



MEMORANDUM

DATE	April 3, 2026
TO	Outreach and Education Committee
FROM	Steve Sodergren, Executive Officer
SUBJECT	Discussion and Possible Action to Make Recommendations of the Information Bulletin Protecting Client Confidentiality and Working with Marginalized Communities

Background

During the February 2026 Board meeting a concern was expressed about the need to take additional steps support licensees in their work with marginalized and vulnerable communities. Marginalized communities are groups who face barriers to equal access, resources, or support due to social, economic, or historical factors. Vulnerable communities are groups of people who face a higher risk of harm or reduced access to essential services because of social, economic, or health related factors.

As an initial effort, Board staff have prepared two informational documents. One document offers guidance on protecting client confidentiality, and the other provides general considerations for working effectively and respectfully with marginalized and vulnerable communities. Once approved, these bulletins will be posted on our website and advertised through our social media platforms.

Recommendation

Discuss the informational bulletins, recommend any revisions, and direct staff to return with a finalized version for Board approval.

Attachments

Attachment A: Protecting Client Confidentiality Bulletin

Attachment B: Working with Marginalized or Vulnerable Communities Bulletin

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Protecting Client Confidentiality

Protecting client confidentiality and ensuring safe, ethical mental health care are core responsibilities of BBS licensees and registrants. The information below addresses common questions about confidentiality and records protection.

General Confidentiality Protections

What laws protect the confidentiality of therapy records?

Mental health records in California are protected by several laws and professional standards, including:

- California confidentiality laws (Evidence Code and Civil Code)
- Federal HIPAA privacy protections
- Professional ethical standards for licensed mental health professionals

These laws and ethical guidelines generally prohibit disclosure of client information without the client's written authorization unless disclosure is legally required.

When can a therapist legally disclose confidential information?

A therapist may disclose confidential information only in limited circumstances, including:

- When the client provides written authorization
- When required by a valid court order
- In response to certain legally issued subpoenas
- When mandated reporting laws apply (such as child abuse, dependent adult, or elder abuse)
- When there is a serious threat of harm to the client or others

Outside of these situations, therapists must maintain client confidentiality.

Can law enforcement request therapy records?

Law enforcement or other agencies may request records, but therapists cannot be required to release confidential records without proper legal authority.

Typically, one of the following is required:

- A valid court order
- A legally issued subpoena
- Written authorization from the client

Therapists should carefully review the legal basis of any request before releasing records. In addition, therapists should educate clients on their rights and the effects of releasing confidential files.

Protecting Clinical Records

How should therapists protect clinical records from unauthorized access?

Therapists should maintain secure recordkeeping practices, including:

- Storing paper files in locked and secure locations
- Using HIPAA-compliant electronic health record (EHR) systems
- Protecting digital systems with strong passwords and security protections
- Limiting access to authorized individuals only

These practices help ensure that client information remains confidential.

What should therapists consider when using electronic health record (EHR) systems?

When using online or electronic record systems, therapists should ensure:

- The platform is HIPAA-compliant
- Appropriate data security safeguards are in place
- Access to records is restricted to authorized users
- A Business Associate Agreement (BAA)* exists when required

Therapists should also understand how their technology vendors store and protect client data.

* *HIPAA Business Associate Agreement (BAA) is a mandatory contract between a healthcare covered entity and a vendor (business associate) that handles Protected Health Information (PHI). It ensures the vendor complies with HIPAA security/privacy rules, limiting PHI usage, requiring breach reporting, and allowing for contract termination.*

Resources and Additional Information

When in doubt, consult your professional association or legal counsel.

For more information about confidentiality and professional responsibilities, licensees may consult:

- [BBS Statutes and Regulations](#)
- Professional ethical codes:
 - [CA Association of Marriage and Family Therapists Code of Ethics 2025](#)
 - [National Association of Social Workers Code of Ethics 2021](#)
 - [American Psychological Association Code of Ethics](#)
 - [CA Association of School Psychologist Code of Ethics](#)
- [HIPAA Health Information Privacy](#)
- Continuing education courses on confidentiality and client privacy

The Board will continue to provide guidance and resources to support safe and ethical mental health practice in California.

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Working With Marginalized or Vulnerable Communities

Do therapists have ethical obligations when working with marginalized communities?

Yes. California law and professional ethics require therapists to provide care without discrimination and to practice with cultural competence, respect, and sensitivity to the lived experiences of their clients. Mental health professionals licensed by the California Board of Behavioral Sciences are expected to uphold both legal requirements and professional ethical standards that promote equitable access to care and protect the dignity of all individuals.

Working with marginalized or historically underserved communities requires thoughtful, informed, and ethical practice. Therapists have an ethical responsibility to understand how these broader social and cultural factors may affect a client's mental health, sense of safety, and willingness to seek services.

Therapists are encouraged to:

- **Recognize cultural and systemic influences.**
Be aware that experiences such as discrimination, community violence, immigration stress, systemic historical trauma, poverty, and barriers to healthcare can significantly affect mental health. Ethical practice requires therapists to consider these factors when assessing and treating clients.
- **Develop and maintain cultural competence.**
Therapists should pursue ongoing education, training, consultation and self-reflection to better understand the cultural backgrounds, identities, and experiences of the clients they serve. This includes understanding how bias, both personal and systemic, can affect care.
- **Create safe, respectful therapeutic environments.**
Clients should feel respected, heard, and free from judgment. Therapists should foster an environment where individuals can openly discuss their experiences, identities, and concerns without fear of discrimination or stigma.
- **Protect confidentiality and privacy.**
Maintaining strict confidentiality is essential to building trust. Therapists must safeguard client records and personal information and ensure that disclosures only occur when legally required or authorized by the client.
- **Respect client autonomy and identity.**
Therapists should respect how clients identify themselves, including their cultural background, language, gender identity, sexual orientation, religious and spiritual

beliefs, and family structures, incorporating these factors into treatment planning whenever appropriate.

- **Provide appropriate referrals when needed.**

If a therapist believes that another provider may better meet a client's cultural, linguistic, or clinical needs, ethical practice may include helping the client locate appropriate resources or referrals.

- **Advocate for equitable access to care.**

Where appropriate, therapists are encouraged to support practices that reduce barriers to mental health services and promote fairness, inclusion, and accessibility.

By following these principles, therapists help ensure that mental health services remain respectful, accessible, and responsive to the diverse communities they serve.

How can therapists help clients feel safe when sharing sensitive information?

Therapists should clearly explain confidentiality and its limits at the beginning of treatment. This includes explaining when information may legally need to be disclosed. It may be important to emphasize these conversations with historically marginalized communities to build trust in the therapeutic alliance.

Many clinicians also use informed consent discussions and safety planning to help clients understand their rights and protections.

Protecting Client Safety

What tools can therapists use to support client safety?

Therapists may use several tools and practices to support client safety, including:

- Risk assessments for harm to self or others
- Crisis intervention strategies
- Safety planning with clients
- Consultation with supervisors or colleagues when needed

Therapists must also follow California laws related to mandated reporting and duty to protect.

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