

FEB 25 2000

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Place On Calendar

HOUSE FILE

2454

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 295)

(SUCCESSOR TO HF 427)

Passed House, ^(P.584) Date 3-7-00

Passed Senate, ^(P.851) Date 3-27-00

Vote: Ayes 95 Nays 0

Vote: Ayes 47 Nays 0

Approved _____

A BILL FOR

1 An Act to provide an evidentiary privilege for services performed
2 by critical incident stress management teams.

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

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HOUSE FILE 2454

6 H-8181

7 1 Amend House File 2454 as follows:

8 2 1. Page 1, line 22, by striking the words "the
3 emergency personnel's response to".

By DAVIS of Wapello

9 H-8181 FILED MARCH 6, 2000

10 *adopted*
11 *3/7/00*

12 *(P. 584)*

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6548
2454

1 Section 1. Section 622.10, subsections 1 and 5, Code 1999,
2 are amended to read as follows:

3 1. A practicing attorney, counselor, physician, surgeon,
4 physician assistant, advanced registered nurse practitioner,
5 mental health professional, or the stenographer or
6 confidential clerk of any such person, who obtains information
7 by reason of the person's employment, or a member of the
8 clergy or a person providing critical incident stress
9 management shall not be allowed, in giving testimony, to
10 disclose any confidential communication properly entrusted to
11 the person in the person's professional capacity, and
12 necessary and proper to enable the person to discharge the
13 functions of the person's office according to the usual course
14 of practice or discipline.

15 5. For the purposes of this section, ~~"mental~~;

16 a. "Critical incident" means an extraordinary event that
17 results in acute or cumulative psychological stress or trauma.

18 b. "Critical incident stress management" means a process
19 of crisis intervention designed to assist emergency services
20 personnel and victims of disasters and other extraordinary
21 events in coping with the psychological trauma resulting from
22 the emergency personnel's response to a critical incident.

23 c. "Critical incident stress management team" means the
24 group of one or more volunteers who provides critical incident
25 stress management services in response to a particular
26 critical incident.

27 d. "Mental health professional" means a psychologist
28 licensed under chapter 154B, a registered nurse licensed under
29 chapter 152, a social worker licensed under chapter 154C, a
30 marital and family therapist licensed under chapter 154D, a
31 mental health counselor licensed under chapter 154D, or an
32 individual holding at least a master's degree in a related
33 field as deemed appropriate by the board of behavioral science
34 examiners.

35 Sec. 2. Section 622.10, Code 1999, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 7. The fact that a member of a critical
3 incident stress management team may receive nominal
4 compensation not based upon the value of the services provided
5 shall not negate the privilege in subsection 1.

6 EXPLANATION

7 This bill relates to evidentiary privileges for services
8 performed by critical incident stress management teams, which
9 are groups of volunteers who provide stress management to
10 emergency services personnel and victims of disasters and
11 other extraordinary events following such an event. A team
12 member who provides such services is subject to an evidentiary
13 privilege to protect confidential communications received in
14 the person's professional capacity.

15 The bill defines "critical incident", "critical incident
16 stress management", and "critical incident stress management
17 team". The bill also provides that compensation received by
18 the volunteer which is not related to the value of the
19 services performed will not affect the privilege provided by
20 this bill.

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2454

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 295)
(SUCCESSOR TO HF 427)

(As Amended and Passed by the House, March 7, 2000)

Passed House, Date _____ Passed Senate, Date ^(p. 851) 3-27-00
Vote: Ayes _____ Nays _____ Vote: Ayes 47 Nays 0
Approved _____

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Deleted Language *

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