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February 23, 1999 LB 17

**SPEAKER KRISTENSEN:** Senator Coordsen, you're recognized to open on your amendment.

**SENATOR COORDSEN:** Thank you, Mr. Speaker, members of the body. This is an amendment we talked about on General File that tightens up the medical records availability only to the extent that medical health...mental health records may be withheld if the custodian, that is a physician who is the custodian, determines that those records would be detrimental to the patient's well-being. And what amendment 17 (sic) does, and it's on the machine, it inserts the definition of mental health medical records, which is necessary. It means medical records or parts thereof created by or under the direction or supervising...supervision of a licensed psychiatrist, a licensed psychologist, or a mental health practitioner licensed or certified pursuant to, and it cites state law; changes the numbering; and then it strikes the permissive language on page 1, beginning on line 23, to the top of page 2; and inserts, beginning with "unless" and ending with "treatment", and then it inserts these words, "except that mental health medical records may be withheld if any treating physician, psychologist or mental health practitioner determines, in his or her professional opinion, that release of the records would not be in the best interests of the patient unless the release is required by a court order." And this, I would share again with the body, is language that was agreed to a number of years ago and has not been found lacking, at least up to the presentation of this amendment. So the mental health community had some problems with the original language that didn't provide this exception, and certainly there are illustrations of situations in the field of mental health where a patient's free access to all of their records could...could create a treatment problem for the attending physician. So I would introdu...would ask you to attach this amendment to LB 17 and then advance the bill. Thank you.

**SPEAKER KRISTENSEN:** Debate on the Coordsen amendment? Senator Coordsen, you're recognized to close. He waives closing. The question before the body is the adoption of the Coordsen amendment. All those in favor vote aye; all those opposed vote nay. Record.