

CONFIDENTIALITY BEST PRACTICES CONFERENCE PASTORAL COUNSELOR

6/11/2016

The South Georgia Conference Pastoral Counselor (CPC) accepts unique obligations to maintain confidentiality due to the various roles that he/she fulfills according to the written job description.

First and foremost the Conference Pastoral Counselor respects and guards the information shared by each individual pastor, spouse, family member, church staff person, lay person, Bishop, and District Superintendent, etc.

Additionally, all clinical conversations are held in the strictest of confidence and protected by law and a code of ethics through the CPC's membership in the *American Association of Marriage and Family Therapists* and in the *American Association of Pastoral Counseling*. He/she is especially bound by the confidentiality limits as defined by the *Georgia Composite Board for Marriage and Family Therapists*. (See attached.)

These best practices for Confidentiality for the South Georgia Conference Pastoral Counselor are adopted to help inform and direct the CPC in managing these complex and vital confidences. Also, these best practices clarify the thought processes and protocols used by the CPC to increase understanding by all parties relating to this office.

Definitions

***Client** – Any person seen formally by the CPC in his/her office for evaluation, treatment, brief or ongoing psychotherapy.

**NOTE - In no circumstance is the CPC to relay any information received in the context of the therapeutic relationship with a current or former client. For those seen for evaluation or treatment, all information exchanged by client and counselor is considered confidential. In cases where there may be a conflict of interest, the former or current client must sign an updated Release of Information form that explicitly outlines what information can be released by the CPC and to whom. The release forms are dated and may be revoked in writing at any time. (See attached Release of Information)*

There are a few exceptions to confidentiality such as the concept of *duty to warn* which means that confidentiality can be broken if the patient is a threat to themselves (such as being suicidal) or others (threatening to

harm another person, child abuse, elder abuse, etc.)

BOM Candidate – A prospective certified candidate, certified candidate, local pastor, lay supply, provisional elder or deacon relating to the Board of Ministry on the conference or district level.

***Confidential Information** - Confidentiality is a part of the ethical guidelines of mental health providers and means that information between a client and a therapist cannot be shared with anyone. (See attached also referenced above). For the CPC who is also an ordained Elder or Deacon, this mandate is set forth in the *United Methodist Book of Discipline* and includes pastoral conversations. (See **Book of Discipline 2012 ¶¶(c)(5), 340.2, and 331.5**)

**Note: There are a few exceptions to confidentiality for clergy as well as for the CPC such as the concept of duty to warn which means that confidentiality can be broken if the patient is a threat to themselves (such as being suicidal) or others (threatening to harm another person, child abuse, elder abuse, etc.)*

HIPAA - The Health Insurance Portability and Accountability Act (HIPAA) protects the confidentiality of health records at a federal level in the United States and includes the confidentiality of therapy and mental health information within it. (See attached HIPAA Form)

Again, note the limits of confidentiality contained in the *duty to warn* mentioned above.

Need to Know – There are persons within conference leadership who constantly deal with sensitive information that is considered confidential. These persons include the Bishop, District Superintendents, Assistant to the Bishop for Ministerial Services, Assistant to the Bishop for Connectional Ministries, Conference Chancellor, Administrative Services Director, Conference Pastoral Counselor, Conference Director of Communications, and the administrative staff related to these positions. There is a high expectation that confidential information will be treated with appropriate sensitivity by these persons as a condition of their being appointed or employed in their position. Information received by one of these parties is not broadcast to all persons on this list, but is shared on a “need to know” basis as part of the nature of supervision and administration as collective stewards of this Annual Conference. Each bishop may establish or modify the protocols for sharing confidential information within the group of persons holding these positions. At all

times and in every situation confidential information is received as a sacred trust.

The CPC is routinely invited into complex situations with seemingly competing interests. The CPC will seek in every case to follow the best practices outlined in this document, the established protocols by his/her professional organizations and licensing board, and guidance from the bishop.

Roles of the CPC and Accompanying Practices of Confidentiality

The job description for the CPC outlines many and various roles which the CPC fulfills. Given the nature of these duties, there exists for some situations an implied “*Need to Know*” basis for exchange of information.

