



Rep. Kathleen A. Ryg

Filed: 4/15/2008

09500HB5574ham003

LRB095 16884 AJ0 47998 a

1 AMENDMENT TO HOUSE BILL 5574

2 AMENDMENT NO. _____. Amend House Bill 5574 on page 1, line
3 6 by replacing "Section 9.2" with "Sections 9.2 and 11"; and

4 on page 1, line 15 by replacing "prisons operated by the
5 Department of Corrections" with "State correctional facilities
6 ~~prisons operated by the Department of Corrections~~"; and

7 on page 2, by inserting after line 13 the following:

8 "(740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

9 Sec. 11. Disclosure of records and communications. Records
10 and communications may be disclosed:

11 (i) in accordance with the provisions of the Abused and
12 Neglected Child Reporting Act, subsection (u) of Section 5
13 of the Children and Family Services Act, or Section 7.4 of
14 the Child Care Act of 1969;

15 (ii) when, and to the extent, a therapist, in his or

1 her sole discretion, determines that disclosure is
2 necessary to initiate or continue civil commitment
3 proceedings under the laws of this State or to otherwise
4 protect the recipient or other person against a clear,
5 imminent risk of serious physical or mental injury or
6 disease or death being inflicted upon the recipient or by
7 the recipient on himself or another;

8 (iii) when, and to the extent disclosure is, in the
9 sole discretion of the therapist, necessary to the
10 provision of emergency medical care to a recipient who is
11 unable to assert or waive his or her rights hereunder;

12 (iii-a) to any medical practitioner from whom the
13 patient is seeking medical care, including any primary care
14 physician;

15 (iv) when disclosure is necessary to collect sums or
16 receive third party payment representing charges for
17 mental health or developmental disabilities services
18 provided by a therapist or agency to a recipient under
19 Chapter V of the Mental Health and Developmental
20 Disabilities Code or to transfer debts under the
21 Uncollected State Claims Act; however, disclosure shall be
22 limited to information needed to pursue collection, and the
23 information so disclosed shall not be used for any other
24 purposes nor shall it be redisclosed except in connection
25 with collection activities;

26 (v) when requested by a family member, the Department

1 of Human Services may assist in the location of the
2 interment site of a deceased recipient who is interred in a
3 cemetery established under Section 100-26 of the Mental
4 Health and Developmental Disabilities Administrative Act;

5 (vi) in judicial proceedings under Article VIII of
6 Chapter III and Article V of Chapter IV of the Mental
7 Health and Developmental Disabilities Code and proceedings
8 and investigations preliminary thereto, to the State's
9 Attorney for the county or residence of a person who is the
10 subject of such proceedings, or in which the person is
11 found, or in which the facility is located, to the attorney
12 representing the recipient in the judicial proceedings, to
13 any person or agency providing mental health services that
14 are the subject of the proceedings and to that person's or
15 agency's attorney, to any court personnel, including but
16 not limited to judges and circuit court clerks, and to a
17 guardian ad litem if one has been appointed by the court,
18 provided that the information so disclosed shall not be
19 utilized for any other purpose nor be redisclosed except in
20 connection with the proceedings or investigations;

21 (vii) when, and to the extent disclosure is necessary
22 to comply with the requirements of the Census Bureau in
23 taking the federal Decennial Census;

24 (viii) when, and to the extent, in the therapist's sole
25 discretion, disclosure is necessary to warn or protect a
26 specific individual against whom a recipient has made a

1 specific threat of violence where there exists a
2 therapist-recipient relationship or a special
3 recipient-individual relationship;

4 (ix) in accordance with the Sex Offender Registration
5 Act;

6 (x) in accordance with the Rights of Crime Victims and
7 Witnesses Act;

8 (xi) in accordance with Section 6 of the Abused and
9 Neglected Long Term Care Facility Residents Reporting Act;
10 and

11 (xii) in accordance with Section 55 of the Abuse of
12 Adults with Disabilities Intervention Act.

13 Any person, institution, or agency, under this Act,
14 participating in good faith in the making of a report under the
15 Abused and Neglected Child Reporting Act or in the disclosure
16 of records and communications under this Section, shall have
17 immunity from any liability, civil, criminal or otherwise, that
18 might result by reason of such action. For the purpose of any
19 proceeding, civil or criminal, arising out of a report or
20 disclosure under this Section, the good faith of any person,
21 institution, or agency so reporting or disclosing shall be
22 presumed.

23 (Source: P.A. 94-852, eff. 6-13-06; 94-1010, eff. 10-1-06;
24 95-331, eff. 8-21-07.)".