

MAY 10 1973

House File 753  
Schools—  
Shaw, Chairman  
Andersen  
Orr

HOUSE FILE 753

By COMMITTEE ON EDUCATION

SIFTING COMMITTEE

House File 753  
Lippold, Chairman  
Carr  
Horn  
Patchett  
Wulff

*Revised 1-14-74, Pass 2/13  
Senate Schools 3/5, Pass 4/11*

Passed House, Date 3-1-74 (745)

Passed Senate, Date 5-2-74 (2007)

Vote: Ayes 73 Nays 7

Vote: Ayes 41 Nays 4

Approved

5-27-74

*Passed then amended by Senate  
5-4-74 (2478)  
77-1*

## A BILL FOR

1 An Act relating to confidential communications with  
 2 certified guidance counselors.  
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
 4 Section 1. Section six hundred twenty-two point ten  
 5 (622.10), Code 1973, is amended to read as follows:  
 6 622.10 COMMUNICATIONS IN PROFESSIONAL CONFIDENCE--  
 7 EXCEPTIONS--APPLICATION TO COURT. No practicing attorney,  
 8 counselor, physician, surgeon, certified guidance counselor  
 9 as provided in section two hundred fifty-seven point twenty-  
 10 five (257.25), subsection nine (9) of the Code, or the  
 11 stenographer or confidential clerk of any such person, who  
 12 obtains such information by reason of his employment,  
 13 minister of the gospel or priest of any denomination shall  
 14 be allowed, in giving testimony, to disclose any confidential  
 15 communication properly entrusted to him in his professional  
 16 capacity, and necessary and proper to enable him to discharge  
 17 the functions of his office according to the usual course of  
 18 practice or discipline. Such prohibition shall not apply to  
 19 cases where the person in whose favor the same is made waives  
 20 the rights conferred; nor shall such prohibition apply, as  
 21 the same relates to physicians or surgeons or to the stenog-  
 22 rapher or confidential clerk of any such physicians or surgeons,  
 23 in a civil action to recover damages for personal injuries or  
 24 wrongful death in which the condition of the person in whose  
 25 favor such prohibition is made is an element or factor of the

1 claim or defense of such person or of any party claiming  
2 through or under such person. Such evidence shall be admis-  
3 sible upon trial of the action only as it relates to the  
4 condition alleged. If an adverse party desires the oral  
5 deposition, either discovery or evidentiary, of any such  
6 physician or surgeon to which such prohibition would other-  
7 wise apply or the stenographer or confidential clerk of any  
8 such physician or surgeon or desires to call any such phy-  
9 sician or surgeon to which such prohibition would otherwise  
10 apply or the stenographer or confidential clerk of any such  
11 physician or surgeon as a witness at the trial of the action,  
12 he shall file an application with the court for permission  
13 to do so. The court upon hearing, which shall not be ex  
14 parte, shall grant such permission unless the court finds that  
15 the evidence sought does not relate to the condition alleged  
16 and shall fix a reasonable fee to be paid to such physician  
17 or surgeon by the party taking the deposition or calling the  
18 witness.

19 EXPLANATION

20 This bill provides that certified guidance counselors at  
21 school maintain communications confidential in the same  
22 manner as an attorney.

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H-574

1 Amend House File 753, page 1, line 8, by insert-  
2 ing after the word "surgeon," the words "guidance  
3 counselor of an elementary school or"

H-574 Filed  
May 22, 1973

By KRAUSE of Palo Alto

S-3015

1 Amend House File 753, as passed by the House, by  
2 striking everything after the enacting clause and  
3 inserting in lieu thereof the following:  
4 Section 1. Section six hundred twenty-two point  
5 ten (622.10), Code 1973 is amended by adding the  
6 following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. No qualified school  
8 guidance counselor, who has met the certification and  
9 approval standards of the department of public  
10 instruction as provided in section two hundred fifty-  
11 seven point twenty-five (257.25), subsection nine  
12 (9) of the Code, who obtains information by reason  
13 of his employment as a qualified school guidance  
14 counselor shall be allowed, in giving testimony,  
15 to disclose any confidential communications properly  
16 entrusted to him by a pupil or his parent or  
17 guardian in his capacity as a qualified school  
18 guidance counselor and necessary and proper to  
19 enable him to perform his duties as a qualified  
20 school guidance counselor.

S-3015 Filed - *adopted 5/3*  
May 3, 1974

By RILEY

SENATE AMENDMENT TO HOUSE FILE 753

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Received from the Senate  
May 3, 1974

*House concurred 5/7*

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