the privacy of others, young people are also learning how to respect boundaries, which may be weak or unclear at this age.

A. True
B. False

Empowering Clients to Share Information

10. In a helping relationship, a fundamental concern of the professional is to act in the best interest of the client, as defined mutually by the client and the clinician.

A. True
B. False

A Brief Discussion of Minor Consent

11. The most important reason to maintain confidentiality in the delivery of health care is to:

A. Encourage adolescents to seek necessary care
B. Support adolescents' growing sense of privacy and autonomy
C. Protect them from the humiliation and discrimination that could result from disclosure of confidential information
D. Empower them to make decisions regarding their needs

Who Should Know What?-Confidentiality and Information Sharing in Service Integration

12. One of the most commonly cited obstacles to interagency collaboration is the existence of confidentiality provisions that appear to restrict agencies from working together when treating children and adolescents.

A. True
B. False

Ensuring Compliance with Information Sharing and Confidentiality Provisions

13. Many agencies designate one individual to oversee confidential information concerning agency clients, including fielding requests for sharing information, and this person is generally referred to as the agency monitor.

A. True
B. False

Working With Computerized Information

14. In developing a computerized data system and using it effectively, agencies should determine the purpose of the system, obtain the cooperation of all participating agencies, develop thorough security procedures, train staff carefully, and:

A. Clearly identify functional characteristics of the system
B. Provide notices to clients
C. Establish access in terms of convenience and reliability
D. Ensure data quality

Critical Issue: Addressing Confidentiality Concerns in School-Linked Integrated Service Efforts-Goals

15. Which of the following is NOT one of the authors' recommended goals for sharing information within collaborative school-linked service efforts?

A. Collaborative partners reach consensus concerning what information needs to be shared, reasons for sharing that information, and reasons for protecting the privacy of children and families
B. Each client's right to privacy is balanced with the organization's need to share information and effectively serve the client, and procedures are in place to guarantee confidentiality will be upheld
C. School and agency staff are aware of the school's rights in sharing information and

are knowledgeable about distinct policies pertaining to privacy protocol and accountability issues
D. Clients are kept informed continually of what information will be shared, with whom, and for what purpose

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Implementation Pitfalls

16. In rare instances when a parent or student does not want to give consent, the counselor or service provider should try to determine, without putting pressure on the individual, why the person is refusing to give consent and then seek review of this concern by the involved partners.

A. True
B. False

Family Educational Rights and Privacy Act (FERPA)

17. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record, but FERPA allows schools to disclose those records, without consent, to school officials with legitimate educational interest, other schools to which a student is transferring, and to specified officials for:

A. Use in school reference materials
B. Social service functions
C. State or district data collection
D. Audit or evaluation purposes

What Parents Need to Know About Confidentiality

18. When students enter into a counseling relationship with their school counselor, the school counselor will educate the student about the specifics of the counseling process including purposes, goals, techniques, and:

A. Student needs
B. Motivation to change
C. Rules of procedure under which they may receive counseling
D. Evaluation and assessment procedures

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19. Although group counseling is an efficient way of to deal with students' problems

and concerns, allowing individuals to develop insights into themselves and others, confidentiality is much more difficult to guarantee than in an individual setting.

A. True
B. False

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools

20. FERPA prohibits a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation, and not from the student's education records.

A. True
B. False

American Academy of Pediatrics: Policy Statement Confidentiality in Adolescent Health Care

21. When treating adolescents, health professionals have an obligation to make reasonable effort to encourage the adolescent to involve parents, whose support can, in many circumstances, increase the potential for dealing with the adolescent's problems on a continuing basis.

A. True
B. False

School Social Workers Association of America-Resolution Statement on Confidentiality

22. Providing services to students in the school setting requires a careful balance between:

A. Legal and ethical responsibilities
B. Social and academic needs
C. Developmental and emotional demands
D. Compliance and autonomy

American School Counselor Association (ASCA) Position Statement: Confidentiality

23. While confidentiality is an ethical term denoting a counseling practice relevant to privacy, privileged communication is a legal term denoting a requirement to protect the privacy between counselor and student.

A. True
B. False

Limiting Confidentiality of Adolescent Health Services: What Are the Risks?

