

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2729

1 AN ACT TO AMEND SECTIONS 43-21-355 AND 41-21-97, MISSISSIPPI  
2 CODE OF 1972, TO ADD LICENSED PROFESSIONAL COUNSELORS TO CERTAIN  
3 PROVISIONS PROVIDING IMMUNITY FOR THE GOOD FAITH REPORTING OF  
4 SUSPECTED CASES OF ABUSE AND NEGLECT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-21-355, Mississippi Code of 1972, is  
7 amended as follows:

8 43-21-355. Any attorney, physician, dentist, intern,  
9 resident, nurse, psychologist, social worker, child protection  
10 specialist, child care giver, minister, law enforcement officer,  
11 school attendance officer, public school district employee,  
12 nonpublic school employee, licensed professional counselor or any  
13 other person participating in the making of a required report  
14 pursuant to Section 43-21-353 or participating in the judicial  
15 proceeding resulting therefrom shall be presumed to be acting in  
16 good faith. Any person or institution reporting in good faith  
17 shall be immune from any liability, civil or criminal, that might  
18 otherwise be incurred or imposed.

19 **SECTION 2.** Section 41-21-97, Mississippi Code of 1972, is  
20 amended as follows:

21 41-21-97. The hospital records of and information pertaining  
22 to patients at treatment facilities or patients being treated by  
23 physicians, psychologists (as defined in Section 73-31-3(e)),  
24 licensed master social workers or licensed professional counselors  
25 shall be confidential and shall be released only: (a) upon  
26 written authorization of the patient; (b) upon order of a court of  
27 competent jurisdiction; (c) when necessary for the continued  
28 treatment of a patient; (d) when, in the opinion of the director,

29 release is necessary for the determination of eligibility for  
30 benefits, compliance with statutory reporting requirements, or  
31 other lawful purpose; or (e) when the patient has communicated to  
32 the treating physician, psychologist (as defined in Section  
33 73-31-3(e)), master social worker or licensed professional  
34 counselor an actual threat of physical violence against a clearly  
35 identified or reasonably identifiable potential victim or victims,  
36 and then the treating physician, psychologist (as defined in  
37 Section 73-31-3(e)), master social worker or licensed professional  
38 counselor may communicate the threat only to the potential victim  
39 or victims, a law enforcement agency, or the parent or guardian of  
40 a minor who is identified as a potential victim.

41       **SECTION 3.** This act shall take effect and be in force from  
42 and after July 1, 2006.