

1 AN ACT in relation to health.

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.

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

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

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