
Health Care & Wellness Committee

HB 1287

Brief Description: Addressing the disclosure of health information for care coordination.

Sponsors: Representatives Rule, Richards, Nance, Macri and Simmons; by request of Health Care Authority.

Brief Summary of Bill

- Allows a client's written acknowledgement of a disclosure statement provided by certain behavioral health providers, as well as information obtained from the client in a professional capacity in order to render professional services, to be disclosed under the Uniform Health Care Information Act.

Hearing Date: 1/29/25

Staff: Chris Blake (786-7392).

Background:

Disclosure Statement Requirements for Behavioral Health Professions.

Before providing services to a client, behavioral health providers must provide the client with a disclosure statement. The disclosure statement must be acknowledged in writing by the client and the provider. The disclosure statement may vary by behavioral health profession, but generally includes information about the client's right to refuse treatment, the client's responsibility to choose the provider and treatment modality that is best for them, confidentiality provisions, the provider's professional education and training, the therapeutic orientation of the practice, the proposed course of treatment, financial requirements, and other information required by the Department of Health.

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 disclosure statement requirement applies to licensed psychologists, licensed mental health counselors, licensed marriage and family therapists, licensed social workers, certified counselors, and certified advisers, as well as associate-level providers in those professions.

For some behavioral health professions, the client's written acknowledgement of a disclosure statement as well as information obtained from the client in a professional capacity in order to render professional services may not be disclosed by the behavioral health provider. There are exceptions to allow disclosure in the event of the client's death or disability, when the client brings charges against the provider, in response to a subpoena, and as required under specified vulnerable person abuse provisions. The disclosure limitation applies to licensed mental health counselors, licensed marriage and family therapists, licensed social workers, certified counselors, and certified advisers, as well as associate-level providers in those professions.

Uniform Health Care Information Act.

In Washington, the Uniform Health Care Information Act (UHCIA) governs the disclosure of health care information by health care providers and their agents or employees. The UHCIA provides that a health care provider may not disclose health care information about a patient unless there is a statutory exception or a written authorization by the patient. Some exceptions include disclosures for the provision of health care; quality improvement, legal, actuarial, and administrative services; research purposes; directory information; public health and law enforcement activities as required by law; and judicial proceedings.

The UHCIA has more stringent standards for the disclosure of information related to mental health. Under these standards, in addition to the confidentiality of information obtained while providing mental health services to a patient, the fact of admission to a provider for mental health services is also protected information. Many of the permissible and mandatory disclosures that apply to general health care information do not apply to information related to mental health, such as disclosures between health care providers who have provided health care to the patient, disclosures related to directory information, and disclosures for the purposes of health care operations.

Summary of Bill:

In addition to other permitted disclosures, a client's written acknowledgement of a disclosure statement provided by certain behavioral health providers, as well as information obtained from the client in a professional capacity in order to render professional services, may be disclosed under the Uniform Health Care Information Act. The disclosure authority applies to licensed mental health counselors, licensed marriage and family therapists, licensed social workers, certified counselors, and certified advisers as well as associate-level providers in those professions.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.