

8740.0330 CLIENT CONFIDENTIALITY.**Subpart 1. General.**

A. A social worker shall ensure the confidentiality of all information provided by or obtained about a client. "Client information" includes the social worker's personal or other knowledge of the client and client records. Except as provided in this part, client information may be disclosed or released only with the client's or the client's legal representative's valid, informed consent, appropriate to the circumstances. A social worker shall seek consent to disclose or release client information only when such disclosure or release is necessary to provide services.

B. Client records may be released only with the client's or the client's legal representative's written informed consent; the written informed consent must explain to whom the client records may be released and the purpose for the release. The written informed consent must also state an expiration date for the authorized release of client records.

C. Other client information may be disclosed or released only with the client's or the client's legal representative's written informed consent, except that a social worker may disclose or release other client information with the client's or the client's legal representative's verbal informed consent during the course of providing services, when it is not practical to obtain written informed consent before providing necessary services. The social worker shall document the disclosure or release of client information pursuant to verbal consent.

D. When providing services, as authorized by law, to a client who does not have the capacity to provide consent and who does not have a legal representative, the social worker may disclose or release client information as necessary to provide services to ensure the client's safety or to preserve the client's property or financial resources.

Subp. 2. Release of information without written consent. A social worker shall disclose client information, including client records, without the written consent of the client or the client's legal representative only under the circumstances described in items A to C.

A. When mandated or authorized by federal or state law, including the mandatory reporting requirements under the maltreatment of minors and vulnerable adult laws.

B. When the client communicates to the social worker a specific, serious threat of physical violence against a clearly identified or identifiable potential victim, or against the client's self or against society in general. In fulfilling this duty to warn, the social worker may release only the information that is necessary to avoid the infliction of physical violence. The social worker shall release this information to law enforcement and other appropriate authorities and to the potential victim or, as appropriate, to the victim's legal representative.

C. When the board issues a subpoena to the social worker.

Subp. 3. **Release of information under court order.** A social worker may release client information, including client records, when a court of competent jurisdiction orders release of the client information or records.

Subp. 4. **Limits of confidentiality.** The social worker shall inform the client of the limits of confidentiality under other applicable standards or law, both at the beginning of a professional relationship and during the professional relationship as necessary and appropriate.

Subp. 5. **Third-party billing.** A social worker shall provide client information to a third party for the purpose of payment for services rendered only with the client's written informed consent.

Subp. 6. **Client information to remain confidential.** A social worker shall continue to maintain confidentiality of client information upon termination of the professional relationship including upon the death of the client, except as provided under this part or other applicable law.

Subp. 7. **Limited access to client information.** A social worker shall limit access to client information in a social worker's agency to appropriate agency staff whose duties require access.

Subp. 8. **Photographs and audio or video recordings.** Unless otherwise authorized by law to do so in the social worker's professional capacity, a social worker shall obtain a client's written informed consent before taking a photograph of the client or before making an audio or video recording of the client, or allowing a third party to do the same. If the photograph or recording is to be published, distributed, or used in any way outside of the professional relationship with the client, the written informed consent must explain to the client the purpose of the photograph or the recording and how the photograph or recording will be used, how it will be stored, and when it will be destroyed. The written informed consent must also explain to the client how the client may have access to the photograph or recording.

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