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## Confidentiality In Crisis Conversations

Conversations on the 988 Lifeline are sensitive in nature and require a great deal of attention to confidentiality. It's important to protect the information that individuals share during their conversations with crisis contact center staff. There are times in which this confidentiality may need to be broken with or without the individual's consent. In these instances it is important for crisis counselors to be aware of the policies and laws that exist around sharing an individual's protected information. Keep in mind that information is disclosed only when it's in the best interest of the individual's safety to disclose that information; and, when information needs to be disclosed, the only information disclosed is the information that is necessary to accomplish the intended purpose of the disclosure. Below are some scenarios that centers may encounter around confidentiality, as well as information that crisis counselors should remember when navigating these situations.

### Care Coordination

Care coordination is a strategy that is frequently used by crisis counselors to support the empowerment of individuals reaching out to the 988 Lifeline. Care coordination may involve making contact with a provider either on behalf of the individual (such as discussing an individual's current treatment plan with their therapist) or alongside the individual (such as connecting the individual to their care manager on a three-way call). In order to protect the confidentiality of the individual when engaging in care coordination, it's important for crisis counselors to be aware of the following:

- Care coordination on behalf of the individual:
  - Unless there is imminent risk involved, center staff need to obtain written consent from the individual in order to reach out to a professional to discuss any information related to or about the individual. Please see the example of an ROI (release of information) at the end of this document.
- Care coordination alongside the individual
  - Unless there is imminent risk involved, center staff must obtain verbal consent from the individual in order to reach out with them to a provider or another individual.

If your crisis contact center is part of a larger organization that offers services across the crisis care continuum and utilizes an integrated documentation platform, we recommend that crisis

contact centers carefully consider when and how information will be shared. It is recommended that access to 988 Lifeline conversation records be limited to the staff answering and supervising 988 Lifeline conversations. When confidential information is shared with other programs or staff, it should be with consent from the individual seeking support.

### **Disclosures of Abuse/Neglect**

Crisis counselors may encounter scenarios in which an individual discloses situations involving abuse. For example, a minor may report neglect from their guardian or an older adult may report abuse from their caregiver. There may also be times that an individual intentionally or unintentionally divulges abuse that they themselves are perpetrating. For more information about situations such as these, please refer to the guidance documents [Adult Abuse and Neglect](#) and [Considerations for Reporting Child Abuse](#), located in the NRC. Crisis counselors may be unsure of their role in these situations when it comes to maintaining confidentiality and reporting instances of abuse to the appropriate professionals. In these instances, it is important for crisis counselors to consider the following:

- **State laws:** States may have different laws when it comes to making a report. Center supervisors should proactively work to familiarize themselves with these regulations to ensure that they are able to provide their staff with guidance on when it is appropriate to break confidentiality and make reports to professionals about disclosures of abuse or neglect.
- **Center policies:** Centers may find it is beneficial to develop internal center policies for crisis counselors to follow on how to respond to disclosures of abuse or neglect and how it relates to confidentiality on the 988 Lifeline. These policies should account for state laws around both confidentiality and reporting practices.
- **Mandated reporter status:** Crisis counselors may have their own responsibilities for reporting abuse or neglect outside of the center's policies about confidentiality due to their individual professional certifications if, for example, they are a mandated reporter. Crisis center policies around confidentiality should not act as a barrier to crisis center staff's ability to fulfill the legal obligations of these roles. Although crisis hotlines as a field of service fall into a gray territory when it comes to mandated reporting, centers are encouraged to act as mandated reporters in the event of disclosures of abuse/neglect.
- **Supervision:** Crisis center supervisors should be available for center staff to consult with around any situations in which a crisis counselor may need to breach confidentiality in order to make a report for abuse or neglect and should attempt to help the crisis counselor use their best clinical judgment while accounting for the context of the situation, state laws, and center policy.

## Imminent Risk and Duty to Warn or Protect

Individuals reaching out to the 988 Lifeline may present an imminent risk for harming themselves, or harming another person. In these situations, crisis counselors may need to contact emergency services and disclose the confidential information obtained during the crisis conversation without obtaining consent in order to best ensure the safety of the individual. It is important to note that crisis counselors should do their best to familiarize themselves on the topic of imminent risk and Duty to Warn or Protect to ensure that they are not disclosing confidential information unless it is absolutely necessary. Additional information around imminent risk can be found on the [Imminent Risk Practice Guidelines Page](#) in the NRC. Crisis counselors and supervisors should work to familiarize themselves with the Duty to Warn or Protect in their state to ensure that their center's policies are in line with this law and that crisis counselors are able to receive additional guidance from their supervisors when needed.

## Responding to Questions about Confidentiality on the 988 Lifeline

Individuals who contact the Lifeline may understandably have questions regarding the services' confidentiality, or express concerns about their information being shared outside of the conversation. In these instances, crisis counselors can provide reassurance to the individual that there are few instances that would require breaking confidentiality and that their privacy is important, while also being transparent about the limits of confidentiality at a center. The following are examples of potential ways to respond to questions that come up about confidentiality:

- *It makes sense that you're wondering if we will protect your information. All contacts to the 988 Lifeline are confidential and we do not share any information about these conversations unless we need to support you in getting some immediate help or we need to report a situation involving abuse to a vulnerable individual.*
- *Everything we discuss today is confidential and cannot be disclosed without your written permission. There are a couple of instances that may require us to break confidentiality. If you report child or adult abuse or neglect, a report may need to be made to ensure the safety of the vulnerable individual. If you report a plan and intent to harm yourself or someone else, and we aren't able to come together on a plan to help you stay safe, we may need to take steps to ensure safety even if it means breaking confidence to do so.*

There may be times in which other entities, such as law enforcement, health care providers, or therapists, reach out to the Lifeline seeking information about an individual's use of the 988 Lifeline or requesting copies of chat/text/call transcripts. For information on how to respond to these requests, please see the Responding to Investigative Inquiries guidance document located on the NRC in the Policy and Sample Policy Guidance Practice Guidelines page.

## Informed Consent for Recorded Outbound Calls

Crisis counselors engaging in a recorded outbound call need to make every effort to ensure that the individual is aware of the recording taking place and is able to provide informed consent around this practice. Prior to engaging in a discussion on an outbound call, crisis counselors should verify they are speaking to the correct person to maintain confidentiality. For example, a crisis counselor making an outbound call may state the following as a greeting:

- *“Hello, I’m reaching out to speak with (the individual’s name)”. **Once it has been verified you are speaking to the correct individual** “This is (crisis counselor name), from 988 Lifeline. I’m calling to discuss (purpose for the outbound call). I want to let you know that this conversation is confidential and that to improve 988, your call may be monitored and recorded...”*

It is important to note that in instances of imminent risk, obtaining informed consent may not always be possible, and should not prevent a crisis counselor from any outreach that is needed to obtain an emergency service response.

**If your center is a HIPAA covered entity, there may be additional considerations for privacy and confidentiality.**