

# SENATE BILL REPORT

## SB 5596

---

---

As of January 7, 2022

**Title:** An act relating to conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act.

**Brief Description:** Conforming disclosure restrictions for mental health counselors, marriage and family therapists, and social workers to the requirements of the Uniform Health Care Information Act.

**Sponsors:** Senators Trudeau and Frockt.

**Brief History:**

**Committee Activity:** Behavioral Health Subcommittee to Health & Long Term Care: 1/14/22.

**Brief Summary of Bill**

- Allows a mental health counselor, marriage and family therapist, or social worker to disclose the health care information of a client under circumstances authorized by the Uniform Health Care Information Act.

---

### SENATE COMMITTEE ON BEHAVIORAL HEALTH SUBCOMMITTEE TO HEALTH & LONG TERM CARE

**Staff:** Kevin Black (786-7747)

**Background:** The Uniform Health Care Information Act. The Uniform Health Care Information Act (UHCIA) prohibits a health care provider or their assistant, agent, or employee from disclosing health care information about a patient without the patient's written authorization. A patient has the right to receive an accounting of disclosures of health care information about themselves within six years.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

The UHCIA contains exceptions which allow disclosure of health care information without consent, including but not limited to disclosures to a person:

- who is providing health care to the patient;
- who requires the information for education, planning, quality assurance, peer review, or administrative, legal, financial, or actuarial services;
- to prevent or lessen a serious and imminent threat to health or safety;
- for purposes of payment;
- from federal, state, or local public health authorities;
- when needed to protect the public health;
- from fire, police, sheriff, or other legal authorities;
- who has a close relationship with the patient; or
- for purposes of research.

Mental Health Counselors, Marriage and Family Therapists, and Social Workers. A mental health counselor, marriage and family therapist, or social worker is a master's level professional licensed by the Department of Health (DOH) to provide client services which may include psychotherapy, diagnosis and treatment of behavioral health disorders, case management, advocacy, and counseling, according to the professional's specialization.

A mental health counselor, marriage and family therapist, or social worker must provide a client at the beginning of any program of treatment with accurate disclosure information, including the qualifications of the professional and the extent of confidentiality provided. Information received by the professional during this process may not be disclosed without the client's written authorization unless:

- the person brings charges against the professional;
- the professional receives a subpoena from DOH;
- necessary to comply with mandatory reporting requirements related to abuse of children or vulnerable adults;
- disclosed in a judicial hearing related to involuntary commitment for behavioral health; or
- disclosure is necessary to prevent or lessen an imminent threat to health or safety.

**Summary of Bill:** A mental health counselor, marriage and family therapist, or social worker may disclose health care information acquired to enable the professional to render services to a person, including the person's written acknowledgment of the disclosure statement, under circumstances authorized or required under the UHCIA.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.