

HOUSE BILL REPORT

HB 1785

As Reported by House Committee On:

Health Care

Title: An act relating to disclosure of client information by mental health counselors, marriage and family therapists, and social workers.

Brief Description: Limiting disclosure of client information.

Sponsors: Representatives Cody, Pflug, Skinner, Schual-Berke, Dickerson and Edwards.

Brief History:

Committee Activity:

Health Care: 2/18/03, 2/27/03 [DPS].

Brief Summary of Substitute Bill

- Requires mental health counselors, marriage and family therapists, and social workers to maintain the confidentiality of information received from a client and used to provide professional services to them, with specific exceptions.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Cody, Chair; Morrell, Vice Chair; Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Benson, Campbell, Clibborn, Darneille, Edwards, Moeller, Schual-Berke and Skinner.

Staff: Chris Blake (786-7392).

Background:

In 2001 the Legislature increased the level of credentialing for certain types of counselors from certification to licensure. These providers include marriage and family therapists, mental health counselors, and social workers.

The Uniform Health Care Information Act (chapter 70.02 RCW) protects the disclosure of patient information regarding any care, service, or procedure that a health care provider uses to diagnose, treat, or maintain a patient's physical or mental condition.

There are heightened protections for patient information related to sexually-transmitted diseases and AIDS, chemical dependency, and mental health.

Summary of Substitute Bill:

Mental health counselors, marriage and family therapists, and social workers must maintain the confidentiality of disclosure statements and other information received from their clients and used to provide professional services to them. There are exceptions when: (1) the client authorizes release of the information; (2) the client waives the privilege by bringing charges against the licensee; (3) the Secretary of Health subpoenas the records; (4) the licensee must report child abuse, vulnerable adult abuse, or testimony and records at a probable cause hearing regarding involuntary detention; or (5) the licensee reasonably believes that disclosure will avoid or minimize an imminent danger to the client or another person.

Substitute Bill Compared to Original Bill:

An exception to the confidentiality requirement is added for when a licensed counselor reasonably believes that disclosing information will avoid or minimize an imminent danger to the individual or another person.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Confidentiality is a key part of mental health treatment. This provision was mistakenly left out of the original practice act bill two years ago.

Testimony Against: None.

Testified: Laura Groshong, Washington State Society for Clinical Social Work; and Melanie Stewart, Licensed Mental Health Counselors.