

People come to human service providers to obtain care for different needs. Through this process, those seeking help expect to have their personal information to be protected. Ethics, confidentiality, court ordered treatment, and the Health Insurance Portability and Accountability Act (HIPAA) are the guidelines that every medical or human health organization must adhere to in order to provide services to patients or clients. It is important to understand what each of these mean and how they support patient confidentiality and best practices for all human services agencies. In addition, helpers must also comply with these guidelines to avoid personal job loss, any potential lawsuit involvement, or monetary damages to be paid as a result of violating these requirements.

HIPAA was written and developed into law in 1996. The law itself went into effect in 2003. The guidelines that are in place must be followed by all health- care providers, including social workers and behavioral health professionals. (Sidell, 2015) The purpose of HIPAA is to protect patient confidentiality by all means possible. This includes online or virtual storage of client information in a database, appropriate release of information signed by the client or their appointed caretaker. Violation of these guidelines put in place could have severe consequences for everyone involved.

A major benefit of HIPAA is the fact that the law defines what is considered “protected health information”, or PHI, and how the insurance companies are allowed to bill according to the PHI guidelines. Types of PHI include, but are not limited to, verbal information, information on documents, or faxed or emailed information.

(https://bblearn.nau.edu/webapps/blackboard/content/listContent.jsp?course_id=_195899_1&content_id=_8617879_1#) These guidelines are put in place to dictate what is allowed to be shared,

in what context, and to what degree. Without these guidelines in place, there is no guarantee that client or patient information will be protected and not shared with just anyone. In addition, having a standardized expectation of all organizations to protect client PHI equally makes it easy to determine if someone is in violation of the law.

Most importantly, we must remember that our patients and clients have the right to privacy. They have the right for their personal information to remain confidential and safe. The safety and protection of our client's information is our duty as providers to protect their personal information as if it were our own.

Something to consider when looking at the basis of ethics related to HIPAA is that the code of ethics in social work actually has a lot stricter requirements than just the HIPAA laws dictate. HIPAA laws are a lot more broad in consideration compared to the different ethics codes associated with counseling or social work. Social workers and therapists have additional responsibilities to their clients regarding safety and protection of confidentiality. There are certain requirements, such as HIV or AIDS testing and results, that have a certain standard in place regarding reporting information and who is allowed to have access to it. (Barsky, 2010) There are guidelines for how a social worker is allowed to accept payments for services rendered. It is unethical for a therapist or provider to accept gifts from clients or patients. These restrictions are not dictated in HIPAA, but are considered in the different codes of ethics in the field.

With all of this in mind, it is also important to discuss the additional responsibilities that those working in helping professions have with regards to mandated reporting. Mandated reporting is defined as “people who are in professions where they come in contact with

vulnerable people and are therefore legally required to ensure a report is made when abuse or neglect is suspected". (https://en.wikipedia.org/wiki/Mandated_reporter, accessed 4/3/2020) A social worker or therapist holds the requirement to report any suspected form of abuse, if a client discloses their intent to harm himself or someone else, or if the client has been harmed by someone recently and the client is a child. Helping professionals have a legal, ethical, obligation to report any suspected issues that may indicate any form of abuse or neglect.

Elder or vulnerable adult abuse and neglect is associated with adults. Examples of elder abuse or neglect would be a parent living with their adult children, who is acting as their caretaker, and their needs are not being met. This could be anything from stealing their money without their permission to neglecting to change their adult diapers, resulting in sores or rashes. Vulnerable adults would be those who suffer from mental disabilities who cannot speak or defend themselves. Perhaps they are being beaten by their caretakers because of their inability to complete tasks of daily living. As mandated reporters, helping professionals are required to report to the APS, or adult protective services hotline if there is any suspected abuse or neglect.

Child abuse and neglect is similar to adult abuse, instead it is related to children. In respect to ethics in social work, the family has authority to autonomy. However, that autonomy is no longer applicable if there is suspected abuse or neglect. (Barsky, 2010) The helper's primary responsibility is to the child and their safety and well being. It is up to Child Protective Services, or CPS, to determine validity of any reports of suspected abuse.

There is no wrong report of suspected abuse. The guideline is that if the helper believes there might be a concern, he is mandated to report it. It is not for the reporter to decide if it is a

valid report or not. There are also certain laws that are in place for child protection workers to investigate a report for suspected child abuse.

One popular example of why it is important to follow all necessary guidelines for reporting and for the workers to investigate appropriately is the Gabriel Fernandez child abuse story. This story brought to light the reason that it is important to investigate all reports of abuse and treat them appropriately. In this case, there were multiple calls to investigate the abuse and they were not handled appropriately. As a result, the boy was murdered by his mother and her boyfriend after months of awful abuse and torture. The social workers in the case dropped the ball, did not investigate appropriately, and the cost was the life of an innocent child.

(<https://www.express.co.uk/showbiz/tv-radio/1251848/Gabriel-Fernandez-What-happened-to-social-workers-Stephanie-Rodriguez>)

It is imperative that helpers take the responsibility of being a mandated reporter seriously, and that the social workers and CPS and APS workers do their jobs to protect the vulnerable clients that are unable to protect themselves. Failure to report and protect these vulnerable populations will have catastrophic results, which is why it is so important to report.

In many instances, mental health treatment is ordered by a judge in court. These orders can be anything from recovery treatment, medication to manage symptoms, anger management classes, and more. Typically, intervention is court ordered because the sufferer did something against the law that resulted in the harm of themselves or someone else. The court will typically order a mental health assessment, which will ultimately determine the level of necessary intervention the person would need to receive in order to determine the underlying reason for the acts of deviance. The assessments will be completed by two qualified physicians, each drawing

up their own conclusions of the mental status of the person, then coming together to present their findings to the client.

After the assessments are complete, the client has the right to choose or deny treatment. In the event that they deny, the petition for treatment is filed with the court, and at that point is when the judge will order treatment based on the findings and recommendations of the professionals who completed the assessment. The person has the right to appeal the judge's orders, but such appeals can take a long time to be reviewed. In the meantime, it is best for the person to complete the ordered treatment to show good faith.

(https://bblearn.nau.edu/ultra/courses/_195899_1/cl/outline, Court Order for Mental Health Treatment)

In conclusion, when considering the medical and behavioral health fields, as you can see, there are many different pieces that must be remembered to protect patient confidentiality and rights. Without adherence to these regulations and rules, practices can be deemed unethical, which could result in damages beyond comprehension. Ultimately, providers and workers have the responsibility to protect their clients. Utilization of these rules and guidelines are crucial to protecting the people who are served. Patients trust that they will be protected, which is why it is so important to ensure that helpers make conscious efforts to adhere to these requirements.

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