

Sen. Susan Reynolds 2/22 Do Pass 2/28 (p. 807)

FEB 15 1990

HOUSE FILE 2430

BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(SUCCESSOR TO HF 2063)

Passed House, Date 2/20/90 (p. 491) Passed Senate, Date 3/13/90 (p. 1027)

Vote: Ayes 98 Nays 0 Vote: Ayes 47 Nays 0

Approved March 27, 1990

A BILL FOR

1 An Act relating to the disclosure of certain mental health  
2 information to family members.

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

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HF 2430

1 Section 1. NEW SECTION. 228.8 DISCLOSURES TO FAMILY  
2 MEMBERS.

3 1. A mental health professional or an employee of or agent  
4 for a mental health facility may disclose mental health  
5 information to the spouse, parent, adult child, or adult  
6 sibling of an individual who has chronic mental illness, if  
7 all of the following conditions are met:

8 a. The disclosure is necessary to assist in the provision  
9 of care or monitoring of the individual's treatment.

10 b. The spouse, parent, adult child, or adult sibling is  
11 directly involved in providing care to or monitoring the  
12 treatment of the individual.

13 c. The involvement of the spouse, parent, adult child, or  
14 adult sibling is verified by the individual's attending  
15 physician, attending mental health professional, or a person  
16 other than the spouse, parent, adult child, or adult sibling  
17 who is responsible for providing treatment to the individual.

18 2. A request for mental health information by a person  
19 authorized to receive such information under this section  
20 shall be in writing, except in an emergency as determined by  
21 the mental health professional verifying the involvement of  
22 the spouse, parent, adult child, or adult sibling.

23 3. Unless the individual has been adjudged incompetent,  
24 the person verifying the involvement of the spouse, parent,  
25 adult child, or adult sibling shall notify the individual of  
26 the disclosure of the individual's mental health information  
27 under this section.

28 4. Mental health information disclosed under this section  
29 is limited to the following:

30 a. A summary of the individual's diagnosis and prognosis.

31 b. A listing of the medication which the individual has  
32 received and is receiving and the individual's record of  
33 compliance in taking medication prescribed for the previous  
34 six months.

35 c. A description of the individual's treatment plan.

1 Sec. 2. Section 228.2, Code 1989, is amended to read as  
2 follows:

3 228.2 MENTAL HEALTH INFORMATION DISCLOSURE PROHIBITED --  
4 EXCEPTIONS -- RECORD OF DISCLOSURE.

5 1. Except as specifically authorized in section 228.3,  
6 228.5, 228.6, ~~or~~ 228.7, or 228.8, a mental health  
7 professional, data collector, or employee or agent of a mental  
8 health professional, of a data collector, or of or for a  
9 mental health facility shall not disclose or permit the  
10 disclosure of mental health information.

11 2. Upon disclosure of mental health information pursuant  
12 to section 228.3, 228.5, 228.6, ~~or~~ 228.7, or 228.8, the person  
13 disclosing the mental health information shall enter a  
14 notation on and maintain the notation with the individual's  
15 record of mental health information, stating the date of the  
16 disclosure and the name of the recipient of mental health  
17 information.

18 The person disclosing the mental health information shall  
19 give the recipient of the information a statement which  
20 informs the recipient that disclosures may only be made  
21 pursuant to the written authorization of an individual or an  
22 individual's legal representative, or as otherwise provided in  
23 this chapter, that the unauthorized disclosure of mental  
24 health information is unlawful, and that civil damages and  
25 criminal penalties may be applicable to the unauthorized  
26 disclosure of mental health information.

27 3. A recipient of mental health information shall not  
28 disclose the information received, except as specifically  
29 authorized for initial disclosure in section 228.3, 228.5,  
30 228.6, ~~or~~ 228.7, or 228.8. However, mental health information  
31 may be transferred at any time to another facility, physician,  
32 or mental health professional in cases of a medical emergency  
33 or if the individual or the individual's legal representative  
34 requests the transfer in writing for the purposes of receipt  
35 of medical or mental health professional services, at which

1 time the requirements of section 228.2, subsection 2, shall be  
2 followed.

3 EXPLANATION

4 This bill provides for the disclosure of a limited type of  
5 mental health information to the spouse, parent, adult child,  
6 or adult sibling of an individual who has chronic mental  
7 illness in order to assist in the provision of care or  
8 monitoring of treatment of the individual under certain  
9 conditions. A requestor of mental health information is  
10 required to submit a written request for the information  
11 unless an emergency occurs. Unless the individual has been  
12 adjudged incompetent, the individual is required to be  
13 informed of the disclosure to a family member.

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HOUSE FILE 2430

AN ACT  
RELATING TO THE DISCLOSURE OF CERTAIN MENTAL HEALTH INFORMATION  
TO FAMILY MEMBERS.

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

Section 1. NEW SECTION. 228.8 DISCLOSURES TO FAMILY  
MEMBERS.

1. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information to the spouse, parent, adult child, or adult sibling of an individual who has chronic mental illness, if all of the following conditions are met:

a. The disclosure is necessary to assist in the provision of care or monitoring of the individual's treatment.

b. The spouse, parent, adult child, or adult sibling is directly involved in providing care to or monitoring the treatment of the individual.

c. The involvement of the spouse, parent, adult child, or adult sibling is verified by the individual's attending physician, attending mental health professional, or a person other than the spouse, parent, adult child, or adult sibling who is responsible for providing treatment to the individual.

2. A request for mental health information by a person authorized to receive such information under this section shall be in writing, except in an emergency as determined by the mental health professional verifying the involvement of the spouse, parent, adult child, or adult sibling.

3. Unless the individual has been adjudged incompetent, the person verifying the involvement of the spouse, parent, adult child, or adult sibling shall notify the individual of the disclosure of the individual's mental health information under this section.

4. Mental health information disclosed under this section is limited to the following:

a. A summary of the individual's diagnosis and prognosis.

b. A listing of the medication which the individual has received and is receiving and the individual's record of compliance in taking medication prescribed for the previous six months.

c. A description of the individual's treatment plan.

Sec. 2. Section 228.2, Code 1989, is amended to read as follows:

228.2 MENTAL HEALTH INFORMATION DISCLOSURE PROHIBITED --  
EXCEPTIONS -- RECORD OF DISCLOSURE.

1. Except as specifically authorized in section 228.3, 228.5, 228.6, or 228.7, or 228.8, a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility shall not disclose or permit the disclosure of mental health information.

2. Upon disclosure of mental health information pursuant to section 228.3, 228.5, 228.6, or 228.7, or 228.8, the person disclosing the mental health information shall enter a notation on and maintain the notation with the individual's record of mental health information, stating the date of the disclosure and the name of the recipient of mental health information.

The person disclosing the mental health information shall give the recipient of the information a statement which informs the recipient that disclosures may only be made pursuant to the written authorization of an individual or an individual's legal representative, or as otherwise provided in this chapter, that the unauthorized disclosure of mental health information is unlawful, and that civil damages and criminal penalties may be applicable to the unauthorized disclosure of mental health information.

3. A recipient of mental health information shall not disclose the information received, except as specifically authorized for initial disclosure in section 228.3, 228.5, 228.6, or 228.7, or 228.8. However, mental health information may be transferred at any time to another facility, physician, or mental health professional in cases of a medical emergency or if the individual or the individual's legal representative requests the transfer in writing for the purposes of receipt of medical or mental health professional services, at which time the requirements of section 228.2, subsection 2, shall be followed.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

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

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JOSEPH O'HERN  
Chief Clerk of the House

Approved March 27, 1990

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TERRY E. BRANSTAD  
Governor