



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2606

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - Daniel J. Burke

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.

LRB095 01195 AJO 21197 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.

9 (a) All records and ~~and~~ communications shall be
10 confidential and shall not be disclosed except as provided in
11 this Act.

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