



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2168

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - John A. Fritchey

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.

LRB094 02992 LCB 32993 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 ~~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 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.)