

**§13862. Privileged communication**

Except at the request or consent of the client, no person licensed under this chapter may be required to testify in any civil or criminal action, suit or proceeding at law or in equity respecting any information that the person licensed or registered may have acquired in providing counseling services or marriage and family therapy services to the client in a professional and contractual capacity if that information was necessary to enable the licensee to furnish professional counseling services to the client. When the physical or mental condition of the client is an issue in that action, suit or proceeding or when a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, information communicated to or otherwise learned by that licensed or registered person in connection with the provision of counseling or marriage and family therapy services may not be privileged and disclosure may be required. [PL 1989, c. 465, §3 (NEW); PL 1989, c. 895, §18 (AMD).]

Nothing in this section may prohibit disclosure by a person licensed under this chapter of information concerning a client when that disclosure is required by law and nothing in this section may modify or affect Title 22, sections 3477 to 3479-A and 4011-A to 4015. [PL 2001, c. 345, §10 (AMD).]

This section may not be construed to prevent a 3rd-party reimbursor from inspecting and copying, in the ordinary course of determining eligibility for or entitlement to benefits, any and all records relating to the diagnosis, treatment or other services provided to any persons, including a minor or incompetent, for which coverage, benefit or reimbursement is claimed as long as the policy or certificate under which the claim is made provides that access to those records is permitted. This section may not be construed to prevent access to any records pursuant to any peer review or utilization review procedures applied and implemented in good faith. [PL 1989, c. 465, §3 (NEW).]

**SECTION HISTORY**

PL 1989, c. 465, §3 (NEW). PL 1989, c. 752 (AMD). PL 1989, c. 895, §§1,22 (AFF). PL 1989, c. 895, §18 (AMD). PL 1991, c. 263, §§5,6 (AFF). PL 2001, c. 345, §10 (AMD).

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