



Rep. Elaine Nekritz

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1 AMENDMENT TO HOUSE BILL 5152

2 AMENDMENT NO. _____. Amend House Bill 5152, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Developmental Disability and Mental Health Safety Act or
7 Brian's Law.

8 Section 5. Legislative Findings. The General Assembly
9 finds all of the following:

10 (a) As a result of decades of significant under-funding of
11 Illinois' developmental disabilities and mental health service
12 delivery system, the quality of life of individuals with
13 disabilities has been negatively impacted and, in an
14 unacceptable number of instances, has resulted in serious
15 health consequences and even death.

16 (b) In response to growing concern over the safety of the

1 State-operated developmental disability facilities, following
2 a series of resident deaths, the agency designated by the
3 Governor pursuant to the Protection and Advocacy for
4 Developmentally Disabled Persons Act opened a systemic
5 investigation to examine all such deaths for a period of time,
6 including the death of a young man in his twenties, Brian Kent,
7 on October 30, 2002, and released a public report, "Life and
8 Death in State-Operated Developmental Disability
9 Institutions," which included findings and recommendations
10 aimed at preventing such tragedies in the future.

11 (c) The documentation of substandard medical care and
12 treatment of individual residents living in the State-operated
13 facilities cited in that report necessitate that the State of
14 Illinois take immediate action to prevent further injuries and
15 deaths.

16 (d) The agency designated by the Governor pursuant to the
17 Protection and Advocacy for Developmentally Disabled Persons
18 Act has also reviewed conditions and deaths of individuals with
19 disabilities living in or transferred to community-based
20 facilities and found similar problems in some of those
21 settings.

22 (e) The circumstances associated with deaths in both
23 State-operated facilities and community-based facilities, and
24 review of the State's investigations and findings regarding
25 these incidents, demonstrate that the current federal and State
26 oversight and investigatory systems are seriously

1 under-funded.

2 (f) An effective mortality review process enables state
3 service systems to focus on individual deaths and consider the
4 broader issues, policies, and practices that may contribute to
5 these tragedies. This critical information, when shared with
6 public and private facilities, can help to reduce circumstances
7 that place individuals at high risk of serious harm and even
8 death.

9 (g) The purpose of this Act is to establish within the
10 Department of Human Services a low-cost, volunteer-based
11 mortality review process conducted by an independent team of
12 experts that will enhance the health and safety of the
13 individuals served by Illinois' developmental disability and
14 mental health service delivery systems.

15 (h) This independent team of experts will be comparable to
16 2 existing types of oversight teams: the Abuse Prevention
17 Review Team created under the jurisdiction of the Department of
18 Public Health, which examines deaths of individuals living in
19 long-term care facilities, and Child Death Review Teams created
20 under the jurisdiction of the Department of Children and Family
21 Services, which reviews the deaths of children.

22 Section 10. Definitions. As used in this Act:

23 "Community agency" means (i) a community agency licensed,
24 funded, or certified by the Department of Human Services, but
25 not licensed or certified by any other human services agency of

1 the State, to provide developmental disabilities service or
2 mental health service or (ii) a program licensed, funded, or
3 certified by the Department of Human Services, but not licensed
4 or certified by any other human services agency of the State,
5 to provide developmental disabilities service or mental health
6 service.

7 "Facility" means a developmental disabilities facility or
8 mental health facility operated by the Department of Human
9 Services.

10 Section 15. Mortality Review Process.

11 (a) The Department of Human Services shall develop an
12 independent team of experts from the academic, private, and
13 public sectors to examine all deaths at facilities and
14 community agencies.

15 (b) The Secretary of Human Services, in consultation with
16 the Director of Public Health, shall appoint members to the
17 independent team of experts, which shall consist of at least
18 one member from each of the following categories:

19 1. Physicians experienced in providing medical care to
20 individuals with developmental disabilities.

21 2. Physicians experienced in providing medical care to
22 individuals with mental illness.

23 3. Registered nurses experienced in providing medical
24 care to individuals with developmental disabilities.

25 4. Registered nurses experienced in providing medical

1 care to individuals with mental illness.

2 5. Psychiatrists.

3 6. Psychologists.

