



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

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.

LRB093 17095 LCB 42761 b

1 AN ACT in relation to civil liabilities.

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 extent
12 he or she 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
24 right to have all records relating to that test disclosed to
25 any psychologist designated by the recipient. Requests for such
26 disclosure shall be in writing and shall comply with the
27 requirements of subsection (b) of Section 5 of this Act.

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