

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 danger to himself, herself, or others to protect the student or  
2 other person against a clear, imminent risk of serious physical  
3 or mental injury or disease or death being inflicted upon the  
4 person or by the student on himself, herself, or another.

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

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