

by 3/29 D. Paw 4/1 (p. 990)

Judiciary
Carr, Chair
Baughner
Doyle

MAR 8 1982

Place On Calendar

HOUSE FILE 2430

BY COMMITTEE ON HUMAN
RESOURCES

(Formerly Study Bill 579)

Passed House, Date 3-29-82 (p. 990) Passed Senate, Date 4-15-82 (p. 1223)

Vote: Ayes 95 Nays 1 Vote: Ayes 45 Nays 1

Approved May 17, 1982

*Passed House as amended by Senate
4-21-82 (p. 1612)
95-1*

A BILL FOR

1 An Act adding mental health professionals and physician's
2 assistants to the list of persons who are not required
3 to disclose confidential communications in court proceedings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2430

1 Section 1. Section 622.10, unnumbered paragraph 1, Code
2 1981, is amended to read as follows:

3 ~~No~~ A practicing attorney, counselor, physician, surgeon,
4 physician's assistant, mental health professional, or the
5 stenographer or confidential clerk of any such person, who
6 obtains such information by reason of his the person's
7 employment, minister of the gospel or priest of any
8 denomination shall not be allowed, in giving testimony, to
9 disclose any confidential communication properly entrusted
10 to him the person in his the person's professional capacity,
11 and necessary and proper to enable him the person to discharge
12 the functions of his the person's office according to the
13 usual course of practice or discipline. Such The prohibition
14 shall does not apply to cases where the person in whose favor
15 the same prohibition is made waives the rights conferred;
16 nor shall-such does the prohibition apply,-as-the-same-relates
17 to physicians or surgeons, physician's assistants, mental
18 health professionals, or to the stenographer or confidential
19 clerk of any such physicians or surgeons, physician's
20 assistants, or mental health professionals, in a civil action
21 to recover damages for personal injuries or wrongful death
22 in which the condition of the person in whose favor such the
23 prohibition is made is an element or factor of the claim or
24 defense of such the person or of any party claiming through
25 or under such the person. Such The evidence shall-be is
26 admissible upon trial of the action only as it relates to
27 the condition alleged. If an adverse party desires the oral
28 deposition, either discovery or evidentiary, of any-such a
29 physician or surgeon, physician's assistant, or mental health
30 professional to which such the prohibition would otherwise
31 apply or the stenographer or confidential clerk of any-such
32 a physician or surgeon, physician's assistant, or mental
33 health professional or desires to call any-such a physician
34 or surgeon, physician's assistant, or mental health
35 professional to which such the prohibition would otherwise

1 apply or the stenographer or confidential clerk of any-such
 2 a physician or surgeon, physician's assistant, or mental
 3 health professional as a witness at the trial of the action,
 4 he the adverse party shall file an application with the court
 5 for permission to do so. The court upon hearing, which shall
 6 not be ex parte, shall grant such permission unless the court
 7 finds that the evidence sought does not relate to the condition
 8 alleged and shall fix a reasonable fee to be paid to such
 9 the physician or surgeon, physician's assistant, or mental
 10 health professional by the party taking the deposition or
 11 calling the witness. For the purposes of this section, "mental
 12 health professional" means psychologists certified under
 13 chapter 154B, registered nurses licensed under chapter 152,
 14 or individuals holding at least a master's degree in social
 15 work or counseling and guidance.

16 EXPLANATION

17 This bill provides for mental health professionals including
 18 psychologists, registered nurses, and individuals holding
 19 master's degrees in social work or counseling and guidance,
 20 and physician's assistants, to be added to the list of persons
 21 who are not required to disclose confidential communications
 22 in court proceedings. This bill is effective July 1 following
 23 its enactment.

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HOUSE FILE 2430

H-5410

1 Amend House File 2430 as follows:
2 1. Page 2, line 12, by inserting after the word
3 "means" the words "individuals working within the
4 mental health field who are".

