

BC ASSOCIATION

of **CLINICAL
COUNSELLORS**



STANDARDS OF CLINICAL PRACTICE Privacy and Confidentiality

Effective November 1, 2023



OVERVIEW: STANDARDS OF CLINICAL PRACTICE

STANDARD 1: CLIENT-CENTERED CARE AND CONSENT

The Clinical Counsellor ensures that every aspect of care is centered around the client's immediate and ongoing needs and goals.

STANDARD 2: COMPETENCE AND QUALITY IMPROVEMENT

The Clinical Counsellor develops and maintains their competence, applies clinically indicated and/or evidence-informed methods, critical thinking and clinical and professional judgment, and engages in quality improvement to best serve clients and protect the public.

STANDARD 3: PROFESSIONAL INTEGRITY AND COMMUNICATION

The Clinical Counsellor meets the ethical and legal requirements of professional practice and demonstrates responsible caring, honesty, integrity and respect for all persons and peoples. The Clinical Counsellor is truthful, accurate, and clear in all communications, respecting and supporting a client's, or potential client's, ability to make informed judgements and choices, and addresses misrepresentations appropriately.

STANDARD 4: DIVERSITY, EQUITY, INCLUSION AND ANTI-RACISM

The Clinical Counsellor demonstrates cultural humility, which begins with a self-examination of values, assumptions, beliefs, and privileges embedded in their own knowledge and practice, and consideration of how this may impact therapeutic relationships with all clients. In collaboration with the client, the Clinical Counsellor facilitates safer health care experiences where clients' physical, mental, emotional, spiritual, social, and cultural needs can be met.

STANDARD 5: INDIGENOUS CULTURAL SAFETY, CULTURAL HUMILITY, AND ANTI-RACISM

The Clinical Counsellor strives to be well-versed in the unique issues caused by structural and systemic racism and the impact on Indigenous clients. The Clinical Counsellor works to ensure they address systemic issues within the practice environment while creating a culturally informed, collaborative, and safer clinical experience for clients. Clinical Counsellors ensure they practice with cultural humility and awareness of systemic racism ensuring Indigenous clients get access to relevant, culturally informed, anti-racist care.

STANDARD 6: CLINICAL AND COUNSELLING ASSESSMENT AND REPORTING

The Clinical Counsellor, within their individual range of competencies, training, and experience, conducts clinical or assessments and prepares clear, concise, accurate, and timely reports appropriate to the needs of the client and the recipient.

STANDARD 7: VIRTUAL PRACTICE AND DIGITAL TECHNOLOGIES

The Clinical Counsellor integrates technology and provides services via remote (virtual) means in a manner that does not compromise quality or integrity of professional service and is in the client's best interests.

STANDARD 8: RELATIONSHIPS, BOUNDARIES AND CONFLICT OF INTEREST

The Clinical Counsellor manages relationships intentionally, maintains appropriate professional boundaries, and recognizes, prevents, and takes action to resolve conflicts of interest—direct, potential, or perceived.

STANDARD 9: SEXUAL MISCONDUCT

The Clinical Counsellor refrains from all activities that would create the potential for sexual misconduct, including activities that exploit the power imbalance and/or trust required of the therapeutic relationship.

STANDARD 10: PRIVACY AND CONFIDENTIALITY

The Clinical Counsellor respects clients' rights to the privacy and confidentiality of their personal information. All clinical content communicated through the course of care by both parties, including information contained in the clinical record is considered to be protected client information. Clinical Counsellors protect all communicated and stored client information and comply with relevant legislation, ethical guidelines and regulatory standards related to privacy and confidentiality at all times.

STANDARD 11: MARKETING, ADVERTISING AND FEES FOR SERVICE

The Clinical Counsellor is truthful, accurate, and clear in all communications, and considers approaches to advertising and marketing activities that are in the best interests of clients and potential clients, and that respect and support the ability to make informed judgements and choices.

STANDARD 12: DOCUMENTATION AND RECORD KEEPING

The Clinical Counsellor maintains and secures client and financial records with the highest integrity, adhering to BCACC bylaws and applicable legislative and regulatory requirements.

STANDARD 13: ETHICAL CONDUCT

The Clinical Counsellor adheres to the ethical principles contained within the BCACC Code of Ethical Conduct and demonstrates ethical behaviour in all professional activities, recognizing the variable nature of ethical concerns and engaging in self-reflective, respectful, and caring practices to protect the inherent worth and wellbeing of all their clients.



STANDARD 10: PRIVACY AND CONFIDENTIALITY

The Clinical Counsellor respects clients' rights to the privacy and confidentiality of their personal information. All clinical content communicated through the course of care by both parties, including information contained in the clinical record is considered to be protected client information. Clinical Counsellors protect all communicated and stored client information and comply with relevant legislation, ethical guidelines and regulatory standards related to privacy and confidentiality at all times.

Expected Outcome:

The client can expect the Clinical Counsellor will safeguard their personal information and protect their privacy and confidentiality, as required by relevant legislation and ethical standards and guidelines.

Criteria

The Clinical Counsellor:

- 10.1 Adheres to all relevant privacy and confidentiality legislation and regulatory requirements.
- 10.2 Performs services in a manner that prioritizes client confidentiality for the individuals, relationships, families and groups they serve.
- 10.3 Provides information at the outset of services and as part of informed consent regarding the limits to confidentiality a Clinical Counsellor, or their designated student, intern or other supervised professional has. Clinical Counsellors are required to keep client information and clinical content confidential unless they determine;
 - a. There is a substantial risk of serious imminent harm being inflicted by the client on themselves.
 - b. There is a substantial risk of serious imminent harm being inflicted by the client on another.
 - c. There is a need to protect an identifiable minor or vulnerable adult consistent with applicable law.
 - d. It is in accordance with any other lawful requirement to do so, such as a court subpoena.
- 10.4 Provides information at the outset of services and as part of informed consent regarding further limits to confidentiality beyond the universal and minimally expected limits noted above in 10.3. Clinical Counsellors are required to keep client information and clinical content confidential unless they encounter circumstances in 10.3 or they are required by a further-limiting context. This may include:
 - a. Contracted services requiring reporting to requesting parties.
 - b. Programmed services with multiple professionals or care teams/circles of care, where the client has provided implied consent to a cohesive program including more professionals than a singular counsellor.

