

**Senate File 2129 - Introduced**

SENATE FILE 2129  
BY ALONS

**A BILL FOR**

1 An Act relating to the disclosure of psychological test data.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 228.1, Code 2026, is amended by adding the  
2 following new subsections:

3 NEW SUBSECTION. 10A. "Test data" means the same as described  
4 in the most recent version of the ethical principles of  
5 psychologists and code of conduct standard as published by the  
6 American psychological association.

7 NEW SUBSECTION. 10B. "Test materials" means the same as  
8 described in the most recent version of the ethical principles  
9 of psychologists and code of conduct standard as published by the  
10 American psychological association.

11 Sec. 2. Section 228.9, Code 2026, is amended to read as  
12 follows:

13 **228.9 Disclosure of psychological test material.**

14 1. Except as otherwise provided in this section, a person  
15 in possession of ~~psychological test material~~ materials shall  
16 not disclose the ~~material~~ test materials to any other person,  
17 including the individual who is a subject of the test. ~~In~~  
18 ~~addition, the test material~~

19 2. Test materials shall not be disclosed in any  
20 administrative, judicial, or legislative proceeding. ~~However,~~  
21 ~~upon~~

22 3. a. Notwithstanding subsections 1 and 2, upon the request  
23 of an individual who is the subject of a psychological test,  
24 all records associated with a that psychological test ~~of that~~  
25 ~~individual~~ shall be disclosed to a psychologist licensed pursuant  
26 to chapter 154B and designated by the individual.

27 b. An individual's request for ~~the~~ records associated with a  
28 psychological test of that individual shall be in writing and  
29 shall comply with the requirements of section 228.3, ~~relating~~  
30 ~~to voluntary disclosures of mental health information,~~ except  
31 that the individual shall not have the right to inspect the test  
32 materials.

33 4. a. This section shall not apply to test data.

34 b. If test data contains test materials used to generate the  
35 test data, the test data may be disclosed provided that the test

1 materials are redacted prior to disclosure of the test data.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the disclosure of psychological test data  
6 (test data).

7 The bill defines "test data" the same as described in the  
8 most recent version of the ethical principles of psychologists  
9 and code of conduct standard as published by the American  
10 psychological association (APA code of conduct). The APA code  
11 of conduct describes "test data" as raw and scaled scores,  
12 client/patient responses to test questions or stimuli, and  
13 psychologists' notes and recordings concerning client/patient  
14 statements and behavior during examination. Those portions of  
15 test materials that include client/patient responses are included  
16 in the definition of test data.

17 The bill defines "test materials" the same as described in the  
18 most recent version of the APA code of conduct. The APA code  
19 of conduct describes "test materials" as manuals, instruments,  
20 protocols, and test questions or stimuli, and does not include  
21 test data.

22 Current law prohibits the disclosure of test materials except  
23 to a licensed psychologist upon request of the individual who is  
24 the subject of the test materials. The bill distinguishes test  
25 data from test materials and permits the disclosure of test data  
26 generated as a result of psychological testing. If the test data  
27 contains test materials, the test data may be disclosed provided  
28 that all test materials are redacted prior to disclosure of the  
29 test data.