

01 NCAC 17 .0713 PARTICIPANT CONFIDENTIALITY

(a) All abuser treatment programs shall establish and comply with written policies and procedures regarding participant confidentiality and provide notice of the policies and procedures to all who provide direct services and those with access to participant records. Except as noted in Paragraph (b) of this Rule, program staff shall not disclose, without the participant's consent, any confidential communications made by a participant to the program staff during the course of the program.

(b) Exceptions to Confidentiality: All participant information shall be kept strictly confidential except under the following conditions:

- (1) When a participant makes an overt or covert threat to harm self or others, the program staff shall warn the potential victim and law enforcement personnel. The program staff shall promptly contact the partner, any other potential victim, and law enforcement if the staff member believes someone is at risk. If the victim cannot be reached, the staff may contact the Commission or any local victim services program that may provide assistance in locating the victim. The program shall undertake ongoing assessment of the risk of danger to the victim, the children, or the participant him or herself. (See Rule 01 NCAC 17 .0704(c) regarding lethality assessment.)
- (2) If a participant is suspected of child abuse or neglect, program staff shall report such abuse or neglect to the director of social services in the county where the juvenile resides pursuant to G.S. 7B-301.
- (3) If a participant has been mandated to an abuser treatment program by a judge, program staff shall release information about acceptance to, attendance, compliance with program rules and guidelines, behavior in group, and current abuse or threats of abuse to an officer of the court, a probation officer, or a judge.
- (4) The program shall notify or make good faith attempts which shall be documented to notify the person identified as the victim of abuse of the participant's acceptance or rejection for enrollment in the abuser treatment program for the dual purposes of ensuring the safety of victims and providing information about the program.
- (5) The program may disclose information about a participant when the participant or his or her heirs, executors or administrators file a suit or complaint against the abuser treatment program that arises out of or is connected with the services rendered or denied to such participant by the program.

(c) Waiver of Confidentiality: Information may be shared according to the terms of Waivers of Confidentiality that may be signed by the participant in the course of the program.

(d) Group Confidentiality: All abuser treatment program counseling and educational groups are confidential and closed to those other than participants, program staff, and other professionals necessary for the functioning of program services. Those providing services to the deaf, offering language translation and interpretation, or bringing information critical to the curriculum to the group may attend at the staff's discretion. Other people who wish to visit, including newspaper reporters, grant-makers, and the participant's family and friends may attend only when the participants unanimously agree to a visit, and upon a written warning by the staff that the program shall not be responsible for any breach of confidentiality. Program staff shall advise visitors and participants of the confidentiality policy and require visitors to execute an agreement not to disclose identity of participants or participant-specific information except as they receive written permission to do so.

(e) Separate Records: The abuser treatment program shall maintain separate locked files for participants and victims. There shall be no commingling of confidential information in victim and participant records.

*History Note: Authority G.S. 50B-3(a)(12); 143B-394.16;
Eff. October 1, 2004;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.