24. When working with adolescent girls, the authors recommend considering each of the following EXCEPT:

A. The patient's chronological age
B. Cognitive and psychological development
C. Exposure to abuse or exploitation, other health related behaviors, and prior family communication
D. Prior history and experiences with the client

Guidelines and Models

25. Reviews of privacy protections and confidentiality restrictions in federal and state constitutions, statutes, regulations, and agency practices, as well as those in various professional standards, indicate that confidentiality restrictions are significant barriers to interagency collaborations.

A. True
B. False

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26. The most common way of information-sharing among agencies takes place through informal exchanges, usually verbal and by telephone.

A. True
B. False

The Need to Know: Juvenile Record Sharing

27. In general, juvenile court, social service and child protection, and juvenile law enforcement records are confidential and are not released for public information.

A. True
B. False

First Steps: A Guide to Integrating Information for Systems Evaluation of Children's Mental Health Services

28. As a counterbalance to children and families' need for confidentiality, agencies have a need to conduct comprehensive child and family assessments and evaluations for services, provide children and families with all necessary services, coordinate service plans and strategies, monitor the provision of services, and ensure that services are:

A. Solution-based
B. Family-focused
C. Comprehensive and supportive
D. Skill-oriented

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29. When information is placed in an automated data system, the purposes of the automated system must be clear to provide a solid basis for determining what data elements must be included in order to attain the desired goals.

A. True
B. False

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30. Automated data systems need several levels of security, beginning with security of the:

A. Computer system entry
B. User profiles
C. Physical environment
D. Disclosure agreements

Who Should Know What? Confidentiality and Information Sharing for Service Integration

31. According to the authors, at the root of all confidentiality protections is the fundamental right to protect one's personal interest.

A. True
B. False

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32. Difficulties in obtaining informed consent may be compounded by language and cultures, and professionals must be aware that a written release of confidential information in a language not understood by the client is invalid.

A. True
B. False

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33. Agencies should develop several levels of security to properly safeguard automated data systems, which include security of the physical environment, security of online data, and:

A. Use of defensive cyber protection strategies
B. Use of interoperable systems to manage client information
C. Use of identifiers to mask personal identities
D. Ensuring continuous compliance within security systems

Documentation of Psychotherapy by Psychiatrists

34. While medical-legal principles indicate that the medical record should be complete, factual, and accurate, the growing vulnerability of medical records necessitates great circumspection on the part of the practitioner about what to write in an official medical record to protect the privacy and confidentiality of the patient.

A. True
B. False

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35. Although psychotherapy notes are protected from disclosure, the patient has the right to read or have a copy of the notes at any time.

A. True
B. False

Suggested Format for Documentation of Psychotherapy by Psychiatrists

36. The psychiatric record generally contains clinically important objective events in the treatment setting or the patient’s life, clinical observations of the patient's mental and physical status, changes in diagnosis, functional status, treatment plan, and collaboration with other clinicians.

A. True
B. False

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37. Personal working notes, which are identified and kept physically apart from the medical record, contain intimate details of the patient's mental phenomenon, observations of other people in the patient's life, and the clinician's reflections, self-observations, hypotheses, and:

A. Questions
B. Assessments
C. Processes
D. Predictions

Confidentiality-Protocol for Issues of Confidentiality in Public Schools

38. While it is important that teachers are aware of the rights of individuals to privacy and to respect the confidential nature of information concerning students, they may consult and collaborate with other professionals for purposes of more effectively helping the student.

A. True
B. False

Legal Proceedings

39. Teachers and other school personnel must be aware of policies for sharing information with legal authorities, as police and probation officers have an inherent right to access all student records.

A. True
B. False

Protecting the Privacy of Student Records-Principles and Concepts

40. Schools that participate in a federally assisted school nutrition program have personal information about students' eligibility for free and reduced-price school meals, and these programs have regulations that are more restrictive than FERPA's regarding the disclosure and use of this information.

A. True
B. False

Important Terms

41. Privacy is a uniquely personal right that reflects an individual's:

A. Freedom from intrusion
B. Exemption from public attention
C. Immunity from disruption
D. Absolution from interference

Confidentiality in Schools: Do You Know What to Do?

42. Although school psychologists are ethically obligated to keep records of their work, they are to document only information that is necessary to provide services.

A. True
B. False

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