

# HB1046



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1046

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

### 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 records and communications.

LRB102 03059 LNS 13072 b

A BILL FOR

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 ~~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 shall be protected from disclosure regardless of whether the  
14 records and communications are made or created in the course  
15 of a therapeutic relationship.

16 (b) A therapist is not required to but may, to the extent  
17 he determines it necessary and appropriate, keep personal  
18 notes regarding a recipient. Such personal notes are the work  
19 product and personal property of the therapist and shall not  
20 be subject to discovery in any judicial, administrative or  
21 legislative 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  
7 such 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. 99-28, eff. 1-1-16.)