



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3599

by Rep. David R. Leitch

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Student Optional Disclosure of Private Mental Health Act. Defines terms. Provides that all institutions of higher learning shall, at or near the time that an incoming student enrolls at the institution of higher learning, provide that student the opportunity to pre-authorize in writing the disclosure of certain private mental health information to a designated person. Provides that all institutions of higher learning shall prepare a form for the purpose of such pre-authorization. Provides that all institutions of higher learning shall create a policy to ensure that every new student is given the opportunity to complete and submit the form if he or she so desires.

LRB099 10237 SXM 30463 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Student Optional Disclosure of Private Mental Health Act.

6 Section 5. Definitions. In this Act:

7 (a) "Designated person" means a parent, guardian, or other  
8 person over the age of 18 designated by the student to receive  
9 disclosure of certain private mental health information.

10 (b) "Qualified examiner" has the meaning ascribed to that  
11 term in Section 1-122 of the Mental Health and Developmental  
12 Disabilities Code.

13 Section 10. Disclosure of mental health information.

14 (a) An institution of higher learning in Illinois shall, at  
15 or near the time that an incoming student enrolls at the  
16 institution of higher learning, provide that student the  
17 opportunity to authorize in writing the disclosure of certain  
18 private mental health information to a designated person.

19 (b) The institution may disclose the student's mental  
20 information if a physician, clinical psychologist, or  
21 qualified examiner who is employed by the institution of higher  
22 learning makes a determination that the student poses a clear

1 and present danger to himself, herself, or to others.

2 The physician, clinical psychologist, or qualified  
3 examiner shall, as soon as practicable, but in no more than 24  
4 hours after making a determination under this Section, attempt  
5 to contact the designated person and notify the designated  
6 person that the physician, clinical psychologist, or qualified  
7 examiner has made a determination that the student poses a  
8 clear and present danger to himself, herself, or to others.

9 Section 15. Preparation of authorization form. An  
10 institution of higher learning shall prepare a form for the  
11 purpose of such authorization and shall create a policy to  
12 ensure that every new student is given the opportunity to  
13 complete and submit the form if he or she so desires. The form  
14 shall provide a space for the student to affirmatively  
15 authorize, or decline to authorize, the disclosure of the  
16 information. The form shall contain a space for the student to  
17 enter the name, address, telephone number, and other contact  
18 information for the designated person.