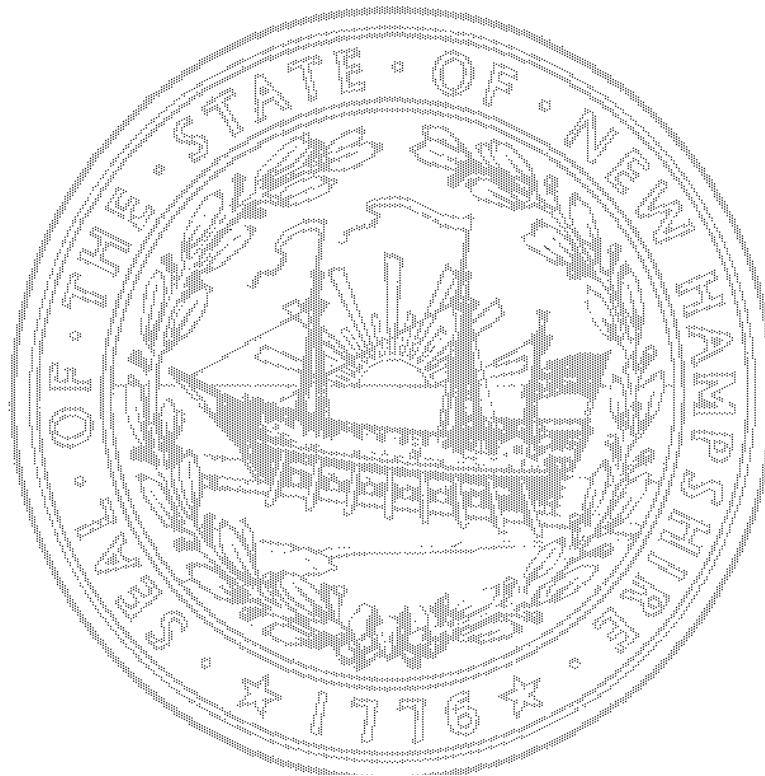


March 20, 2008  
No. 10A

# STATE OF NEW HAMPSHIRE

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Legislative

## SENATE JOURNAL

ADDENDUM – MARCH 20, 2008 SESSION

## SENATE JOURNAL 10A – ADDENDUM

### CORRECTION FROM MARCH 20, 2008 (JOURNAL 10)

#### (CORRECTED COMMITTEE AMENDMENT TITLE)

**SB 389**, relative to the protection of children's medical records in abuse and neglect and child custody cases. Judiciary Committee. Ought to Pass with Amendment, Vote 4-0. Senator Gottesman for the committee.

**Sen. Sgambati, Dist. 4**  
**March 10, 2008**  
**2008-0945s**  
**05/04**

#### Amendment to SB 389

Amend the title of the bill by replacing it with the following:

AN ACT                      relative to privileged communications between health care providers and minor children.

Amend the bill by replacing all after the enacting clause with the following:

1 Physicians and Surgeons; Confidential Communications. Amend RSA 329:26 to read as follows:

329:26 Confidential Communications. The confidential relations and communications between a physician or surgeon licensed under provisions of this chapter and the patient of such physician or surgeon are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician or surgeon. ***The confidential relations and communications under this section apply to minor children who are patients of a physician or surgeon.*** This section shall not apply to investigations and hearings conducted by the board

of medicine under RSA 329, any other statutorily created health occupational licensing or certifying board conducting licensing, certifying, or disciplinary proceedings or hearings conducted pursuant to RSA 135-C:27-54 or RSA 464-A. This section shall also not apply to the release of blood samples and the results of laboratory tests for blood alcohol content taken from a person who is under investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings.

2 Mental Health Practitioners; Privileged Communications. Amend RSA 326-B:35, I to read as follows:

I. Confidential communications between licensees and their clients are privileged in the same manner as those provided by law between physician and patient, and, except as otherwise provided by law, no licensee shall be required to disclose such privileged communications. Confidential communications between a client of a licensee and any person working under the supervision of such licensee to provide services that are customary and necessary for diagnosis and treatment are privileged to the same extent as would be the same communications between the supervising licensee and the client. ***The confidential relations and communications under this section apply to minor children who are patients of a licensee.***

3 Nurses; Privileged Communications. Amend RSA 330-A:32 to read as follows:

330-A:32 Privileged Communications. The confidential relations and communications between any person licensed under provisions of this chapter and such licensee's client are placed on the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communications to be disclosed, unless such disclosure is required by a court order. Confidential relations and communications between a client and any person working under the supervision of a person licensed under this chapter which are necessary and customary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with the supervising person licensed under this chapter, unless such disclosure is required by a court order. ***The confidential relations and communications under this section apply to minor children who are clients of a licensee.*** This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54 or RSA 464-A.

4 Effective Date. This act shall take effect 60 days after its passage.

2008-0945s

#### AMENDED ANALYSIS

This bill provides that confidential communications between a physician, nurse, or

mental health practitioner and a minor child are privileged.

**Amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**