



COUNSELOR CLIENT PRIVILEGE

Privileged Communications [RCW 5.60.060\(9\)](#)

Legislation passed a new privilege law effective July 26, 2009. This law has not been tested in the court system. RCW 5.60.060(9)

What does the new law do?

It creates testimonial privilege between clients and counselors. A counselor may not disclose, or testify about, any information they learned about their client regardless of how they got the information. All information needed to provide the counseling service is considered privileged.

Whom does the law apply to?

This new law applies to mental health counselors, independent clinical social workers, or marriage and family therapists licensed under chapter [18.225](#) RCW may not disclose, or be compelled to testify about, 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:

Exceptions to or required release of information

When there is a written authorization of that person or, in the case of death or disability, the person's personal representative;

If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter [18.225](#) RCW;

In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW [18.130.050](#);

As required under chapter [26.44](#) or [74.34](#) RCW or RCW [71.05.360](#) (8) and (9); or

To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter [18.225](#) RCW 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.

Does the law apply to other clients or non-privileged professionals?

This privilege does not apply to other clients and non-privileged professionals when it occurs in the course of a group with other clients and/or non-privileged professionals. Clients and non-privileged professionals can be compelled to testify.