

FOR the purpose of establishing the privilege of a client to refuse to disclose and to prevent ~~certain~~ witnesses from disclosing during certain proceedings communications relating to the diagnosis or treatment of a client's mental or emotional disorder; directing that a guardian be appointed to act for the client if the client is incompetent to assert or waive the privilege; providing certain exceptions; defining certain terms; and generally relating to the establishment of privileged communications between a psychiatric-mental health nursing specialist; ~~or certain other persons~~; and a client.

BY adding to

Article – Courts and Judicial Proceedings

Section 9-109.1

Annotated Code of Maryland

(1989 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Courts and Judicial Proceedings**

9-109.1.

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CLIENT" MEANS AN INDIVIDUAL WHO COMMUNICATES TO OR RECEIVES SERVICES FROM A PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST REGARDING THE DIAGNOSIS OR TREATMENT OF THE INDIVIDUAL'S MENTAL OR EMOTIONAL DISORDER ~~OR FROM ANYONE UNDER DIRECT SUPERVISION OF A PSYCHIATRIC MENTAL HEALTH NURSING SPECIALIST.~~

(3) "PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST" MEANS A REGISTERED NURSE WHO:

(I) HAS A MASTER'S DEGREE IN PSYCHIATRIC-MENTAL HEALTH NURSING; OR

(II) HAS A BACCALAUREATE DEGREE IN NURSING AND A MASTER'S DEGREE IN A MENTAL HEALTH FIELD; OR

(III) IS CERTIFIED AS A CLINICAL SPECIALIST IN PSYCHIATRIC AND MENTAL HEALTH NURSING BY THE AMERICAN NURSES' ASSOCIATION OR BY A BODY APPROVED BY THE BOARD OF NURSING.

~~(4) "WITNESS" MEANS A PSYCHIATRIC MENTAL HEALTH NURSING SPECIALIST OR ANYONE UNDER DIRECT SUPERVISION OF A PSYCHIATRIC MENTAL HEALTH NURSING SPECIALIST WHO RENDERS SERVICES TO A CLIENT REGARDING THE DIAGNOSIS OR TREATMENT OF~~