H-5410 FILED MARCH 12, 1982

BY SPEAR of Lee

HOUSE FILE 2430

H-5433

1 Amend House File 2430, as follows:
2 1. Page 1, by striking lines 7 through 12, and
3 inserting in lieu thereof the following: "employment,
4 a sibling, parent, lodge or club fellow member,
5 friend or neighbor who obtains information by reason
6 of the person's personal affiliation, or a minister
7 of the gospel or priest of any denomination shall not
8 be allowed, in giving testimony, to disclose any
9 confidential communication properly entrusted to him
10 the person in his the person's professional capacity,
11 or personal affiliation and necessary and proper to
12 enable him the person to discharge the functions of
13 his the person's office or personal affiliation
14 according to the".

H-5433 FILED MARCH 15, 1982

BY LIND of Black Hawk

SENATE AMENDMENT TO HOUSE FILE 2430

H-5881

1 Amend House File 2430 as passed by the House as
2 follows:
3 1. Page 1, by striking line 21, and inserting
4 in lieu thereof the words "~~to-recover-damages-for~~
5 ~~personal-injuries-or-wrongful-death~~".

H-5881 FILED APRIL 19, 1982

RECEIVED FROM THE SENATE

House concurred 4/21 (p. 1612)

HOUSE FILE 2430

S-5535

1 Amend House File 2430 as passed by the House as
2 follows:
3 1. Page 1, by striking line 21, and inserting
4 in lieu thereof the words "~~to-recover-damages-for~~
5 ~~personal-injuries-or-wrongful-death~~".

S-5535 FILED & ADOPTED
APRIL 8, 1982 (p. 1111)

BY BOB RUSH

HOUSE FILE 2431

AN ACT

REVISING DEADLINES FOR DRAWING ELECTION PRECINCTS, WARDS,
AND SUPERVISOR DISTRICTS AND REQUIRING MAPS OF SUPER-
VISOR DISTRICTS TO BE FILED WITH THE STATE COMMISSIONER
OF ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 49.7, Code 1981, is amended to read
as follows:

49.7 WHEN REPRECINCTING REQUIRED. Each county board of
supervisors and city council shall make any changes in precinct
boundaries necessary to comply with sections 49.3, 49.4 and
49.5 not earlier than July 1 nor later than ~~December 31~~
November 15 of the year immediately following each year in
which the federal decennial census is taken, unless the general
assembly by joint resolution establishes different dates for
compliance with these sections. Any or all of the publications
required by section 49.11 may be made after ~~December 31~~
November 15 if necessary. Each county board and city council
shall notify the state commissioner and the commissioner
whenever the boundaries of election precincts are changed
and shall provide a map delineating the new boundary lines.
Upon failure of any a county board or city council to make
the required changes by the dates established specified by
~~or pursuant to~~ this section, the state commissioner shall
make or cause to be made the necessary changes as soon as
possible, and shall assess to the county or city, as the case
may be, the expenses incurred in so doing. The state

commissioner may request the services of personnel of and
materials available to the legislative service bureau to
assist ~~him~~ the state commissioner in making any required
changes in election precinct boundaries which become ~~his~~ the
state commissioner's responsibility.

Sec. 2. Section 331.203, subsection 2, paragraph b, Code
1981 Supplement, is amended to read as follows:

b. If plan "two" or plan "three" as defined in section
331.206 is in effect, the board shall divide the county into
five equal-population districts by ~~November 1~~ December 15
of the year preceding the year of the next general election
and at that general election, five board members shall be
elected, two for initial terms of two years and three for
four-year terms. The terms of the three incumbent supervisors
shall expire on the date that the five-member board becomes
effective.

Sec. 3. Section 331.204, subsection 3, Code 1981
Supplement, is amended to read as follows:

3. At the next general election following the one at which
the proposition to reduce the membership of the board to three
is approved, the membership of the board shall be elected
according to the supervisor representation plan in effect
in the county. If the supervisor representation plan includes
equal-population districts, the district shall be designated
by ~~November 1~~ December 15 of the year preceding the year of
the next general election. One member of the board shall
be elected to a two-year term and the remaining two members
shall be elected to four-year terms. The length of the term
for which a person is a candidate and the date when the term
begins shall be indicated on the ballot.

