

**Military OneSource Program
Policies and Procedures
Attachment 27**

SUBJECT: INFORMED CONSENT / CONFIDENTIALITY

Effective Date: 02/14/2012

REFERENCES:

1. DODI 6490.06 Counseling Services for DoD Military, Guard and Reserve, Certain Affiliated Personnel and Their Family Members
2. DoDI 6495. 02 Sexual Assault Response Procedures
3. DoDI 6400.06 Domestic Abuse Involving DoD Military and Certain Affiliated Personnel
4. DoDD 6495.01 Sexual Assault Prevention and Response Program
5. OSD Military OneSource Duty to Warn and Mandated Report Policies and Procedures

PURPOSE: To provide direction and guidance on Informed Consent/confidentiality for the Military OneSource (MOS) Program.

POLICY: MOS staff and network providers shall provide informed consent information to the individual and/or family member during the initial counseling contact. Information disclosed to MOS shall be kept confidential, except to meet legal obligations or to prevent harm to self or others.

PROCEDURE:

1. At a minimum, the following confidentiality statement shall be provided to all eligible individuals seeking counseling services:

“Information you provide to me will be kept confidential, except to meet legal obligations or to prevent harm to self or others. Legal obligations include requirements of law and DoD or military regulations. Harm to self or others include suicidal thoughts or intent, and violence against any person including sexual assault. Mandated reports include domestic abuse, child abuse and neglect and any present or future illegal activity.”

DOD Policy allows for Restricted Reporting of domestic abuse and sexual assault. Assault victims of domestic abuse and active duty sexual assault victims have the option of reporting the incident to specified individuals without initiating the investigative process or notification to the victim’s or alleged offender’s commander. If the participant wishes to make a restricted report, do not collect any additional information and provide a warm handoff to the specified individuals below.

1. Alleged victims of domestic abuse and domestic violence requesting restricted reporting must be referred to a Victim Advocate, a Health Care Provider, or the Supervisor of a

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Victim Advocate in accordance with Reference 3. Reports of sexual assault must be made to the Sexual Assault Response Coordinator in accordance with Reference 2.

2. Additionally if a duty to warn or a mandated report situation surfaces, informed consent must be provided.
3. The contractor shall establish and maintain a record keeping system that is designed to protect the Service member or family members' privacy and confidentiality. Although this counseling is private and confidential, the contractor must keep utilization data for quality assurance, utilization review, and risk management which document confidential and private services have been provided. The MOS staff or network providers shall inform the Service member or family member that the personal identification information will be held in strictest confidence by the contractor and not shared with the military command with exception of duty to warn and mandated reports.
4. The Contractor's non-medical counseling provider must adhere to requirements specified within this policy and procedure.
 - a. Face to face: Written confirmation signed by the provider and participant related to the provision and understanding of the confidentiality statement and restricted reporting statement if applicable, shall be maintained within the case record.
 - b. Other modalities: Recorded, verbal confirmation of the participant reflecting the provision and understanding of the confidentiality statement and restricted reporting statement, if applicable, shall be maintained attached to the case record.

EXCEPTIONS: There are no exceptions to this policy without Government MOS Program Office written approval.