- c. Treatment or assessment facilities or programs where the client has provided implied consent to professionals within the program and requesting parties external to the program.
 - d. Counselling services provided in a legal context where further limits to confidentiality are applied as part of the judicial mandate to report breaches of probation or parole orders.
 - e. Counselling services provided in the context of multi-agency partnerships and involvement where data may be shared interchangeably between bodies.
- 10.5 Ensures extensive understanding of the legal and professional setting they are working within as it pertains to 10.4 and ensures detailed informed consent is provided to the client to clarify requirements set out above in 10.3 and 10.4.
- 10.6 Ensures the repeated written and/or verbal informed consent is obtained at reasonable and consistent intervals and as required to ensure the client's right to confidentiality and self-determination of their information is upheld throughout the process.
- 10.7 Where clinically appropriate, gains client consent to share information for the purposes of seeking Clinical Supervision regarding their care, or as part of the Clinical Counsellor's general professional development.
- 10.8 When seeking Clinical Supervision without direct client consent, ensures an agreement with the Clinical Supervisor that covers the privacy of the client's clinical content.
- 10.9 When providing Clinical Supervision and Supervision of Supervision, ensures that confidentiality is reviewed for both the client's clinical content and the Clinical Counsellor's practitioner information and content, and that the responsibility of disclosure, should it be required, is clearly defined.
- 10.10 Ensures that all client subtypes are presented with the respective structures and processes related to confidentiality. When services are delivered to relationships, families and/or groups the Clinical Counsellor ensures that clients understand that information may or may not be considered protected between clients depending on the clinical approach undertaken.
- 10.11 Ensures that when serving relationships and families, that the Clinical Counsellor has a clearly defined clinically indicated approach to the protection of information established at the outset as part of informed consent.
- 10.12 Ensures that when providing services to Mature Minors, that client confidentiality is upheld to the same standards as applied to any other consenting adult client.
- 10.13 Ensures that when serving groups, other clients are instructed to share the responsibility of the protection of client information and clinical content for each other.
- 10.14 Allows for scenarios in which the client and Clinical Counsellor may elect, as needed and as clinically indicated, to further limit confidentiality as a collaborative decision.
- 10.15 Advises clients and obtains client consent before collecting, using, and/or disclosing confidential information to other parties, unless indicated by 10.4 and/or 10.9. The Clinical Counsellor informs the client under what circumstances disclosure of confidential information may occur.
- 10.16 Conducts assessments, treatments, interventions, conversations, and consultations in a manner that preserves client confidentiality and privacy.

- 10.17 Limits the collection of information to only that which is required for the services being provided and to maintain the client file.
- 10.18 Makes every reasonable effort to ensure client records are accurate, relevant, and up to date.
- 10.19 Develops and maintains policies and procedures to ensure client information is not accessed by individuals other than those directly authorized by the client, professionals inherent to the service itself, or requesting parties with authorized or legal access to the client record.
- 10.20 Accesses, stores, transfers, and disposes of client records in a manner that protects client confidentiality, except in circumstances specified by law, contractual agreements, or policy.
- 10.21 Takes reasonable and lawful steps to ensure that client records and data remain available to the extent needed to serve the best interests of clients, research participants, and relevant others.
- 10.22 Makes advance plans in compliance with requirements of an appropriate executor that maintains confidentiality of records and ensures data is protected in the event of the Clinical Counsellor's death, incapacity, or withdrawal from the position or practice.
- 10.23 Responds to all client requests for their clinical record in a timely manner by producing the record in a secured form for them and at no cost to the client.
- 10.24 Reports privacy breaches to the Office of the Information and Privacy Commissioner for British Columbia (OIPC) to ensure management and mitigation of risk.

Related BCACC Documents

- Code of Ethical Conduct
- Standard for Informed Consent to Clinical Counselling and the Collection, Use and Disclosure of Personal Information
- Standard for Family Law: A Practice Standard for Registered Clinical Counsellors on the Preparation of Family Law Reports
- PIPA: A Counsellor's Guide for Developing Client Personal Information Protection Policies and Procedures
- Entry to Practice Competency Profile


Related Standards of Clinical Practice

- Standard 1: Client-Centered Care and Consent
- Standard 2: Competence and Quality Improvement
- Standard 3: Professional Integrity and Communication
- Standard 4: Diversity, Equity, Inclusion, and Anti-Racism
- Standard 5: Indigenous Cultural Safety, Cultural Humility, and Anti-Racism
- Standard 6: Clinical and Counselling Assessment and Reporting
- Standard 11: Marketing, Advertising, and Fees for Service
- Standard 12: Documentation and Record Keeping

Glossary Definitions

Assessment: Refers to the variety of methods used for the purpose of collecting information relevant to drawing conclusions.

Groups: A subtype of client served where the collection of individuals is for the therapeutic purpose itself. This is not to be confused with a grouping of people such as a culture, ethnicity, society or peoples.



Reasonable: That which any other Clinical Counsellor with similar education, experience and/or training would do in a similar situation.

Copyright © BCACC/June 2023
Effective date: November 1, 2023
109-1034 Johnson St
Victoria, BC V8V 3N7
Canada

www.bcacc.ca