4 7. Representatives of the Department of Human Services
5 who are not employed at the facility at which the death
6 occurred.

7 8. Representatives of the Department of Public Health.

8 9. Representatives of the agency designated by the
9 Governor pursuant to the Protection and Advocacy for
10 Developmentally Disabled Persons Act.

11 10. State's Attorneys or State's Attorneys'
12 representatives.

13 11. Coroners or forensic pathologists.

14 12. Representatives of local hospitals, trauma
15 centers, or providers of emergency medical services.

16 13. Other categories of persons, as the Secretary of
17 Human Services may see fit.

18 The independent team of experts may make recommendations to
19 the Secretary of Human Services concerning additional
20 appointments. Each team member must have demonstrated
21 experience and an interest in investigating, treating, or
22 preventing the deaths of individuals with disabilities. The
23 Secretary of Human Services shall appoint additional teams if
24 the Secretary or the existing team determines that more teams
25 are necessary to accomplish the purposes of this Act. The
26 members of a team shall be appointed for 2-year staggered terms

1 and shall be eligible for reappointment upon the expiration of
2 their terms. Each independent team shall select a Chairperson
3 from among its members.

4 (c) The independent team of experts shall examine the
5 deaths of all individuals who have died while under the care of
6 a facility or community agency.

7 (d) The purpose of the independent team of experts'
8 examination of such deaths is to do the following:

9 1. Review the cause and manner of the individual's
10 death.

11 2. Review all actions taken by the facility, State
12 agencies, or other entities to address the cause or causes
13 of death and the adequacy of medical care and treatment.

14 3. Evaluate the means, if any, by which the death might
15 have been prevented.

16 4. Report its observations and conclusions to the
17 Secretary of Human Services and make recommendations that
18 may help to reduce the number of unnecessary deaths.

19 5. Promote continuing education for professionals
20 involved in investigating and preventing the unnecessary
21 deaths of individuals under the care of a facility or
22 community agency.

23 6. Make specific recommendations to the Secretary of
24 Human Services concerning the prevention of unnecessary
25 deaths of individuals under the care of facilities and
26 community agencies, including changes in policies and

1 practices that will prevent harm to individuals with
2 disabilities, and the establishment of protocols for
3 investigating the deaths of these individuals.

4 (e) The independent team of experts must examine the cases
5 submitted to it on a quarterly basis. The team shall meet at
6 least once in each calendar quarter if there are cases to be
7 examined. The Department of Human Services shall forward cases
8 within 90 days after completion of a review or an investigation
9 into the death of an individual residing at a facility or
10 community agency.

11 (f) Within 90 days after receiving recommendations made by
12 the independent team of experts under subsection (d) of this
13 Section, the Secretary of Human Services must review those
14 recommendations, as feasible and appropriate, and shall
15 respond to the team in writing to explain the implementation of
16 those recommendations.

17 (g) The Secretary of Human Services shall establish
18 protocols governing the operation of the independent team.
19 Those protocols shall include the creation of sub-teams to
20 review the case records or portions of the case records and
21 report to the full team. The members of a sub-team shall be
22 composed of team members specially qualified to examine those
23 records. In any instance in which the independent team does not
24 operate in accordance with established protocol, the Secretary
25 of Human Services shall take any necessary actions to bring the
26 team into compliance with the protocol.

1 Section 20. Independent team of experts' access to
2 information.

3 (a) The Secretary of Human Services shall provide to the
4 independent team of experts, on the request of the team
5 Chairperson, all records and information in the Department's
6 possession that are relevant to the team's examination of a
7 death of the sort described in subsection (c) of Section 10,
8 including records and information concerning previous reports
9 or investigations of any matter, as determined by the team.

10 (b) The independent team shall have access to all records
11 and information that are relevant to its review of a death and
12 in the possession of a State or local governmental agency or
13 other entity. These records and information shall include,
14 without limitation, death certificates, all relevant medical
15 and mental health records, records of law enforcement agency
16 investigations, records of coroner or medical examiner
17 investigations, records of the Department of Corrections
18 concerning a person's parole, records of a probation and court
19 services department, and records of a social services agency
20 that provided services to the person who died.

