

The information provided in this Practice Support checklist is intended to provide general guidance to assist registrants in identifying issues and options that should be considered, and implementing strategies to address issues, resolve problems and improve practice, with respect to a particular aspect of psychology practice. No checklist can anticipate all variables that might be relevant to a specific professional decision or circumstance, but the checklist can provide general guidance to registrants dealing with the identified practice issue. Registrants are also invited to contact the Practice Support Service with any questions.

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This checklist does not establish standards, limits or conditions for registrants' practice for the purposes of the Health Professions Act, and it is not intended to impose mandatory requirements to the extent that such requirements are not established under the Code of Conduct. In the case of any inconsistency between this checklist and any Code standard, the Code standard governs. The final decision on the course of action to be taken in any practice situation is made by the registrant, and checklists are not intended as a substitute for the professional judgment and responsibility of the registrant. Exclusive reliance on checklists is imprudent, as every practice decision depends on its own particular circumstances.

This document may not be copied in part. Registrants wishing to copy it in its entirety must keep this disclaimer attached and must identify it as a College of Psychologists of B.C. Practice Support document. For ease of reference, select Code standards are indicated in brackets following checklist items. Registrants are obligated to consider any other Code standards and legislation that may be relevant to a specific practice situation. All references to the Code of Conduct and other legislation is current to the date indicated at the beginning of each checklist.

## Considerations When Contemplating Releasing Information in Various Circumstances Checklist

The following questions are intended to assist registrants in considering relevant issues when contemplating releasing information, including when responding to various requests to release information regarding clients or when considering making a report due to safety or other concerns. Registrants who are uncertain regarding their disclosure rights and obligations in any particular circumstance may wish to seek legal consultation as part of determining how best to proceed. Relevant Code standards are indicated in brackets following the checklist items.

### Consent Issues

- Do you have a release signed by the client(s) to release the requested information to the party or parties requesting the information? **(4.1, 6.2)**
- Is there more than one client? If so, do you have all required consents to release the requested information? **(5.9, 6.2, 6.3)**
- Is any action you are considering consistent with your original agreement with the client(s)? If not, do you need to revisit the terms of your agreement with the client(s) and seek new informed consent? **(4.5, 8.3)**
- Is a minor or other party who lacks capacity to provide consent involved? **(1.1)**
  - If so, have you accurately identified all parties from whom you may require consent? **(4.3, 4.4, 18.1)**
  - Do you have the necessary and sufficient consent(s) legally required to release the information? **(4.3, 4.4, 18.1)**
  - Have you accurately identified all parties from whom you may need to seek assent? **(1.1, 4.3)**
  - Have you obtained all assents as appropriate? If you are not obtaining assent, have you documented why this is inappropriate or not possible in your circumstance? **(4.3, 4.24, 4.25, 6.9, 6.10)**
- Is there a third party involved in this case (e.g., third-party payer, institution, etc.)?
  - If so, does this affect from whom you need to obtain informed consent to release information? **(1.2, 5.13, 6.4)**
- Is there any other party from whom you need to obtain informed consent before releasing information?
- Is the client deceased? If so, do you need to seek legal consultation to clarify whether the person making the request has a legal basis for doing so? **(6.2)**
- If you do not have appropriately signed consent from all required parties to release the information, do you have another legal basis for releasing the requested information? **(6.11, 7.17, 18.1)**
  - Are you contemplating releasing information in response to a court order? If so, have you carefully considered the order to ensure you are only releasing what is specifically required or demanded by the order? **(1.6, 6.11, 18.1, 18.6)**
  - Are you contemplating releasing information pursuant to another legal requirement? **(1.6, 7.17, 18.1, 18.6)**
  - If none of the above applies, on what basis are you contemplating releasing information without client authorization to do so?
  - Do you need to seek legal consultation as part of determining how best to proceed? **(6.2, 6.13)**

## Mandated Reporting

- Do you believe you have a situation that requires you to release information without client consent?
  - Are you contemplating releasing information pursuant to *Code of Conduct* Standard 6.7? If so, will you be doing so consistent with the requirements specified in *Code of Conduct* Standard 6.8? **(6.7, 6.8)**
  - Are you contemplating releasing information pursuant to another legal requirement? Have you carefully reviewed the legislation pursuant to which you are considering acting? **(1.6, 7.17, 18.1, 18.6 and Health Professions Act s.32.1 - 4)**
  - If none of the above applies, on what basis are you contemplating releasing information without client authorization to do so?
  - Do you need to seek legal consultation as part of determining how best to proceed? **(6.2, 6.13)**

## Nature of Information to be Released

### Copy of File Information

- What precisely is being requested, and who is the intended recipient of the information? Does the situation pose any potential conflicts with Code of Conduct requirements? Does the situation pose any potential conflicts with legislated requirements? **(6.2, 6.13, 18.1)**
  - Have you considered all different parts of your clinical file and taken the steps outlined in *Code of Conduct* Standard 6.13? **(6.13)**
- Have you considered the provisions of *Code* Standard 6.12? **(6.12)**
- If test materials and/or test data are involved, have you considered the provisions of Standards **11.12, 11.13, 11.14, and 11.16?**
- Do you need to seek legal consultation as part of determining how best to proceed? **(6.2, 6.13)**

### Requests for Reports

- What is your existing role with the client? In what way might your existing role have an impact on how you respond to the current request? If you are being asked to provide a report, are you being asked for a treatment summary, or are you being asked to provide a psycho-legal opinion(s) such as that normally provided by an independent assessor?
  - Do you have a sufficient basis for providing the information and/or opinions requested? **(3.16, 3.17, 11.22, 11.23)**
  - Have you sufficiently considered the issue of dual roles as it applies to your existing formal role with the client and the request with which you are faced? **(5.10, 5.11, 5.12, 11.24)**
  - If you are or were in a treatment role with the client(s), have you appropriately taken into account any potential limitations this role places on your opinions regarding the client(s)? **(3.14, 3.16, 3.18, 11.6, 11.29)**
  - Are there any other limitations to your opinions that should be noted? **(3.18, 3.23)**
- If you are making recommendations, do any of your recommendations represent, or have the appearance of, a conflict of interest? **(5.4, 5.12)**
- Are you being asked to provide an opinion or comment regarding anyone with whom you have not had direct formal professional contact? If so, what is your appropriate response? **(3.16, 3.17, 11.22, 11.23)**
- Are you being asked to provide an opinion or comment on a matter that is outside your scope of practice? If so, what is your appropriate response? **(3.5, 3.26)**
- Would the matter best be addressed by offering a modified service and/or recommending referral to another professional? **(3.1, 3.6, 5.1)**

## Issues That May Warrant Legal Consultation

- Do you need to seek legal consultation as part of determining whether you have a legal basis, or requirement, to release information without client consent? **(6.2, 6.7, 7.17, 18.1)**
- Do you need to seek legal consultation as part of determining how best to proceed in responding to the request for release of information? **(6.2, 6.13)**
- Do you need to seek legal consultation as part of determining how best to proceed in responding to the request for release of test materials and/or test data? **(6.2, 6.13, 11.16)**