

## Limits of Confidentiality in mental health practice in Colorado

Please see: Colorado Revised Statutes Title 27. Behavioral Health § 27-65-105. Emergency procedure

<https://codes.findlaw.com/co/title-27-behavioral-health/co-rev-st-sect-27-65-105.html>

The information you discuss during a psychotherapy session is protected as confidential under Colorado law (CRS 12, 43,214 (l)(d)) with certain limitations.

- As a mandated reporter in the state of Colorado it is my policy to report **known and suspected child and elder abuse**, without an investigation, to the proper authorities who may then investigate.
- I also may take some action, such as seeking an order for your emergency evaluation or involuntary commitment, without your consent if I assess you to be a serious/imminent **danger to yourself or another or gravely disabled**. Any action I take without your consent will be discussed with you.
- **Duty to Warn:** The **Colorado Revised Statute 13-21-117** requires that in the instance where “the patient has communicated to the mental health care provider a serious threat of imminent physical violence against a specific person or persons”, I as a mental health professional take action to contact and warn an individual that a client/patient of mine has made a direct threat to harm, if I know the individual’s name and have a means of directly contacting them. “When there is a duty to warn and protect under the circumstances specified above, the duty shall be discharged by the mental health care provider making reasonable and timely efforts to notify any person or persons specifically threatened, as well as notifying an appropriate law enforcement agency or by taking other appropriate action including, but not limited to, hospitalizing the patient”.
- **Court order demanding release of information:** The information you disclose during psychotherapy may be requested by the court. If this occurs, you and I should discuss this issue immediately
- **Clients under the age of twelve:** In Colorado a youth age 12 or older can consent to their own mental health treatment and maintain their own confidentiality without the consent of their parent(s)/legal guardian(s). Youth under age 11 require parental/guardian consent to participate in treatment. The law allows parents to examine their child’s (under age 15) health records unless a clinical professional decides that this would be likely to injure the child.  
\*Colorado HB 19-1120 was signed into law and went into effect on **May 16, 2019**. HB 19-1120 lowers the age of consent for psychotherapy services from 15 years old to 12 years old.
- If I am unable to collect my agreed upon fee, I may send your name and address to a Collection agency.
- If you file an official complaint or a lawsuit against me, according to Colorado law, your right to confidentiality will be waived.
- I may seek **consultation from another mental health professional**. However, your identity will not be revealed without your consent, and your privacy will be protected by that professional.
- Clerical persons hired by me may have access to limited confidential information. This information is protected from further disclosure and is used solely for administrative purposes.
- When I am away from my office for a few days, I may ask another licensed therapist to cover emergencies for me. Generally, I will tell this therapist only what he or she needs to know to respond to any emergency that may arise.