

Senate Bill 124

By: Senator Harp of the 16<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to  
2 witnesses, so as to change provisions relating to confidentiality and release of medical  
3 information; to provide for other related matters; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to witnesses, is  
8 amended by striking in its entirety Code Section 24-9-21, relating to confidentiality of certain  
9 communications, and inserting in lieu thereof a new Code Section 24-9-21 to read as follows:  
10 "24-9-21.

11 There are certain admissions and communications excluded on grounds of public policy.  
12 Among these are:

13 (1) Communications between husband and wife;

14 (2) Communications between attorney and client;

15 (3) Communications among grand jurors;

16 (4) Secrets of state;

17 (5) Communications between physician and patient;

18 ~~(5)~~(6) Communications between psychiatrist and patient;

19 ~~(6)~~(7) Communications between licensed psychologist and patient as provided in Code  
20 Section 43-39-16;

21 ~~(7)~~(8) Communications between patient and a licensed clinical social worker, clinical  
22 nurse specialist in psychiatric/mental health, licensed marriage and family therapist, or  
23 licensed professional counselor during the psychotherapeutic relationship; and

24 ~~(8)~~(9) Communications between or among any psychiatrist, psychologist, licensed  
25 clinical social worker, clinical nurse specialist in psychiatric/mental health, licensed  
26 marriage and family therapist, and licensed professional counselor who are rendering

1 psychotherapy or have rendered psychotherapy to a patient, regarding that patient's  
 2 communications which are otherwise privileged by paragraph ~~(5), (6), or (7)~~ (6), (7), or  
 3 (8) of this Code section.

4 As used in this Code section, the term 'psychotherapeutic relationship' means the  
 5 relationship which arises between a patient and a licensed clinical social worker, a clinical  
 6 nurse specialist in psychiatric/mental health, a licensed marriage and family therapist, or  
 7 a licensed professional counselor using psychotherapeutic techniques as defined in Code  
 8 Section 43-10A-3 and the term 'psychotherapy' means the employment of  
 9 'psychotherapeutic techniques.'

## 10 SECTION 2.

11 Said chapter is further amended by striking in its entirety subsection (a) of Code Section  
 12 24-9-40, relating to releasing medical information, and inserting in lieu thereof a new  
 13 subsection (a) to read as follows:

14 "(a) No physician licensed under Chapter 34 of Title 43 and no hospital or health care  
 15 facility, including those operated by an agency or bureau of the state or other governmental  
 16 unit, shall be required to release any medical information concerning a patient except to the  
 17 Department of Human Resources, its divisions, agents, or successors when required in the  
 18 administration of public health programs pursuant to Code Section 31-12-2 and where  
 19 authorized or required by law, statute, or lawful regulation; or on written authorization or  
 20 other waiver by the patient, or by his or her parents or duly appointed guardian ad litem in  
 21 the case of a minor, or on appropriate court order ~~or subpoena~~; provided, however, that any  
 22 physician, hospital, or health care facility releasing information under written authorization  
 23 or other waiver by the patient, or by his or her parents or guardian ad litem in the case of  
 24 a minor, or pursuant to law, statute, or lawful regulation, or under court order ~~or subpoena~~  
 25 shall not be liable to the patient or any other person; provided, further, that the privilege  
 26 shall be waived to the extent that the patient places his or her care and treatment or the  
 27 nature and extent of his or her injuries at issue in any civil or criminal proceeding. This  
 28 Code section shall not apply to psychiatrists or to hospitals in which the patient is being or  
 29 has been treated solely for mental illness."

## 30 SECTION 3.

31 All laws and parts of laws in conflict with this Act are repealed.