

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 1263

1 AN ACT TO AMEND SECTION 41-21-97, MISSISSIPPI CODE OF 1972,  
2 TO DEFINE THE TERM "PSYCHOLOGIST" UNDER THE CIVIL COMMITMENT  
3 STATUTES FOR THE PURPOSES OF CONFIDENTIALITY OF TREATMENT FACILITY  
4 RECORDS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 41-21-97, Mississippi Code of 1972, is  
7 amended as follows:

8 41-21-97. The hospital records of and information pertaining  
9 to patients at treatment facilities or patients being treated by  
10 physicians, psychologists (as defined in Section 73-31-3(e)) or  
11 licensed master social workers shall be confidential and shall be  
12 released only: (a) upon written authorization of the patient; (b)  
13 upon order of a court of competent jurisdiction; (c) when  
14 necessary for the continued treatment of a patient; (d) when, in  
15 the opinion of the director, release is necessary for the  
16 determination of eligibility for benefits, compliance with  
17 statutory reporting requirements, or other lawful purpose; or (e)  
18 when the patient has communicated to the treating physician,  
19 psychologist (as defined in Section 73-31-3(e)) or master social  
20 worker an actual threat of physical violence against a clearly  
21 identified or reasonably identifiable potential victim or victims,  
22 and then the treating physician, psychologist (as defined in  
23 Section 73-31-3(e)) or master social worker may communicate the  
24 threat only to the potential victim or victims, a law enforcement  
25 agency, or the parent or guardian of a minor who is identified as  
26 a potential victim.

27 **SECTION 2.** This act shall take effect and be in force from  
28 and after July 1, 2005.