

HOUSE BILL No. 4446

March 14, 1989, Introduced by Rep. Gubow and referred to the Committee on Mental Health.

A bill to amend section 1610 of Act No. 299 of the Public Acts of 1980, entitled
"Occupational code,"
being section 339.1610 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1610 of Act No. 299 of the Public Acts
2 of 1980, being section 339.1610 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1610. (1) A person registered as a certified social
5 worker, social worker, or social work technician or an employee
6 or officer of an agency for whom the certified social worker,
7 social worker, or social work technician is employed shall not be
8 required to disclose a communication or a portion of a
9 communication made by a client to the person or advice given in
10 the course of professional employment.

1 (2) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
2 communication between a certified social worker, social worker,
3 or social work technician, or an agency of which the certified
4 social worker, social worker, or social work technician is an
5 agent and a person counseled is confidential. This privilege is
6 not subject to waiver except when the disclosure is part of the
7 required supervisory process within the agency for which the cer-
8 tified social worker, social worker, or social work technician is
9 employed; or except where so waived by the client or a person
10 authorized to act in the client's behalf. The certified social
11 worker, social worker, or social work technician shall submit to
12 the appropriate court a written evaluation of the prospect or
13 prognosis of a particular case without divulging a fact or
14 revealing a confidential disclosure when requested by a court for
15 a court action. An attorney representing a client who is THE
16 subject of an evaluation shall have the right to receive a copy
17 of the report. If required for the exercise of a public purpose
18 by a legislative committee, the certified social worker, social
19 worker, social work technician, or agency representative may make
20 available statistical and program information without violating
21 the confidentiality of the client.

22 (3) A CERTIFIED SOCIAL WORKER, SOCIAL WORKER, OR SOCIAL WORK
23 TECHNICIAN MAY DISCLOSE A COMMUNICATION OR A PORTION OF A COMMU-
24 NICATION MADE BY A CLIENT PURSUANT TO SECTION 946 OF THE MENTAL
25 HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF 1974, BEING SEC-
26 TION 330.1946 OF THE MICHIGAN COMPILED LAWS, IN ORDER TO COMPLY
27 WITH THE DUTY SET FORTH IN THAT SECTION.

1 Section 2. This amendatory act shall not take effect unless
2 House Bill No. 4237 of the 85th Legislature is enacted into law.