

# MedChi

*The Maryland State Medical Society*

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**TO:** The Honorable Joseph F. Vallario, Jr. Chairman  
Members, House Judiciary Committee  
The Honorable Luiz R.S. Simmons

**FROM:** Joseph A. Schwartz, III  
Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

**DATE:** February 12, 2014

**RE:** **SUPPORT** – House Bill 641 – *Courts and Judicial Proceedings – Communications Between Patient or Client and Health Care Professional – Exceptions to Privilege*

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The Maryland State Medical Society (MedChi), which represents more than 8,000 Maryland physicians and their patients, supports House Bill 641.

House Bill 641 proposes two exceptions to the current “psychiatric” privilege which exists in Maryland law. The first exception (page 3, lines 5-9) allows waiver of the privilege in a criminal proceeding against the patient where the patient has harassed or threatened the psychiatrist or psychologist and disclosure of information necessary to prove the charge. This exception is a practical equivalent of the exception which already exists in Maryland law where the patient is making a malpractice claim against a psychiatrist or psychologist. The existing law can be seen at page 2 of the bill at lines 29-31.

The second exception created by House Bill 641 is similar to the first in that it allows a psychiatrist or psychologist to testify seeking a peace order against the patient who is threatening the doctor.

MedChi believes that House Bill 641 is a practical recognition that there is a need for the waiver of the psychiatric privilege in appropriate cases. MedChi would ask for a favorable report on House Bill 641.

**For more information call:**

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