

HB5574



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5574

by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

740 ILCS 110/9.2

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that for purposes of continuity of care, licensed private hospitals receiving payments from the Department of Human Services or the Department of Healthcare and Family Services may disclose a recipient's record or communications to each other or to other specified entities, but only for admission, treatment, planning, or discharge. Provides a definition of "licensed private hospital". Effective immediately.

LRB095 16884 AJO 42927 b

A BILL FOR

1 AN ACT concerning civil law.

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 9.2 as follows:

7 (740 ILCS 110/9.2)

8 Sec. 9.2. Interagency disclosure of recipient information.
9 For the purposes of continuity of care, the Department of Human
10 Services (as successor to the Department of Mental Health and
11 Developmental Disabilities), community agencies funded by the
12 Department of Human Services in that capacity, licensed private
13 hospitals receiving payments from the Department of Human
14 Services or the Department of Healthcare and Family Services,
15 prisons operated by the Department of Corrections, mental
16 health facilities operated by a county, and jails operated by
17 any county of this State may disclose a recipient's record or
18 communications, without consent, to each other, but only for
19 the purpose of admission, treatment, planning, or discharge.
20 Entities shall not redisclose any personally identifiable
21 information, unless necessary for admission, treatment,
22 planning, or discharge of the identified recipient to another
23 setting. No records or communications may be disclosed to a

1 county jail or State prison pursuant to this Section unless the
2 Department has entered into a written agreement with the county
3 jail or State prison requiring that the county jail or State
4 prison adopt written policies and procedures designed to ensure
5 that the records and communications are disclosed only to those
6 persons employed by or under contract to the county jail or
7 State prison who are involved in the provision of mental health
8 services to inmates and that the records and communications are
9 protected from further disclosure. For the purposes of this
10 Section, the term "licensed private hospital" shall have the
11 meaning ascribed to it in the Mental Health and Developmental
12 Disabilities Code.

13 (Source: P.A. 94-182, eff. 7-12-05.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.