

CONFIDENTIALITY

in youth mental health sessions

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule provides Federal privacy protections for sensitive patient health information. Unless otherwise specified by law, a health care provider may not reveal confidential information about a patient without the patient's permission. However, until a minor turns 18, their parent or guardian is considered their personal representative and may access their minor child's patient information.

Certain Federal and Idaho laws allow a minor to consent to health care on their own. Generally speaking, when a minor consents to health care, the information related to that care may not be disclosed without the minor's permission. In Idaho a minor of 14 years of age or older may consent to their own mental health treatment.



Summary: If you are over 14, mental health providers must generally keep your statements made during treatment confidential. Read below to find out when this rule may not apply.

Idaho Code § 16-2428

No person in possession of confidential statements made by a child over the age of 14 in the course of treatment for mental health services may disclose such information to the child's parent or others, without the written permission of the child, unless.....



Disclosure is necessary to obtain insurance coverage



Disclosure is necessary to carry out the treatment plan



Disclosure is necessary to prevent harm to the child or others.

Exceptions to Confidentiality

- **Counseling in Schools:** Parents may access the "education records" of their minor children, so it is always best to ask a school counselor whether conversations will be confidential
- **Child Abuse Reporting:** Mandatory Reporting laws require that health care providers and school officials report when they have a reason to believe that a child has been abused, abandoned, or neglected. This includes Sexual Abuse of a minor.

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Disability Rights Idaho (DRI) is the Protection and Advocacy System for the State of Idaho. This publication was made possible by funding support from SAMHSA, U.S. Administration for Community Living, Department of Health and Human Services and DOE-Rehabilitation Services Administration. The content is solely the responsibility of DRI and does not represent the official views of any federal grantor. 100% of this publication was paid for with federal funds.