

4/6/99 Returned to Judiciary

MAR 1 1999
Place On Calendar

HOUSE FILE **427**
BY COMMITTEE ON JUDICIARY
(SUCCESSOR TO HF 295)

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

A BILL FOR

1 An Act relating to limitation of liability 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 427

H-1064

1 Amend House File 427 as follows:
2 1. Page 1, line 21, by inserting after the word
3 "recklessness" the following: ", gross negligence, or
4 negligence, which will ensure personal
5 accountability".

By SCHRADER of Marion

H-1064 FILED MARCH 9, 1999

HF 427

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1 Section 1. NEW SECTION. 613.17A ASSISTANCE BY CRITICAL
2 INCIDENT STRESS MANAGEMENT TEAMS.

3 1. As used in this section:

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

6 b. "Critical incident stress management" means a process
7 of crisis intervention designed to assist emergency services
8 personnel and victims of disasters and other extraordinary
9 events in coping with the psychological trauma resulting from
10 the emergency personnel's response to a critical incident.

11 c. "Critical incident stress management team" means the
12 group of one or more volunteers who provides critical incident
13 stress management services in response to a particular
14 critical incident.

15 2. A person serving as part of a critical incident stress
16 management team, who in good faith performs critical incident
17 stress management, shall not be liable for any civil damages
18 for acts or omissions occurring at the place of a critical
19 incident or otherwise during critical incident stress
20 management unless such acts or omissions constitute
21 recklessness.

22 3. For purposes of this section, the fact that a team
23 member may receive nominal compensation not based upon the
24 value of the services provided shall not negate the limitation
25 of liability in subsection 2.

26 EXPLANATION

27 This bill relates to limitation of liability for services
28 performed by critical incident stress management teams, which
29 are groups of volunteers who provide stress management to
30 emergency services personnel and victims of disasters and
31 other extraordinary events following such an event. A team
32 member who provides such services in good faith is liable for
33 damages arising from acts or omissions in connection with such
34 services only if the acts or omissions constitute
35 recklessness.

1 The bill defines "critical incident", "critical incident
2 stress management", and "critical incident stress management
3 team". The bill also provides that compensation received by
4 the volunteer which is not related to the value of the
5 services performed will not affect the limitation of liability
6 provided by this bill.

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H-1200

1 Amend House File 427 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

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

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

19 5. For the purposes of this section, ~~"mental:~~

20 a. "Critical incident" means an extraordinary
21 event that results in acute or cumulative
22 psychological stress or trauma.

23 b. "Critical incident stress management" means a
24 process of crisis intervention designed to assist
25 emergency services personnel and victims of disasters
26 and other extraordinary events in coping with the
27 psychological trauma resulting from the emergency
28 personnel's response to a critical incident.

29 c. "Critical incident stress management team"
30 means the group of one or more volunteers who provides
31 critical incident stress management services in
32 response to a particular critical incident.

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

42 Sec. 2. Section 622.10, Code 1999, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 7. The fact that a member of a
45 critical incident stress management team may receive
46 nominal compensation not based upon the value of the
47 services provided shall not negate the privilege in
48 subsection 1."

49 2. Title page, line 1, by striking the words
50 "relating to limitation of liability" and inserting

H-1200

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H-1200

Page 2

1 the following: "to provide an evidentiary privilege".

By DAVIS of Wapello

H-1200 FILED MARCH 24, 1999