

**College of Eastern Idaho Counseling Center Confidentiality Procedure**  
CEI Counseling Center Procedure #1  
Updated 03/24/22

## **1.0 Overview**

Counseling services provided by College of Eastern Idaho are confidential, and follow the legal and ethical standards (including specific legislation covered under HIPPA) established for licensed counselors, social workers, and marriage and family therapists. CEI Counseling Services also follows the protections of FERPA. We strive to cultivate an environment of complete confidentiality for our students. It is a privilege to be entrusted with the personal experiences of our students, and it is essential that this information remains closely guarded. This applies to both within the campus community as well as without.

### **1.1 Storage of confidential data**

All therapy notes, assessments, diagnostic information, and other confidential data is stored in Titanium Schedule, a secure data management system. Only Counseling Services employees have access, and no incoming or outgoing data is exchanged between Titanium and any of College of Eastern Idaho's additional data management applications. Administrative staff are only able to view appointment history and contact information, and licensed clinicians assigned to a specific student are the only staff who are able to view a student's complete file.

### **1.2 Consultations with faculty and staff**

The Director of CEI Counseling Services is available for consultations with faculty and staff regarding student behavior. However, no information regarding student counseling data can be provided to any individual unless the student has provided a signed release authorizing as such. CEI Counseling Services is also unable to provide verbal or written verification of student participation in therapy services.

### **1.3 Faculty/staff requests for student counseling data**

Any request for information regarding student counseling data will be denied and the requesting individual will be referred to this procedure. Disclosure of student counseling data without a signed release violates ethical guidelines, and leaves the clinician open to potential lawsuits as well as possible loss of licensure.

### **1.4 Student requests for their own records**

Students have the right to request their own records at any time. All requests for records by the individual will be fulfilled in a maximum of two weeks. This time frame does not include leave, paid time off, or when the student's clinician is otherwise out of the office and unavailable. Requests for records of services provided by clinicians that are no longer employed with the college will be reviewed, compiled, and fulfilled by the Counseling Director. A licensed clinician

employed by the college that has been approved by the Counseling Director may also fulfill these requests. This approval is given on a case by case basis, not continuous or overarching.

There are two approved methods of releasing records: in person and Fax. Records released to a student in person do not legally require a signed release form, however CEI Counseling Services does require a release be signed as a record and to follow best practices.

Records sent via fax require a signed release form by the student authorizing this action. Students may have another individual pick up their records for them, and this action also requires a signed release form on the part of the student. The authorized individual must present government issued identification to Counseling Services staff to receive the requested records.

Email, USPS, any other mail carrier service, or other means of communication are not secure mediums to share information, and students' records may not be shared through these means.

### **1.5 External requests for data**

Occasionally, record requests are submitted by third parties such as medical providers, parents, potential employers, court advocates, etc. Information can only be shared with a signed release from the student. CEI Counseling Services cannot verify knowledge of the student prior to receipt of a release of information.

Fax and in person are the only two approved methods for releasing this information to a 3<sup>rd</sup> party. Presentation of government issued identification to Counseling Services staff is required to obtain records.

Subpoenas are the only exception to the need for a signed release. However, to notify the student of what records will be released, and as an added layer of legal protection an effort will be made to have a release or notification of included documents signed prior to fulfilling the requirements of a subpoena.

Consult with CEI's legal representation is required prior to responding to a subpoena.

### **1.6 Risk of harm to others**

The only legally and ethically sound exception to the procedure of complete confidentiality within the campus community is a specific and intentional threat of bodily harm to a CEI student or employee that is directly disclosed to the counselor by the client. In that case, the individual whom the threat has been made against will be notified, as well as the police, the Dean of Student Affairs, and any other individuals who are deemed necessary to notify at the discretion of the Counseling Director and the Dean of Student Affairs. This information will be limited to the threat, and if necessary, additional relevant data.

### **1.7 Risk of harm to self**

Suicidal thoughts are always viewed with the utmost level of seriousness, and appropriate and swift action is taken in all situations. The majority of situations can be de-escalated by completing a safety plan, and completing risk assessment to gather further data regarding the student's mental state. Isolated suicidal thoughts, while they are concerning, are not enough without other concerns to take action such as notifying law enforcement. Multiple concerns must be present before further action can legally occur.

However, if a student demonstrates to a clinician employed with CEI Counseling Services that ALL of the following circumstances are present: suicidal ideation (thoughts), intent (a desire to end their life), a plan, access to means (weapons, medication, etc.), an unwillingness to make their environment safe, refusal to develop safety plan with clinician assistance, and refusal to be voluntarily admitted to a behavioral health facility (e.g. BHC, BHCC); law enforcement will be notified. This action is a last resort only, will begin with a welfare check for the student of concern, and may result in involuntary commitment to BHC depending on the officer's assessment of the situation.

The Dean of Student Affairs will be notified if the situation escalates to the point where the police are alerted. If the Dean of Student Affairs is unavailable for an extended period of time, the individual working as the acting Dean of Student Affairs will be informed. Further disclosure of this information requires approval by both the Counseling Director and the Dean of Student Affairs, but in the absence of additional extenuating circumstances, no additional individuals will be notified of the situation without a release of information signed by the student.

### **1.8 Faculty and Staff awareness of student suicide risk and other safety concerns relating to mental health**

Concerns of suicide risk or other mental health concerns relating to a specific student may occur on CEI campus. The concerned faculty or staff member have the option to provide Counseling Services with the name and contact information for the student. Employees of Counseling Services are unable to disclose if they have previous knowledge of the student, but will notify the employee that they received their request and will take appropriate action. Counseling Services will notify the reporting employee if contact was made, or if they were unable to make contact. No information regarding information disclosed by the student, or information regarding past or future services can be shared with the concerned employee or any other CEI employee.

### **1.9 Clarification and pressure to violate ethical and legal standards**

Staff members have the ability to clarify any portion of this procedure with the Counseling Director. However, additional attempts (that do not contain clarifying questions) to pressure any Counseling Services employee to violate HIPPA or FERPA laws, their ethical standards, and student confidentiality are subject to a complaint filed directly with the Human Resources office.

External requests for information that attempt to pressure Counseling Services staff to violate ethical and legal standards will be reported to the requesting individual's licensing board and supervisors. Actions that constitute pressure are defined above.

