



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2994

Introduced 2/6/2025, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

740 ILCS 110/4

from Ch. 91 1/2, par. 804

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides those entitled to inspect and copy a recipient's record include the parent or guardian of a minor, regardless of the minor's age, who is involved in special education services under the School Code or the "designated representative" of a student over the age of 18 involved in special education services under the School Code.

LRB104 11359 JRC 21447 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 4 as follows:

7 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

8 Sec. 4. (a) The following persons shall be entitled, upon
9 request, to inspect and copy a recipient's record or any part
10 thereof:

11 (1) the parent or guardian of a recipient who is under
12 12 years of age;

13 (2) the recipient if he is 12 years of age or older;

14 (3) the parent or guardian of a recipient who is at
15 least 12 but under 18 years, if the recipient is informed
16 and does not object or if the therapist does not find that
17 there are compelling reasons for denying the access. The
18 parent or guardian who is denied access by either the
19 recipient or the therapist may petition a court for access
20 to the record. Nothing in this paragraph is intended to
21 prohibit the parent or guardian of a recipient who is at
22 least 12 but under 18 years from requesting and receiving
23 the following information: current physical and mental

1 condition, diagnosis, treatment needs, services provided,
2 and services needed, including medication, if any;

3 (3.5) the parent or guardian of a minor, regardless of
4 the minor's age, who is involved in special education
5 services, under Section 14-1.11 of the School Code or the
6 "designated representative" of a student over the age of
7 18 involved in special education services under Section
8 14-6 of the School Code ~~the personal representative under~~
9 ~~HIPAA, 45 CFR 164.502(g), of a recipient, regardless of~~
10 ~~the age of the recipient;~~

11 (4) the guardian of a recipient who is 18 years or
12 older;

13 (5) an attorney or guardian ad litem who represents a
14 minor 12 years of age or older in any judicial or
15 administrative proceeding, provided that the court or
16 administrative hearing officer has entered an order
17 granting the attorney this right;

18 (6) an agent appointed under a recipient's power of
19 attorney for health care or for property, when the power
20 of attorney authorizes the access;

21 (7) an attorney-in-fact appointed under the Mental
22 Health Treatment Preference Declaration Act; or

23 (8) any person in whose care and custody the recipient
24 has been placed pursuant to Section 3-811 of the Mental
25 Health and Developmental Disabilities Code.

26 (b) Assistance in interpreting the record may be provided

1 without charge and shall be provided if the person inspecting
2 the record is under 18 years of age. However, access may in no
3 way be denied or limited if the person inspecting the record
4 refuses the assistance. A reasonable fee may be charged for
5 duplication of a record. However, when requested to do so in
6 writing by any indigent recipient, the custodian of the
7 records shall provide at no charge to the recipient, or to the
8 Guardianship and Advocacy Commission, the agency designated by
9 the Governor under Section 1 of the Protection and Advocacy
10 for Persons with Developmental Disabilities Act or to any
11 other not-for-profit agency whose primary purpose is to
12 provide free legal services or advocacy for the indigent and
13 who has received written authorization from the recipient
14 under Section 5 of this Act to receive his records, one copy of
15 any records in its possession whose disclosure is authorized
16 under this Act.

17 (c) Any person entitled to access to a record under this
18 Section may submit a written statement concerning any disputed
19 or new information, which statement shall be entered into the
20 record. Whenever any disputed part of a record is disclosed,
21 any submitted statement relating thereto shall accompany the
22 disclosed part. Additionally, any person entitled to access
23 may request modification of any part of the record which he
24 believes is incorrect or misleading. If the request is
25 refused, the person may seek a court order to compel
26 modification.

1 (d) Whenever access or modification is requested, the
2 request and any action taken thereon shall be noted in the
3 recipient's record.

4 (Source: P.A. 103-474, eff. 1-1-24.)