

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1129

BY: Committee

**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.