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## Evidence; privileged communications

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of the witness, has received medical or psychological care in connection with the event giving rise to the proceeding.<sup>4</sup> Chapter 406 further provides that evidence relating to that care is admissible if the evidence otherwise falls within the provisions concerning admissible evidence.<sup>5</sup>

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4. 1987 Nev. Stat. ch. 406, sec. 1, at \_\_\_\_ (enacting NEV. REV. STAT. § 50.\_\_\_\_).
  5. *Id.* NEV. REV. STAT. § 48.015-.135 (general provisions on admissibility).

## **Evidence; privileged communications**

NEV. REV. STAT. § 49.245 (amended).

AB 809 (Committee on Judiciary); 1987 STAT. Ch 449

(*Effective July 1, 1987*)

Under existing law, confidential<sup>1</sup> communications between a patient<sup>2</sup> and doctor<sup>3</sup> are privileged.<sup>4</sup> Chapter 449, however, mandates that there is no privilege for written medical or hospital records regarding a patient's condition when such condition is an element of a claim or defense in any proceeding.<sup>5</sup> Furthermore, written medical or hospital records requested by the patient, or by any authorized investigator of the board of medical examiners in the course of an investigation, are not privileged.<sup>6</sup>

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1. NEV. REV. STAT. § 49.215 1 (definition of confidential).
  2. *Id.* § 49.215 3 (definition of patient). *See id.* § 49.235 (persons who may claim the privilege on behalf of the patient).
  3. *Id.* § 49.215 2 (definition of doctor).
  4. *Id.* § 49.225. *But see id.* § 49.245 (amended by 1987 Nev. Stat. ch. 449, sec. 1, 2) (privilege does not protect such communications if the issue involves: (1) the patient's mental illness, (2) a communication made in a court ordered examination, (3) a communication that is an element of a claim or defense, or a prosecution or mandamus proceeding, (4) information communicated which has an unlawful purpose, or (5) health care records requested by the patient, an authorized representative of the patient, or by an authorized representative or investigator of the board of medical examiners in the course of any investigation).
  5. 1987 Nev. Stat. ch. 449, secs. 1, at \_\_\_\_ (amending NEV. REV. STAT. § 49.245 3), 2, at \_\_\_\_ (amending NEV. REV. STAT. § 49.245).
  6. 1987 Nev. Stat. ch. 449, sec. 1, at \_\_\_\_ (amending NEV. REV. STAT. § 49.245 6).