

February 27, 1963. *Referred 4/15*
Passed on File. *Pass 4/2*

Senate File 340
By VANCE and BENEKE.

Passed Senate, Date *4-16-63*

Passed House, Date *5-17-63*

Vote: Ayes *42* Nays *2*

Vote: Ayes *89* Nays *1*

Approved..... *ifting Committee 4/19*

A BILL FOR

An Act relating to the confidential character of research studies for the purpose of reducing morbidity or mortality.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Any person, hospital, sanatorium, nursing
2 or rest home or other organization may provide information,
3 interviews, reports, statements, memoranda, or other data
4 relating to the condition and treatment of any person to
5 the state department of health, the Iowa medical society
or any of its allied medical societies or any in-hospital
staff committee, to be used in the course of any study
6 for the purpose of reducing morbidity or mortality, and
7 no liability of any kind or character for damages or other
8 relief shall arise or be enforced against any person or
9 organization by reason of having provided such information
10 or material, or by reason of having released or published
11 the findings and conclusions of such groups to advance
12 medical research and medical education, or by reason of
13 having released or published generally a summary of such
14 studies.

1 Sec. 2. The state department of health, the Iowa medical
2 society or any of its allied medical societies or any in-
3 hospital staff committee shall use or publish said material
4 only for the purpose of advancing medical research or medi-

5 cal education in the interest of reducing morbidity or
6 mortality, except that a summary of such studies may be
7 released by any such group for general publication. In all
8 events the identity of any person whose condition or treat-
9 ment has been studied shall be confidential and shall not
10 be revealed under any circumstances.

1 Sec. 3. All information, interviews, reports, state-
2 ments, memoranda, or other data furnished by reason of
3 this act and any findings or conclusions resulting from
4 such studies are declared to be privileged communications
5 which, except for the original medical records pertaining
6 to the patient, may not be used or offered or received
7 in evidence in any legal proceeding of any kind or char-
8 acter, and any attempt to use or offer any such infor-
9 mation, interviews, reports, statements, memoranda or
10 other data, findings or conclusions or any part thereof,
11 except the original medical records pertaining to the
12 patient, unless waived by the interested parties, shall
13 constitute prejudicial error resulting in a mistrial in
14 any such proceeding.

SENATE FILE 340

1 Amend Senate File 340:

2 1. Amend section two (2) by adding the following at the end
3 thereof: "A violation of this section shall constitute a
4 misdemeanor and be punishable as such."

5 2. By striking all of section three (3) and inserting in lieu
6 thereof the following:

7 "Sec. 3. All information, interviews, reports, statements,
8 memoranda, or other data furnished in accordance with this Act
9 and any findings or conclusions resulting from such studies shall
10 not be used or offered or received in evidence in any legal
11 proceedings of any kind or character, but nothing contained herein
12 shall be construed as affecting the admissibility as evidence of
13 the primary medical or hospital records pertaining to the patient
14 or of any other writing, record or reproduction thereof not con-
15 templated by this Act.

Filed
April 3, 1963.

adopted 4/16

By FULTON.

SENATE FILE 340

1 Amend Senate File 340 as follows:

2 1. Amend section one (1) by adding after the word "societies"
3 in line 6 the following: "or the Iowa Society of Osteopathic
4 Physicians and Surgeons".

5 2. Amend section two (2) by adding after the word "societies"
6 in line two (2) the following: "or the Iowa Society of Osteopathic
7 Physicians and Surgeons".

Filed and adopted
April 16, 1963.

By O'MALLEY.