

**The following is the text of the Washington State Department of Health brochure that outlines the state law regarding rights and responsibilities of therapists and clients in counseling.**

The purpose of this document is to explain briefly how the law regulating counselors helps you and your counselor work together. Feel free to talk about any of the information on this page with your counselor. Remember, his or her role is to help you.

**Client and Counselor Responsibilities and Rights**

You and your counselor should discuss the type of counseling you will get; the methods or techniques that might be used; the counselor's education, training and experience; and the cost of counseling sessions. The counselor must give you written information that explains these topics, let you read the information, and have you sign a statement that you have received it. If you have concerns about being dependent upon your counselor, talk to him or her about it. Remember, you are going to that person to seek assistance that helps you learn how to control your own life. You can and should ask questions if you do not fully understand what your counselor is doing or plans to do.

**Requirement for Licensure**

Your counselor must be licensed through the Washington State Department of Health unless otherwise exempt. To be licensed, a person fills out an application, pays a fee, shows proof of appropriate education and training, and passes stringent written tests. There are some people who do not need to be licensed because they are exempt from the law. You should ask your counselor if he or she is licensed, and discuss his or her qualifications to be your counselor.

**Definitions**

Counseling means using therapeutic techniques to help another person deal with mental, emotional and behavioral problems or to develop human awareness and potential. A licensed counselor is a person who gets paid for providing counseling services.

**Confidentiality**

Your counselor cannot disclose any information you have told him/her during a counseling session except as authorized by RCW 18.19.180:

1. With written consent of client or, in the case of death or disability, a client's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the client's life, health, or physical condition;
2. That a counselor certified under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of crime or harmful act;
3. If the client is a minor, and the information acquired by the counselor indicates that the minor was the victim or subject of a crime, the counselor may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry.
4. The client brings charges against the counselor under the law
5. The counselor has reasonable cause to believe that a child or adult dependent or developmentally disabled person suffered abuse or neglect. Counselors are required to report such incidents to authorities
6. In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.130

**Assurance of Professional Conduct**

Thousands of people in the counseling profession practice their skills with competence and treat their clients in a professional manner. If you and the counselor agree to the course of treatment and the counselor deviates from it, you have the right to question the change and to end the counseling if that seems appropriate to you.

We want you to know that there are acts that would be considered unprofessional conduct. If any of the following situations occurs during your course of treatment, you are encouraged to contact the Department of Health at the address or phone number in this document to find out how to file a complaint against the offending counselor. The following situations are not identified to alarm you, but are identified so you can be an informed consumer of counseling services. The conduct, acts, or conditions listed below give you a general idea of the kinds of behavior that could be considered a violation of law.

1. Abuse of a client or sexual contact with a client.
2. Incompetence, negligence or malpractice that harms a client or creates an unreasonable risk of harm to a client.
3. Willful betrayal of a practitioner-client privilege as recognized by law.
4. The commission of any act involving moral turpitude, dishonesty or corruption relating to the practice of counseling. The act does not have to be a crime in order to be a violation of the law regulating counselors.
5. Practicing counseling in a way that would pose a serious risk to public health while suffering from a contagious or infectious disease.
6. Aiding a client to obtain an abortion through illegal means.

7. Possession, use or distribution of drugs except for a legitimate purpose; addiction to drugs or violation of any drug law.
8. Habitual use of or impairment from the use of alcohol.
9. Misrepresentation or fraud in any aspect of the conduct of the profession.
10. Advertising that is false, fraudulent or misleading.
11. Offering to treat clients by a secret method, procedure or treatment
12. Promotion for personal gain of any drug, device, treatment, procedure or service that is unnecessary or has no acceptable benefit to the client.
13. Conviction of any gross misdemeanor or felony relating to the practice of counseling or hypnotherapy.
14. Violation of a state or federal statute or rule that regulates counselors and hypnotherapists, including rules defining standards of practice for certified counselors.
15. Suspension, revocation or restriction on the registration or certification to practice the profession.
16. Aiding an unregistered or uncertified person to practice counseling or hypnotherapy when that person is required to be registered or certified.
17. Violation of the rebating laws that includes payment for referral of clients.
18. Interference with an investigation by use of threats or harassment against a client or witness to prevent them from providing evidence in a disciplinary proceeding or other legal action.

**All clients in psychotherapy have certain rights in addition to the right of confidentiality. These include:**

1. The right to ask questions about the qualifications and experience of your counselor.
2. The right to ask questions about any procedures used in counseling. If you wish, your counselor will be happy to discuss his/her usual procedures and philosophy of counseling.
3. The right to refuse a particular treatment method. Your counselor may feel that a particular treatment method is essential to your therapy, and this must be resolved to your mutual satisfaction.
4. The right to ask your counselor to discuss your progress and future counseling plans with you at any time.
5. The right to have any testing results explained and discussed with you. You also have the right to refuse testing, but your counselor may feel that this is essential to your progress. This must be resolved to your mutual satisfaction.
6. The right to request referral to another counselor, or agency, but please discuss this with your counselor if this is an issue for you.
7. The right to terminate therapy at any time. Since termination is an important part of the counseling process, it will be helpful to you to inform your counselor that you wish to terminate and to discuss your reasons for doing so.
8. The right to be respected as a human being; to have your therapist convey this respect by keeping your appointments or letting you know ahead of time if at all possible if a schedule change is necessary; by giving his/her complete attention during sessions; and by providing you with the most effective therapy she/he can. The right to ask questions about anything related to your counseling and to expect an honest discussion of your concerns.

**In order to guarantee these rights, you have certain responsibilities that include:**

1. The responsibility of taking an active role in the counseling process. Participation involves honestly sharing your thoughts, feelings, and concerns without censorship, including your feelings about counseling and your counselor. It may also involve carrying on the process of counseling during the week either through assignments or by considering new ideas that may have arisen during your last session.
2. Keeping appointments punctually and regularly, or calling in advance if possible to cancel and/or change an appointment.

**There are also certain rights which your counselor may exercise in the course of the therapy process. These include:**

1. The right to seek consultation with other counselors.
2. The right to terminate or refer to another counselor. When a counselor feels that her/his services will not be appropriate, he/she may, after discussing these concerns with you, decide to terminate therapy and/or refer you to a more appropriate individual or agency.
3. The right to expect your active involvement and cooperation in the counseling process.

This document should not be considered as the final source of information. If you want more information about the law regulating counselors or want to file a complaint, please write to:

**Washington State Department of Health / Health Professions Quality Assurance  
P.O. Box 47865  
Olympia WA 98504**

If you want to contact someone by phone to discuss the law or talk about a possible complaint, you may contact the Department of Health at (360) 236-4700 Monday through Friday 8:00 a.m. to 5:00 p.m.