

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1155

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H.P. 820

House of Representatives, March 26, 2013

### **An Act To Ensure the Integrity of Neuropsychological Testing Materials**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FARNSWORTH of Portland.  
Cosponsored by Representative: HAMANN of South Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1725** is enacted to read:

3 **§1725. Neuropsychological evaluations**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Neuropsychological evaluation" means a testing method through which a  
7 neuropsychologist can acquire data about a person's cognitive, motor, emotional,  
8 personality, behavioral, linguistic and executive functioning.

9 B. "Neuropsychological test data" means raw and scaled scores, a person's responses  
10 to test questions or stimuli, a psychologist's notes and recordings concerning the  
11 person's statements and behavior during a neuropsychological evaluation and those  
12 portions of neuropsychological test materials that include the person's responses.

13 C. "Neuropsychological test materials" means manuals, instruments, protocols,  
14 assessment devices, scoring keys, test questions and stimuli used in conducting a  
15 neuropsychological evaluation.

16 **2. Disclosure of neuropsychological test materials and neuropsychological test**  
17 **data.** The disclosure of neuropsychological test materials and neuropsychological test  
18 data is governed by this subsection.

19 A. Except as provided in paragraph B, neuropsychological test materials and  
20 neuropsychological test data may not be disclosed to anyone, including the person  
21 who is the subject of the test, and are not subject to disclosure in any administrative,  
22 judicial or legislative proceeding.

23 B. A person who is the subject of a neuropsychological evaluation is entitled to have  
24 all records relating to that evaluation, including neuropsychological test materials and  
25 neuropsychological test data, disclosed to any psychologist designated by the person  
26 who is qualified to evaluate the test results. A psychologist designated to receive  
27 records under this paragraph may not disclose the neuropsychological test materials  
28 and neuropsychological test data to another person.

29 **SUMMARY**

30 This bill provides that neuropsychological test materials and neuropsychological test  
31 data may not be disclosed to anyone, including the person who is the subject of the test,  
32 and are not subject to disclosure in any administrative, judicial or legislative proceeding,  
33 except that the person who is the subject of the neuropsychological evaluation is entitled  
34 to have all records relating to that evaluation, including neuropsychological test materials  
35 and neuropsychological test data, disclosed to any qualified psychologist designated by  
36 the person.