

SENATE BILL REPORT

SB 5596

As Passed Senate, February 9, 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, Frockt, Dhingra, Nobles and Wilson, C..

Brief History:

Committee Activity: Health & Long Term Care: 1/12/22 [w/oRec-BH].

Behavioral Health Subcommittee to Health & Long Term Care: 1/14/22, 1/21/22 [DP].

Floor Activity: Passed Senate: 2/9/22, 49-0.

Brief Summary of Bill

- Allows a mental health counselor, marriage and family therapist, or social worker to disclose 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

Majority Report: Do pass.

Signed by Senators Frockt, Chair; Wagoner, Ranking Member; Dhingra, Nobles and Warnick.

Staff: Kevin Black (786-7747)

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.

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.

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.

Staff Summary of Public Testimony: PRO: The bill was brought forward because of a perceived conflict regarding license requirements, that would prohibit certain behavioral health workers from disclosing information that is allowed to be disclosed under the UHCIA without first obtaining a release of information. This change aligns requirements with those of other professions and fits the way business is actually conducted. Some organizations who are not in support have not had a chance to have necessary conversations. I want to make it easier for people to do what they need to do. This resolves a conflict which creates a burden for agencies in Washington State, causing agencies to have to treat records differently depending on which staff were involved. Permitted disclosures under the UHCIA are made only for the benefit of clients, when the recipient has a need to know the information. Providers are concerned about the cost in terms of quality of care, and the cost of having to maintain separate records.

OTHER: We prefer the language relating to disclosure to avoid or minimize an imminent danger to the health or safety of an individual under the social worker, mental health counselor, or marriage and family therapist statute to the similar language that appears under the UHCIA.

Persons Testifying: PRO: Senator Yasmin Trudeau, Prime Sponsor; Stephanie Thelen, Catholic Community Services; Anthony Miles, Stoel Rives.

OTHER: Bob Cooper, National Association of Social Workers.

Persons Signed In To Testify But Not Testifying: No one.