



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2796

by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

740 ILCS 110/3

from Ch. 91 1/2, par. 803

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that unless otherwise expressly provided for in the Act, records and communications made or created in the course of providing mental health or developmental disabilities services are protected from disclosure regardless of whether the records and communications are made or created in the course of a therapeutic relationship.

LRB099 04074 HEP 30999 b

1 AN ACT concerning civil law.

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. (a) All records and communications shall be  
9 confidential and shall not be disclosed except as provided in  
10 this Act. Unless otherwise expressly provided for in this Act,  
11 records and communications made or created in the course of  
12 providing mental health or developmental disabilities services  
13 are protected from disclosure regardless of whether the records  
14 and communications are made or created in the course of a  
15 therapeutic relationship.

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

22 (c) Psychological test material whose disclosure would  
23 compromise the objectivity or fairness of the testing process

1 may not be disclosed to anyone including the subject of the  
2 test and is not subject to disclosure in any administrative,  
3 judicial or legislative proceeding. However, any recipient who  
4 has been the subject of the psychological test shall have the  
5 right to have all records relating to that test disclosed to  
6 any psychologist designated by the recipient. Requests for such  
7 disclosure shall be in writing and shall comply with the  
8 requirements of subsection (b) of Section 5 of this Act.

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