

3/8/94 (House) Human Resources
P. 494
(P. 901) 3/25/94 - Amend / Do Pass
W/H - 5691

SENATE FILE 2287
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2168)

Passed Senate, Date (P. 570) 3-8-94 Passed House, Date (P. 1303) 4-8-94
Vote: Ayes 50 Nays 0 Vote: Ayes 96 Nays 0

Approved May 5, 1994
Passed 4-12-94
Vote 49-0
(P. 1150)

A BILL FOR

1 An Act establishing requirements for disclosure of psychological
2 test material.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. 2287

1 Section 1. NEW SECTION. 228.9 DISCLOSURE OF
2 PSYCHOLOGICAL TEST MATERIAL.

3 Except as otherwise provided in this section, if disclosure
4 of psychological test material would compromise the
5 objectivity of fairness of the testing process, the person in
6 possession of the material shall not disclose the material to
7 any other person, including the individual who is a subject of
8 the test. In addition, the material shall not be disclosed in
9 any administrative, judicial, or legislative proceeding.
10 However, upon the request of an individual who is the subject
11 of a test, all records associated with a test of that
12 individual shall be disclosed to a psychologist licensed
13 pursuant to chapter 154B designated by the individual. An
14 individual's request for the records shall be in writing and
15 shall comply with the requirements of section 228.3, relating
16 to voluntary disclosures of mental health information, except
17 that the individual shall not have the right to inspect the
18 records.

19 EXPLANATION

20 This bill establishes requirements for disclosure of
21 psychological test material. If disclosure of the material
22 would compromise the objectivity of the testing process, the
23 disclosure is prohibited except as provided in the bill. An
24 individual who is the subject of the psychological test may
25 request the disclosure of the records associated with the test
26 to a licensed psychologist designated by the individual.

27 The request for disclosure must be in writing and must
28 comply with the requirements for authorizations of voluntary
29 disclosure of mental health information. These requirements
30 include specification of the information to be disclosed,
31 notification of the individual's right to inspect the
32 disclosed information, notification of rights for revocation
33 of the authorization, and specification of the date and time
34 period of the revocation. A copy of the authorization is
35 required to be provided to the individual or the individual's

1 legal representative and is included in the individual's
2 mental health record.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 2287

H-5708

- 1 Amend Senate File 2287, as passed by the Senate, as
2 follows:
- 3 1. Page 1, by striking lines 3 through 6 and
4 inserting the following:
5 "Except as otherwise provided in this section, a
6 person in possession of psychological test material
7 shall not disclose the material to".
- 8 2. Page 1, line 8, by inserting before the word
9 "material" the following: "test".
- 10 3. Page 1, line 11, by striking the words "with a
11 test" and inserting the following: "with a
12 psychological test".
- 13 4. Page 1, line 18, by striking the word
14 "records" and inserting the following: "test
15 materials".

By COMMITTEE ON HUMAN RESOURCES
PLASIER of Sioux, Chairperson

H-5708 FILED MARCH 25, 1994

*adapted 4-8-94
(p. 1302)*

HOUSE AMENDMENT TO
SENATE FILE 2287

S-5559

- 1 Amend Senate File 2287, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 3 through 6 and
4 inserting the following:
5 "Except as otherwise provided in this section, a
6 person in possession of psychological test material
7 shall not disclose the material to".
8 2. Page 1, line 8, by inserting before the word
9 "material" the following: "test".
10 3. Page 1, line 11, by striking the words "with a
11 test" and inserting the following: "with a
12 psychological test".
13 4. Page 1, line 18, by striking the word
14 "records" and inserting the following: "test
15 materials".

RECEIVED FROM THE HOUSE

S-5559 FILED APRIL 11, 1994

Senate Concurred 4/12/94
(P. 1150)

Lloyd Jones
Riordan
Rittner

SSB-2168
Human Resources
New
2287

SENATE FILE
BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY CHAIR-
PERSON SZYMONIAK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing requirements for disclosure of psychological
2 test material.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. NEW SECTION. 228.9 DISCLOSURE OF
2 PSYCHOLOGICAL TEST MATERIAL.

3 Except as otherwise provided in this section, if disclosure
4 of psychological test material would compromise the
5 objectivity of fairness of the testing process, the person in
6 possession of the material shall not disclose the material to
7 any other person, including the individual who is a subject of
8 the test. In addition, the material shall not be disclosed in
9 any administrative, judicial, or legislative proceeding.
10 However, upon the request of an individual who is the subject
11 of a test, all records associated with a test of that
12 individual shall be disclosed to a mental health professional
13 designated by the individual. An individual's request for the
14 records shall be in writing and shall comply with the
15 requirements of section 228.3, relating to voluntary
16 disclosures of mental health information, except that the
17 individual shall not have the right to inspect the records.

18 EXPLANATION

19 This bill establishes requirements for disclosure of
20 psychological test material. If disclosure of the material
21 would compromise the objectivity of the testing process, the
22 disclosure is prohibited except as provided in the bill. An
23 individual who is the subject of the psychological test may
24 request the disclosure of the records associated with the test
25 to a mental health professional designated by the individual.

26 The request for disclosure must be in writing and must
27 comply with the requirements for authorizations of voluntary
28 disclosure of mental health information. These requirements
29 include specification of the information to be disclosed,
30 notification of the individual's right to inspect the
31 disclosed information, notification of rights for revocation
32 of the authorization, and specification of the date and time
33 period of the revocation. A copy of the authorization is
34 required to be provided to the individual or the individual's
35 legal representative and is included in the individual's

1 mental health record.

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

individual shall not have the right to inspect the test materials.

SENATE FILE 2287

AN ACT

ESTABLISHING REQUIREMENTS FOR DISCLOSURE OF PSYCHOLOGICAL TEST MATERIAL.

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

Section 1. NEW SECTION. 228.9 DISCLOSURE OF PSYCHOLOGICAL TEST MATERIAL.

Except as otherwise provided in this section, a person in possession of psychological test material shall not disclose the material to any other person, including the individual who is a subject of the test. In addition, the test material shall not be disclosed in any administrative, judicial, or legislative proceeding. However, upon the request of an individual who is the subject of a test, all records associated with a psychological test of that individual shall be disclosed to a psychologist licensed pursuant to chapter 154B designated by the individual. An individual's request for the records shall be in writing and shall comply with the requirements of section 228.3, relating to voluntary disclosures of mental health information, except that the

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2287, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 5, 1994

TERRY E. BRANSTAD
Governor