



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

740 ILCS 110/3

from Ch. 91 1/2, par. 803

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Makes a technical change in a Section concerning the confidentiality of certain records and communications.

LRB093 17096 LCB 42762 b

1 AN ACT in relation to civil liabilities.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental  
5 Disabilities Confidentiality Act is amended by changing  
6 Section 3 as follows:

7 (740 ILCS 110/3) (from Ch. 91 1/2, par. 803)

8 Sec. 3. Confidentiality.

9 (a) All records and communications shall be confidential  
10 and shall not be disclosed except as provided in this Act.

11 (b) A therapist is not required to but may, to the extent  
12 he determines it necessary and appropriate, keep personal notes  
13 regarding a recipient. Such personal notes are the work product  
14 and personal property of the therapist and shall not be subject  
15 to discovery in any judicial, administrative or legislative  
16 proceeding or any proceeding preliminary thereto.

17 (c) Psychological test material whose disclosure would  
18 compromise the objectivity or fairness of the testing process  
19 may not be disclosed to anyone including the subject of the  
20 test and is not subject to disclosure in any administrative,  
21 judicial or legislative proceeding. However, any recipient who  
22 has been the subject of the psychological test shall have the  
23 right to have all records relating to that test disclosed to  
24 any psychologist designated by the recipient. Requests for such  
25 disclosure shall be in writing and shall comply with the  
26 requirements of subsection (b) of Section 5 of this Act.

27 (Source: P.A. 86-1417.)