

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure the Integrity of Neuropsychological Testing Materials

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

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

§ 1725. Neuropsychological evaluations

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

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

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

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

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

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

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

SUMMARY

This bill provides that neuropsychological test materials and neuropsychological test data may not be disclosed to anyone, including the person who is the subject of the test, and are not subject to disclosure in any administrative, judicial or legislative proceeding, except that the person who is the subject of the neuropsychological evaluation is entitled to have all records relating to that evaluation,

including neuropsychological test materials and neuropsychological test data, disclosed to any qualified psychologist designated by the person.