



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2031

Introduced 2/18/2009, 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 the confidentiality of certain records and communications.

LRB096 05522 AJO 15588 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.

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

1 right to have all records relating to that test disclosed to  
2 any psychologist designated by the recipient. Requests for such  
3 disclosure shall be in writing and shall comply with the  
4 requirements of subsection (b) of Section 5 of this Act.

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