



Rep. Deanne M. Mazzochi

Filed: 3/26/2019

10100HB2511ham002

LRB101 08857 RLC 58574 a

1 AMENDMENT TO HOUSE BILL 2511

2 AMENDMENT NO. _____. Amend House Bill 2511 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Suicide Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Attempted suicide" means any act done with the intent to
8 commit suicide and that constitutes a substantial step toward
9 commission of suicide.

10 "Mental health services" means planned individualized
11 interventions intended to reduce or ameliorate mental illness
12 or the effects of mental illness through care, treatment,
13 counseling, rehabilitation, medical or psychiatric care, or
14 other supports provided to individuals with mental illness for
15 the purpose of enabling these individuals to increase their
16 self-determination and independence, obtain remunerative

1 employment, participate fully in all aspects of community life,
2 advocate for themselves, and achieve their fullest potential to
3 the greatest extent possible.

4 "Mental illness" means a mental or emotional disorder that
5 substantially impairs a person's thought, perception of
6 reality, emotional process, judgment, behavior, or ability to
7 cope with the ordinary demands of life, but does not include a
8 developmental disability, dementia or Alzheimer's disease
9 absent psychosis, a substance use disorder, or an abnormality
10 manifested only by repeated criminal or otherwise antisocial
11 conduct.

12 "Physician", "psychiatrist", "clinical psychologist",
13 "clinical professional counselor", and "clinical social
14 worker" have the meanings ascribed to them in the Mental Health
15 and Developmental Disabilities Code.

16 "Psychiatric nurse" means a registered nurse with a
17 master's degree in psychiatric nursing who has 3 years of
18 clinical training and experience in the evaluation and
19 treatment of mental illness that has been acquired subsequent
20 to any training and experience that constituted a part of the
21 degree program.

22 "Recipient" means a person who is receiving or has received
23 mental health services.

24 "Therapist" means a psychiatrist, physician, clinical
25 psychologist, clinical social worker, psychiatric nurse,
26 clinical professional counselor, any other person providing

1 mental health services, or any other person not prohibited by
2 law from providing those services or from holding himself or
3 herself out as a therapist if the recipient reasonably believes
4 that the person is permitted to do so. Therapist includes any
5 successor of the therapist.

6 Section 10. Suicide prevention. For a person 12 years of
7 age or older who is receiving or has received mental health
8 services for an attempted suicide, the person's therapist may
9 share mental health information with family members, friends,
10 or others involved in the recipient's care, if the recipient
11 agrees or does not object, and the information is relevant to
12 the family member, friend, or caregiver's involvement with the
13 recipient's healthcare or the payment for that care. The
14 therapist must: (1) ask the recipient's permission to share
15 relevant information with family members, friends, or other
16 caregivers; (2) tell the recipient he or she plans to discuss
17 the information; (3) give the recipient an opportunity to agree
18 or object; or may infer from the circumstances, using
19 professional judgment, that the recipient does not object; and
20 (4) determine that the sharing of relevant information is in
21 the recipient's best interest. The family, friends, or
22 caregivers may consult with the therapist every 30 days
23 following a suicide attempt for the period of one year. The
24 period may be extended by the therapist based on need. The
25 therapist shall be responsible for consulting with the

1 designated person about the progress of the person who is
2 receiving mental health services toward restoration of mental
3 health.

4 Section 15. Immunity of therapist from criminal or civil
5 liability. Except as otherwise prohibited by the federal Health
6 Insurance Portability and Accountability Act of 1996, a
7 therapist is not criminally or civilly liable for disclosing
8 the recipient's therapy or for discussing the progress of the
9 recipient toward mental health to a person designated under
10 Section 10.

11 Section 105. The Mental Health and Developmental
12 Disabilities Confidentiality Act is amended by changing
13 Section 4 as follows:

14 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

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

18 (1) the parent or guardian of a recipient who is under
19 12 years of age;

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

21 (3) the parent or guardian of a recipient who is at
22 least 12 but under 18 years, if the recipient is informed
23 and does not object or if the therapist does not find that

1 there are compelling reasons for denying the access. The
2 parent or guardian who is denied access by either the
3 recipient or the therapist may petition a court for access
4 to the record. Nothing in this paragraph is intended to
5 prohibit the parent or guardian of a recipient who is at
6 least 12 but under 18 years from requesting and receiving
7 the following information: current physical and mental
8 condition, diagnosis, treatment needs, services provided,
9 and services needed, including medication, if any;

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

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

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

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

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

25 (9) any person designated by a therapist under Section
26 10 of the Suicide Prevention Act to be consulted on the

1 progress of a recipient of mental health services who has
2 attempted suicide, but only to the extent the information
3 is necessary for the family member, friend, or caregiver's
4 involvement with the recipient's health care or the payment
5 for that care and consistent with the therapist's
6 professional judgment that the consultation is in the
7 recipient's best interest.

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

25 (c) Any person entitled to access to a record under this
26 Section may submit a written statement concerning any disputed

1 or new information, which statement shall be entered into the
2 record. Whenever any disputed part of a record is disclosed,
3 any submitted statement relating thereto shall accompany the
4 disclosed part. Additionally, any person entitled to access may
5 request modification of any part of the record which he
6 believes is incorrect or misleading. If the request is refused,
7 the person may seek a court order to compel modification.

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

11 (Source: P.A. 99-143, eff. 7-27-15.)"