Sec. 4. Section 331.209, subsections 1 and 3, Code 1981
Supplement, are amended to read as follows:

1. Before ~~November 1~~ December 15 of the nonelection year
following each federal decennial census the board shall divide

the county into a number of supervisor districts corresponding to the number of supervisors in the county. However, if the plan is selected pursuant to section 331.207, the board shall divide the county before March 15 of the election year. The supervisor districts shall be drawn, to the extent applicable, in compliance with the redistricting standards provided for legislative and congressional districts in section 42.4. If more than one incumbent supervisor resides in the same supervisor district after the districts have been redrawn following the federal decennial census, the terms of office of those supervisors shall expire on the ~~second~~ first day of January that is not a Sunday or a holiday following the next general election.

3. The board may redesignate supervisor districts only once in two years. If the board redesignates districts, the redesignation must be completed and available to the public by ~~November 1~~ December 15 of the year before the election to be applicable in that election year. This subsection does not lengthen or diminish the term of office of a member of the board as a result of the redesignation and districts shall not be redesignated except in compliance with this section.

Sec. 5. Section 331.209, Code 1981 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. Each county board shall notify the state commissioner whenever the boundaries of supervisor districts are changed and shall provide a map delineating the new boundary lines. Upon failure of a county board to make the required changes by the dates specified by this section, the state commissioner shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county the expenses incurred in so doing. The state commissioner may request the services of personnel and materials available to the legislative service bureau to assist the state commissioner in making any required changes in supervisor

district boundaries which become the state commissioner's responsibility.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2431, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2430

AN ACT

ADDING MENTAL HEALTH PROFESSIONALS AND PHYSICIAN'S ASSISTANTS
TO THE LIST OF PERSONS WHO ARE NOT REQUIRED TO DISCLOSE
CONFIDENTIAL COMMUNICATIONS IN COURT PROCEEDINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 622.10, unnumbered paragraph 1, Code
1981, is amended to read as follows:

No A practicing attorney, counselor, physician, surgeon,
physician's assistant, mental health professional, or the
stenographer or confidential clerk of any such person, who
obtains such information by reason of his the person's
employment, minister of the gospel or priest of any
denomination shall not be allowed, in giving testimony, to
disclose any confidential communication properly entrusted
to him the person in his the person's professional capacity,
and necessary and proper to enable him the person to discharge
the functions of his the person's office according to the
usual course of practice or discipline. Such The prohibition

shall does not apply to cases where the person in whose favor
the same prohibition is made waives the rights conferred;
nor shall-such does the prohibition apply, as-the-same-relates
to physicians or surgeons, physician's assistants, mental
health professionals, or to the stenographer or confidential
clerk of any such physicians or surgeons, physician's
assistants, or mental health professionals, in a civil action
to-recover-damages-for-personal-injuries-or-wrongful-death
in which the condition of the person in whose favor such the
prohibition is made is an element or factor of the claim or
defense of such the person or of any party claiming through
or under such the person. Such The evidence shall-be is
admissible upon trial of the action only as it relates to
the condition alleged. If an adverse party desires the oral
deposition, either discovery or evidentiary, of any-such a
physician or surgeon, physician's assistant, or mental health
professional to which such the prohibition would otherwise
apply or the stenographer or confidential clerk of any-such
a physician or surgeon, physician's assistant, or mental
health professional or desires to call any-such a physician
or surgeon, physician's assistant, or mental health
professional to which such the prohibition would otherwise
apply or the stenographer or confidential clerk of any-such
a physician or surgeon, physician's assistant, or mental
health professional as a witness at the trial of the action,
he the adverse party shall file an application with the court
for permission to do so. The court upon hearing, which shall
not be ex parte, shall grant such permission unless the court
finds that the evidence sought does not relate to the condition
alleged and shall fix a reasonable fee to be paid to such
the physician or surgeon, physician's assistant, or mental
health professional by the party taking the deposition or
calling the witness. For the purposes of this section, "mental
health professional" means psychologists certified under
chapter 154B, registered nurses licensed under chapter 152,

or individuals holding at least a master's degree in social work or counseling and guidance.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2430, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved 5/17, 1982

ROBERT D. RAY
Governor