**Section 150.40 Immunity**

a) Any person, institution, or agency, under this Part participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by DHS shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of the action. For the purpose of any proceeding, civil or criminal, arising out of a report or disclosure in accordance with this provision, the good faith of any person, institution or agency so reporting or disclosing shall be presumed. The full extent of the immunity shall apply to any person, institution or agency that fails to make a report or disclosure in the good faith belief that the report or disclosure would violate federal regulations governing the confidentiality of alcohol and drug abuse patient records under 42 USC 290dd-3 and 290ee-3 (see Confidentiality Act, Section 12(b)).

b) The clinician making the determination that the person poses a clear and present danger or making the determination that the person has a developmental disability and his or her employer may not be held criminally, civilly or professionally liable for making or not making the notification required under this Section, except for willful or wanton misconduct (see Sections 6-103.2 and 6-103.1 of the MHDD Code and Section 8.1 of the FOID Act).