S-3119.1

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**SENATE BILL 5596**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Trudeau, Frockt, Dhingra, Nobles, and C. Wilson

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; and amending RCW 18.225.100 and 18.225.105.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 18.225.100 and 2001 c 251 s 10 are each amended to read as follows:

A person licensed under this chapter must provide clients at the commencement of any program of treatment with accurate disclosure information concerning the practice, in accordance with rules adopted by the department, including the right of clients to refuse treatment, the responsibility of clients to choose the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter and chapter 70.02 RCW. The disclosure information must also include the license holder's professional education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, financial requirements, and such other information as required by rule. The disclosure must be acknowledged in writing by the client and license holder.

**Sec.**  RCW 18.225.105 and 2020 c 302 s 115 are each amended to read as follows:

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(1) ((~~With the written authorization of that person or, in the case of death or disability, the person's personal representative;~~

~~(2)~~)) If the person waives the privilege by bringing charges against the person licensed under this chapter;

((~~(3) In response to a subpoena from the secretary. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;~~

~~(4)~~)) (2) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.217 (6) and (7); or

((~~(5) To any individual if the person licensed under this chapter reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose~~)) (3) As otherwise authorized or required under chapter 70.02 RCW.

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