diagnosis or treatment of the client's mental or emotional disorder in certain proceedings; providing certain exceptions; *defining a certain term;* and generally relating to the privileged communication between ~~patient~~ *client* and professional counselor.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 9–109.1

Annotated Code of Maryland

(1989 Replacement Volume and 1994 Supplement)

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 OR A PROFESSIONAL COUNSELOR regarding the diagnosis or treatment of the individual's mental or emotional disorder.

(3)   "PROFESSIONAL COUNSELOR" MEANS AN INDIVIDUAL WHO IS CERTIFIED AS A COUNSELOR UNDER TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE.

[(3)](4)   "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.

(b)   Unless otherwise provided, in any judicial, legislative, or administrative proceeding, a client or a client's authorized representative has a privilege to refuse to disclose, and to prevent a witness from disclosing, communications relating to diagnosis or treatment of the client's mental or emotional disorder.

(c)   (1)   If a client is incompetent to assert or waive this privilege, a guardian shall be appointed and shall act for the client.

(2)   A guardian appointed before the proceeding has the authority to act for the client.

(d)   There is no privilege if: