

## Senate Amendments to House Bill No. 1129

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

10           **SECTION 1.** Section 43-21-355, Mississippi Code of 1972, is  
11 reenact and amend as follows:

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

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

25           41-21-97. The hospital records of and information pertaining  
26 to patients at treatment facilities or patients being treated by  
27 physicians, psychologists (as defined in Section 73-31-3(e)),  
28 licensed professional counselors or licensed master social workers  
29 shall be confidential and shall be released only: (a) upon  
30 written authorization of the patient; (b) upon order of a court of  
31 competent jurisdiction; (c) when necessary for the continued  
32 treatment of a patient; (d) when, in the opinion of the director,  
33 release is necessary for the determination of eligibility for  
34 benefits, compliance with statutory reporting requirements, or  
35 other lawful purpose; or (e) when the patient has communicated to

36 the treating physician, psychologist (as defined in Section  
37 73-31-3(e)) or master social worker an actual threat of physical  
38 violence against a clearly identified or reasonably identifiable  
39 potential victim or victims, and then the treating physician,  
40 psychologist (as defined in Section 73-31-3(e)) or master social  
41 worker may communicate the threat only to the potential victim or  
42 victims, a law enforcement agency, or the parent or guardian of a  
43 minor who is identified as a potential victim.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO REENACT AND AMEND SECTION 43-21-355, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT A LICENSED PROFESSIONAL COUNSELOR  
3 WHO, IN GOOD FAITH, REPORTS CERTAIN INFORMATION TO THE DEPARTMENT  
4 OF HUMAN SERVICES REGARDING A NEGLECTED OR ABUSED CHILD SHALL BE  
5 IMMUNE FROM LIABILITY FOR SUCH REPORTING; TO AMEND SECTION  
6 41-21-97, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT RECORDS OF  
7 PATIENTS BEING TREATED BY LICENSED PROFESSIONAL COUNSELORS SHALL  
8 BE CONFIDENTIAL; AND FOR RELATED PURPOSES.

SS01\HB1129A.J

John O. Gilbert  
Secretary of the Senate