

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1463

5 By: Representatives Hudson, L. Johnson
6 By: Senator G. Leding
7

For An Act To Be Entitled

8 AN ACT TO PROHIBIT DISCLOSURE OF NEUROPSYCHOLOGICAL
9 OR PSYCHOLOGICAL TEST MATERIALS OR TEST DATA; AND FOR
10 OTHER PURPOSES.
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Subtitle

14 TO PROHIBIT DISCLOSURE OF
15 NEUROPSYCHOLOGICAL OR PSYCHOLOGICAL TEST
16 MATERIALS OR TEST DATA.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 17, Chapter 97, Subchapter 1, is
22 amended to add an additional section to read as follows:

23 17-97-106. Disclosure of neuropsychological or psychological test
24 materials or test data – Definitions.

25 (a) As used in this section:

26 (1) "Neuropsychological evaluation" means a testing method
27 through which a neuropsychologist or a psychologist can acquire data about a
28 person's cognitive, behavioral, and emotional functioning for purposes of
29 diagnosing or confirming a diagnosis of cognitive deficiencies or
30 abnormalities in the central nervous system;

31 (2) "Neuropsychological or psychological test data" means raw
32 and scaled scores, a person's responses to test questions or stimuli, a
33 neuropsychologist's or psychologist's notes and recordings concerning the
34 person's statements and behavior during a neuropsychological evaluation or
35 psychological evaluation, and the portions of neuropsychological or
36 psychological test materials that include the person's responses;



1 (3) "Neuropsychological or psychological test materials" means
2 manuals, instruments, protocols, assessment devices, scoring keys, test
3 questions, and stimuli used in conducting a neuropsychological evaluation or
4 psychological evaluation; and

5 (4) "Psychological evaluation" means a testing method through
6 which a psychologist can acquire data about a person's cognitive and
7 emotional functioning for purposes of determining cognitive ability,
8 diagnosing a mental health condition, or confirming a mental health
9 diagnosis.

10 (b) Except as provided under subsection (c) of this section,
11 neuropsychological or psychological test materials and neuropsychological or
12 psychological test data shall not be disclosed to anyone, including the
13 person who is the subject of the test, and are not subject to disclosure in
14 any administrative, judicial, or legislative proceeding.

15 (c)(1) A person who is the subject of a neuropsychological evaluation
16 or psychological evaluation may have all records relating to that evaluation,
17 including neuropsychological or psychological test materials and
18 neuropsychological or psychological test data, disclosed to any
19 neuropsychologist or psychologist who is qualified to evaluate the test
20 results and who is designated by the person to evaluate the test results.

21 (2) A neuropsychologist or psychologist designated to receive
22 records under subdivision (c)(1) of this section shall not disclose the
23 neuropsychological or psychological test materials and neuropsychological or
24 psychological test data to another person.

25 (d)(1) Except as provided in subdivision (d)(3) of this section, to
26 ensure test security, a third-party observer shall not be present during the
27 administration of psychological or neuropsychological tests.

28 (2) A third-party observer includes without limitation a family
29 member, attorney, insurance representative, video recording device, and audio
30 recording device.

31 (3) Subdivision (d)(1) of this section does not apply if:

32 (A) The individual being tested has requested and received
33 an accommodation under the Americans with Disabilities Act of 1990, as
34 amended, 42 U.S.C. § 12101 et seq., to have an aide present;

35 (B) The individual does not adequately speak the language
36 in which the test is formatted and requires a professional language

1 interpreter;

2 (C) The individual is a minor and the third-party
3 observer's presence is deemed necessary and appropriate by the examining
4 licensed psychologist or other licensee who is properly trained in test
5 administration and interpretation to facilitate the testing process; or

6 (D) The individual is being observed by a licensed
7 psychologist or other licensee who is properly trained in test administration
8 and interpretation to facilitate the supervision of a trainee.

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