

J L Fristad, PLLC
512 Herndon Parkway, Suite F
Herndon, VA 20170-5244
703-980-9715

Client Name _____

Client MR No. _____

Limits of Confidentiality

In providing services under my business, J L Fristad, PLLC, I may use or disclose records or other information about you without your consent or authorization in the following circumstances, either by policy, or because I am legally required.

Emergency

If you are involved in a life-threatening emergency and I cannot ask your permission, I will share information if I believe you would have wanted me to do so, or I believe it will be helpful to you.

Child Abuse Reporting

If I have reason to suspect that a child is abused or neglected, I am required by Virginia law to report the matter immediately to the Virginia Department of Social Services (§ 63.2-1509).

Adult Abuse Reporting

If I have reason to suspect that an elderly or incapacitated (disabled) adult is abused, neglected or exploited, I am required by Virginia law to immediately make a report and provide relevant information to the Virginia Department of Welfare or Social Services (§ 63-2-1509).

Court Proceedings

If you are involved in a court proceeding and a request is made for information about your diagnosis and treatment and the records thereof, such information is privileged under state law, and I will not release information unless you provide written authorization, or a judge issues a court order (§ 8.01-399; §8.01-400.2). If I receive a subpoena for records or testimony, I will notify you so that you (or your attorney or I) may file a motion to quash (block) the subpoena so that I may provide reasons, to the Court, as to why I believe your records should be protected from disclosure. However, while awaiting the judge's decision, I am required to place said records in a sealed envelope and provide them to the Clerk of Court.

NOTE: In Virginia civil court cases, therapy information or records are not protected by patient-therapist privilege in child abuse cases, in cases in which your mental health is an issue. (e.g., if you sue someone for mental/emotional damages), or in any case in which the judge deems the information to be "necessary for the proper administration of justice." In criminal cases, Virginia has no statute granting therapist-patient privilege, although records may sometimes be protected on another basis. Protections of privilege may not apply if I do an evaluation for a third party or where the evaluation is court-ordered. You will be informed, in advance, if this is the case.

Serious Threat to Health or Safety Under Virginia Law

If I am engaged in my professional duties and you communicate to me a specific and immediate threat to cause serious injury or death to an identified or to an identifiable person, and I believe that you have the

intent and ability to carry out that threat immediately or imminently, I am legally required to take steps to protect third parties (§54.1-2400.1). These precautions may include:

- 1) warning the potential victim(s), or the parent or legal guardian or the potential victim(s), if under 18;
- 2) notifying a law enforcement officer; and/or
- 3) seeking your hospitalization.

By my own policy, I may also use and disclose medical information about you when necessary to prevent an immediate, serious threat to your own health and safety. If you become a party in a civil commitment hearing, I may be required to provide your records to the magistrate, your attorney, or *guardian ad litem*, a CBS evaluator, or law enforcement officer, whether you are a minor, (§ 16.1-337) or an adult (§37.2-804.2).

Workers Compensation

If you file a worker's compensation claim, I am required by law, upon request, to submit your relevant mental health information to you, your employer, the insurer or a certified rehabilitation provider.

Employee Assistance Program (EAP)

If you seek services through your Employee Assistance Program (EAP), the manager or coordinator of the program may request information about your condition including, but not limited to, the dates and times of your session, your diagnosis, and the basic treatment plan.

Records of Minors

Virginia has a number of laws that limit the confidentiality of the records of minors. For example, parents, regardless of custody, may not be denied access to their child's records (§ 20-124.6), and CBS evaluators in civil commitment cases have legal access to therapy records without notification or consent of parents or child (§16.1-342).

Other uses and disclosure of information not covered by this notice or by the laws that apply to me will be made only with your written permission.

Client/Legal Guardian Statement

I have read this information pertaining to the confidentiality of client records and understand it as written and explained to me.

Client Signature _____ Date _____

Parent/Guardian _____ Date _____

(If applicable)

Clinician _____ Date _____