



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3562

Introduced 2/9/2024, by Sen. Laura Ellman

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Including Families in Mental Health Recovery Act. Provides that no later than one year after the effective date of the Act, the Department of Human Services shall adopt rules clarifying the circumstances under which, consistent with the standards governing the privacy and security of individually identifiable health information, Illinois health care providers and covered entities may disclose the protected health information of patients with a mental illness. Provides that no later than one year after the effective date of this Act, the Department of Human Services shall develop and disseminate only within Illinois: (1) a model program and materials for training health care providers (including physicians, emergency medical personnel, psychologists, counselors, therapists, behavioral health facilities and clinics, care managers, and hospitals) regarding the circumstances under which, consistent with the standards governing privacy and security of individually identifiable health information under the Health Insurance Portability and Accountability Act of 1996, the protected health information of patients with a mental illness may be disclosed with and without patient consent; (2) a model program and materials for training lawyers and others in the legal profession on such circumstances; and (3) a model program and materials for training patients and their families regarding their rights to protect and obtain information under the standards specified in the Act.

LRB103 37644 RLC 67771 b

1 AN ACT concerning health.

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 Including Families in Mental Health Recovery Act.

6 Section 5. Disclosure of protected health care  
7 information. No later than one year after the effective date  
8 of this Act, the Department of Human Services shall adopt  
9 rules clarifying the circumstances under which, consistent  
10 with the standards governing the privacy and security of  
11 individually identifiable health information, Illinois health  
12 care providers and covered entities may disclose the protected  
13 health information of patients with a mental illness,  
14 including for the purposes of:

15 (1) communicating with a patient's family, caregivers,  
16 friends, or others involved in the patient's care,  
17 including communication about treatments, side effects,  
18 risk factors, and the availability of community resources;

19 (2) communicating with family or caregivers when the  
20 patient is an adult;

21 (3) communicating with family or caregivers of a  
22 patient who is a minor;

23 (4) considering the patient's capacity to agree or

1 object to the sharing of the patient's information;

2 (5) communicating and sharing information with a  
3 patient's family or caregivers when:

4 (A) the patient consents; or

5 (B) the patient does not consent but the patient  
6 lacks the capacity to agree or object and the  
7 communication or sharing of information is in the  
8 patient's best interest;

9 (6) involving a patient's family members, friends, or  
10 caregivers, or others involved in the patient's care, in  
11 the patient's care plan, including treatment and  
12 medication adherence, in dealing with patient failures to  
13 adhere to medication or other therapy;

14 (7) listening to or receiving information from family  
15 members or caregivers about their loved ones receiving  
16 mental illness treatment;

17 (8) communicating with family members, caregivers, law  
18 enforcement, or others when the patient presents a serious  
19 and imminent threat of harm to self or others; and

20 (9) communicating to law enforcement and family  
21 members or caregivers about the admission of a patient to  
22 receive care at a facility or the release of a patient who  
23 was admitted to a facility for an emergency psychiatric  
24 hold or involuntary treatment.

25 Section 10. Development and dissemination of model

1 training programs.

2 (a) No later than one year after the effective date of this  
3 Act, the Department of Human Services shall develop and  
4 disseminate only within Illinois:

5 (1) a model program and materials for training  
6 health care providers (including physicians, emergency  
7 medical personnel, psychologists, counselors,  
8 therapists, behavioral health facilities and clinics,  
9 care managers, and hospitals) regarding the  
10 circumstances under which, consistent with the  
11 standards governing privacy and security of  
12 individually identifiable health information under the  
13 Health Insurance Portability and Accountability Act of  
14 1996, the protected health information of patients  
15 with a mental illness may be disclosed with and  
16 without patient consent;

17 (2) a model program and materials for training  
18 lawyers and others in the legal profession on such  
19 circumstances; and

20 (3) a model program and materials for training  
21 patients and their families regarding their rights to  
22 protect and obtain information under the standards  
23 specified in paragraph (1).

24 (b) In developing the model programs and materials  
25 required by this Section, the Department of Human Services  
26 shall solicit the input of relevant national, State, and local

1 associations, medical societies, and licensing boards.