

Barriers to Care: Mental Health Confidentiality Concerns



For both **civilians and members of the military**, information related to mental health care, treatment, and diagnoses, is **confidential** except when there is:

- Risk of harm to self/harm to others
- Child abuse, neglect, or domestic violence

The military has some additional limitations on confidentiality to ensure the proper execution of military missions.

Myth: Because I'm in the military, I have little control over the confidentiality of my mental health information.

Fact: Commanders cannot access your mental health care information without meeting certain criteria and are prohibited from simply going on a "fishing expedition."

Evidence: DoDI 6490.08 (Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members) states that only the minimum amount of mental health information can be provided, and only under certain circumstances.



Who may have access to my information and what are the limits to my confidentiality?

Coordinating military treatment facility providers

- As a part of treatment planning
- Only the minimum amount of information necessary for coordination

Chain of command

- On a need-to-know basis only and only the minimum amount of information necessary to satisfy purpose of disclosure
- Only if specific instances apply:
 - Threats to personal or public safety (harm to self/others), harm to mission, or deployment readiness
 - Acute medical conditions that interfere with duty, inpatient mental health treatment, substance abuse treatment
 - Judicial, law enforcement, and administrative proceedings; special sensitive personnel; or specialized government functions
 - Personnel accountability



What information might be disclosed?

Information disclosed is the minimum necessary and on a need to know basis:

- Diagnosis, treatment plan, and prognosis
- Impact on duty or mission, recommended duty restrictions, or limitations
- Concerns for safety of service member or others
- Ways that command can support service member's treatment



What can I do to work with my provider and better protect my information?

You are encouraged to advocate for yourself and work with your provider. Consider these actions:

- Make sure you understand your diagnosis and treatment plan, ask questions if you are uncertain, schedule follow-up appointments
- Ask your provider to explain the limits of confidentiality, what information will be shared, and to review the information before submission
- Consider self-disclosure to your chain of command or have the provider disclose information in your presence (e.g., phone call)



What are additional resources for seeking care that have fewer confidentiality requirements?

There are options for non-medical counseling that are short-term and confidential which do not require treatment through the Military Health System:

- **Military OneSource:** Counseling services are available for a wide range of issues. Sessions can take place in person, over the phone, or via secure video or online chat (800-342-9647)
- **Military and Family Life Counseling (MFLC):** Counseling is available to address improving relationships at home and work, stress management, adjustment difficulties, parenting, and grief or loss
- **Military chaplains:** Consulting with your chaplain is strictly confidential