

SENATE BILL REPORT

SB 5461

As Reported By Senate Committee On:
Health & Long-Term Care, February 20, 2003

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: Senators Thibaudeau, Eide, Sheahan, Brandland, Parlette, Kohl-Welles and Winsley.

Brief History:

Committee Activity: Health & Long-Term Care: 2/5/03, 2/20/03 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5461 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Staff: Tanya Karwaki (786-7447)

Background: There are registered and licensed mental health counselors, marriage and family therapists, and social workers in Washington.

Washington law requires both registered and licensed mental health counselors, marriage and family therapists, and social workers to give clients beginning treatment certain disclosure information. The disclosure information must include the right of the client to refuse treatment, the responsibility of clients to choose the provider and course of treatment that best meets their needs, and the extent of the confidentiality provided by the statutory chapter governing these counselors, therapists and social workers. The disclosure information must also include the practitioner's education and training, the proposed course of treatment where known, and financial requirements. The disclosure must be acknowledged in writing by the client and the practitioner.

Currently, Washington law specifies the confidentiality requirements for registered mental health counselors, marriage and family therapists, and social workers, but does not specify the confidentiality requirements for licensed practitioners.

Summary of Substitute Bill: Licensed mental health counselors, marriage and family therapists, and social workers are prohibited from disclosing either the acknowledgment of the disclosure statement or any information acquired from the client that was necessary for the professional services, unless one of four exceptions is satisfied. These exceptions are: (1) with written authorization; (2) if the client brings a lawsuit against the license holder; (3)

in response to a subpoena from the Secretary of Health; or (4) as required by mandatory reporting statutes or permitted by a permissive disclosure statute. If one of these exceptions is met, then the license holder is not prohibited from disclosing the client's information.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that certain statutes such as those addressing child abuse and abuse of vulnerable adults are mandatory reporting statutes. If such a statute applies, then the prohibition on disclosing client information is removed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill does not represent a change in the practice of counselors, therapists, and social workers. It simply provides for confidentiality of client information.

Testimony Against: None.

Testified: Laura Groshong, Licensed Social Workers (pro); Melanie Stewart, Washington Mental Health Counselors (pro); Nick Federici, Marriage and Family Therapists (pro).