

Significant New Revisions to Consent Requirements Under the Illinois Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA)

Healthcare Alert | 1 min read

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Background

The Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA) is the primary statute in Illinois governing the confidentiality of mental health and developmental disability records. The law provides strict requirements for when and how such information can be disclosed, including mandates around written consent.

Historically, Section 5 ([740 ILCS 110/5](#)) has required that a valid consent to disclose records include not only the individual's signature but also the signature of a witness who could attest to the signer's identity. This applied both to consent and to written revocations of consent.

Key Legislative Change

On August 15, 2025, [House Bill 3078](#) was signed into law. It amended Section 5 of the MHDDCA to remove the requirement that consent to the disclosure of mental health and developmental disability records (and revocation of consent) be witnessed.

- Prior language: "The signature shall be witnessed by a person who can attest to the identity of the individual."
- That language has now been stricken from the statute, no longer requiring a witness signature.

Earlier this year, effective January 1, 2025, [Senate Bill 3288](#) was signed into law. It also amended the MHDDCA to remove additional formalities specifically for research-related disclosures, including:

- The requirement of a calendar date of expiration for consent;
- A statement about the individual's right to inspect records; and
- The witness signature requirement, reinforcing its removal for research contexts.

Practical Requirements Under the Modified Law

- **Witness Signature No Longer Required:** Entities may now accept signed consent or revocation forms without a witness, easing operational burdens, especially in telehealth and remote care settings.
- **Simplified Consent Process:** These changes support more flexible and accessible care, reduce delays in obtaining consent, and align Illinois more closely with HIPAA standards and federal research regulations.
- **Ongoing Need for Verification Protocols:** While a witness is no longer legally required, institutions should consider maintaining internal procedures to verify identity, especially in high-risk or sensitive contexts.
- **Form and Policy Updates Required:** All consent and revocation forms should be reviewed and updated to remove witness signature lines.

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