

**§ 90-21.44. Scope of discovery.**

(a) In an action under this Article, evidence of the client's sexual history is not subject to discovery, except under the following conditions:

- (1) The client claims impairment of sexual functioning.
- (2) The psychotherapist requests a hearing prior to conducting discovery and makes an offer of proof of the relevancy of the evidence, and the court finds that the information is relevant and that the probative value of the history outweighs its prejudicial effect.

(b) The court shall allow the discovery only of specific information or examples of the client's conduct that are determined by the court to be relevant. The court order shall detail the information or conduct that is subject to discovery. (1998-213, s. 1.)