

WAC 388-01-150 May a third party request a client's record? (1)

A third party, such as a DSHS client's attorney or lay representative, may access confidential records about a DSHS client with a valid authorization.

(2) The authorization should:

(a) Identify the client;

(b) Identify the individual(s) or organization(s) authorized to receive the records;

(c) State that DSHS may disclose the information to the requester;

(d) Identify the record(s) that the client wants DSHS to release;

(e) State the date the authorization expires or an expiration event that relates to the client or the purpose of the use of disclosure;

(f) State the reason for disclosure;

(g) State the right to revoke;

(h) State the potential for redisclosure;

(i) As appropriate, include specific language authorizing DSHS to release any one or more of the following to the requester: substance use disorder records, HIV or STD records, or mental health records; and

(j) Include a dated verified signature of the individual with legal authority to authorize the release of records.

(3) DSHS may ask for additional proof to verify the third party's authority to access confidential records.

(4) In general, a parent may access confidential records about a child under age 18. But a child must consent to disclosure of the following confidential records:

(a) At any age, birth control or abortion records (see RCW 9.02.100);

(b) If over age 13, substance use disorder or mental health records (see RCW 71.34.530);

(c) If over age 14, sexually transmitted disease records (see RCW 70.24.110); and

(d) If over age 18, all client records held by DSHS.

(5) Legal guardians authorized by court order to act on behalf of a client are not considered to be a third party request.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-150, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-150, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-150, filed 7/19/99, effective 8/19/99.]