The various roles fulfilled by the CPC include:

1. **Client/Therapist** – All information is confidential. The CPC does not disclose client confidences except by written authorization or waiver, or where mandated or permitted by law. Verbal authorization will not be sufficient except in emergency situations as defined by law. In the context of couple, family or group treatment, the CPC may not reveal any individual’s confidences to others in the client unit without the prior written permission of that individual. The guidelines for “*need to know*” have no basis within the context of this relationship.
2. **BOM Consultant** – Candidates for ministry including prospective candidates for ministry, certified candidates, provisional elders, provisional deacons, licensed local pastors, and lay supply speakers are often required to see the CPC for consultation in relationship to the BOM psychological assessment process. In all instances these persons sign a detailed Release of Information that expressly allows information to be shared during the process of candidacy until the completion of the credentialing process. This information is treated as confidential by board members on both the district and conference level. Separate files are kept by the CPC for BOM Candidates. After the conclusion of the BOM process for any candidate, the CPC will not disclose any confidential information from the psychological assessment without written consent from that individual.

3. **Clergy Consultation** – Clergy often consult with the CPC on matters of staff management or pastoral care and counseling. These conversations are treated by the CPC as confidential unless there is a mutual agreement for information to be shared with a superintendent, etc. A Release of Information is utilized in these cases.
4. **Critical Incident Intervention and Support** – The Bishop often requests involvement by the CPC in cases of critical incidents involving pastors and churches. This includes situations involving clergy misconduct. In these cases the CPC is utilized in a process outlined by the Bishop as an “Agent of the Annual Conference”. This implies the exchange of delicate information on a “*need to know*” basis with the Bishop, Cabinet, or other church official. In each of these cases, those involved are explicitly informed of the limits of confidentiality based on the CPC’s function and role. In these cases the CPC acts explicitly on behalf of the Bishop and/or Annual Conference and information obtained, while managed with integrity, is utilized with the following question in mind. “Who’s the client?” Is the client the Bishop, Cabinet, local church, or pastor/staff person/lay person involved? This question guides the professional ethics and the rules of confidentiality set forth therein. Again, the limits of confidentiality are made explicit to the persons involved.
5. **Divorce Policy** – The Annual Conference has a policy related to clergy divorce. The CPC has a defined responsibility within this policy to assist clergy in securing a referral to an appropriate therapist for required sessions during a divorce. Documentation from the therapist is necessary in order to document the pastor’s compliance. Appropriate release forms are utilized. Information is shared only with the Bishop and Cabinet as outlined in the Release of Information. Divorce documentation is kept on file in the CPC’s office.
6. **Leave of Absence Triad/ Conference Relations BOM** – The Board of Ministry adopted a policy related to clergy seeking to enter or return from Leave of Absence. The CPC serves on the triad with the Conference Relations Chair (or designee) and the District Superintendent relating to the Board. All information coming out of the triad process is shared by the triad on a “*need to know*” basis with the BOM, Bishop, and Cabinet. The Chairperson of Conference Relations writes reports, conveys appropriate information, and keeps the formal record from those interviews.

- 7. Teaching and Training** – In the context of training and teaching events led by the CPC all identifying information is changed in order to protect a pastor's or church's privacy in delicate matters. However, there are certain instances in which a situation becomes public record. In those cases the CPC is allowed to utilize these examples for training purposes. Most examples utilized by the CPC are gleaned from national church training events, etc. and do not imply a local conference situation.

- 8. Safe Sanctuaries** – The CPC is available for emergency guidance and intervention involving child and elder abuse in churches. In these cases all names of minor children remain confidential except for appropriate release to state authorities, DFACS, Law Enforcement, etc. Pastors may reveal names and other pertinent details to the CPC who acts as an agent of the state and the annual conference.

Disclosing Limits of Confidentiality.

The CPC discloses to clients, clergy, and other interested parties at the outset of services the nature of confidentiality and possible limitations of the clients'/clergy/conference leadership's/lay person's right to confidentiality. He/she reviews with clients and others the circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. Circumstances may necessitate repeated disclosures.