

WAC 110-01-0205 Third-party requests for otherwise confidential records. (1) A third party, such as a department client's attorney or lay representative, may access otherwise confidential records about a department client with a valid authorization.

(2) The authorization should:

(a) Identify the client;

(b) Identify the individual(s) or organization(s) authorized to receive the records;

(c) State that the department may disclose the information to the requestor;

(d) Identify the record(s) that the client wants the department to release;

(e) State the date the authorization expires or an expiration event that relates to the client or the purpose of the use of disclosure;

(f) State the reason for disclosure;

(g) State the right to revoke;

(h) State the potential for redisclosure;

(i) As appropriate, include specific language authorizing the department to release any one or more of the following to the requestor: Substance use disorder records, child welfare records, adoption records, records concerning reproductive health and sexually transmitted diseases, and mental health records; and

(j) Include a dated, verified signature of the individual with legal authority to authorize the release of records.

(3) The department may ask for additional proof to verify the third-party's authority to access confidential records when required by law.

(4) In general, a parent may access confidential records about a child under age eighteen. A child must consent to disclosure of the following confidential records:

(a) At any age, birth control, and abortion records (see RCW 9.02.100);

(b) If over age thirteen, substance use disorder and mental health records (see 42 C.F.R., Part 2 and RCW 71.34.530);

(c) If over age fourteen, sexually transmitted disease records (see RCW 70.24.110); and

(d) If over age eighteen, all client records held by the department.

(5) Legal guardians under Title 13 RCW and legal custodians under chapter 26.10 RCW are not considered third parties for the purposes of accessing records pertaining to children in their care and custody.

[WSR 18-15-015, recodified as § 110-01-0205, filed 7/9/18, effective 7/9/18. Statutory Authority: RCW 43.215.070 and chapter 42.56 RCW. WSR 18-13-092, § 170-01-0205, filed 6/18/18, effective 7/19/18.]