21 Section 25. Public access to and confidentiality of
22 information.

23 (a) Meetings of the independent team of experts shall be
24 closed to the public.

1 (b) Records and information provided to the independent
2 team of experts are confidential. Nothing contained in this
3 subsection (b) prevents the sharing or disclosure of records,
4 other than those produced by the independent team, relating or
5 pertaining to the death of an individual.

6 (c) Members of the independent team of experts are not
7 subject to examination, in any civil or criminal proceeding,
8 concerning information presented to members of the team or
9 opinions formed by members of the team based on that
10 information. A person may, however, be examined concerning
11 information provided to the team that is otherwise available to
12 the public.

13 (d) Records and information produced by the team are not
14 subject to discovery or subpoena and are not admissible as
15 evidence in any civil or criminal proceeding. Those records and
16 information are, however, subject to discovery or a subpoena,
17 and are admissible as evidence to the extent they are otherwise
18 available to the public.

19 Section 30. Indemnification. The State shall indemnify and
20 hold harmless members of the independent team for all their
21 acts, omissions, decisions, or other conduct arising out of the
22 scope of their service on the team, except those involving
23 willful or wanton misconduct. The method of providing
24 indemnification shall be as provided in the State Employee
25 Indemnification Act.

1 Section 35. Department's annual report. The Department of
2 Human Services shall include in its annual report to the
3 General Assembly a report of the activities of the independent
4 team of experts, the results of the team's observations and
5 conclusions, categories of members of the team as prescribed in
6 Section 10 of this Act which are currently vacant,
7 recommendations made by the team to the Governor, State
8 agencies, or other entities, and, as applicable, either (i) the
9 implementation of the recommendations or (ii) the reasons the
10 recommendations were not implemented.

11 Section 40. Rights information. The Department of Human
12 Services shall ensure that individuals with disabilities and
13 their guardians and families receive sufficient information
14 regarding their rights, including the right to be safe, the
15 right to be free from abuse and neglect, the right to receive
16 quality services, and the right to an adequate discharge plan
17 and timely transition to the least restrictive setting to meet
18 their individual needs and desires. The Department shall
19 provide this information, which shall be developed in
20 collaboration with the agency designated by the Governor
21 pursuant to the Protection and Advocacy for Developmentally
22 Disabled Persons Act, in order to allow individuals with
23 disabilities and their guardians and families to make informed
24 decisions regarding the provision of services that can meet the

1 individual's needs and desires. The Department shall provide
2 this information to all facilities and community agencies to be
3 made available upon admission and at least annually thereafter
4 for as long as the individual remains in the facility.

5 Section 90. The Open Meetings Act is amended by changing
6 Section 2 as follows:

7 (5 ILCS 120/2) (from Ch. 102, par. 42)

8 Sec. 2. Open meetings.

9 (a) Openness required. All meetings of public bodies shall
10 be open to the public unless excepted in subsection (c) and
11 closed in accordance with Section 2a.

12 (b) Construction of exceptions. The exceptions contained
13 in subsection (c) are in derogation of the requirement that
14 public bodies meet in the open, and therefore, the exceptions
15 are to be strictly construed, extending only to subjects
16 clearly within their scope. The exceptions authorize but do not
17 require the holding of a closed meeting to discuss a subject
18 included within an enumerated exception.

19 (c) Exceptions. A public body may hold closed meetings to
20 consider the following subjects:

21 (1) The appointment, employment, compensation,
22 discipline, performance, or dismissal of specific
23 employees of the public body or legal counsel for the
24 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against
2 legal counsel for the public body to determine its
3 validity.

4 (2) Collective negotiating matters between the public
5 body and its employees or their representatives, or
6 deliberations concerning salary schedules for one or more
7 classes of employees.

8 (3) The selection of a person to fill a public office,
9 as defined in this Act, including a vacancy in a public
10 office, when the public body is given power to appoint
11 under law or ordinance, or the discipline, performance or
12 removal of the occupant of a public office, when the public
13 body is given power to remove the occupant under law or
14 ordinance.

15 (4) Evidence or testimony presented in open hearing, or
16 in closed hearing where specifically authorized by law, to
17 a quasi-adjudicative body, as defined in this Act, provided
18 that the body prepares and makes available for public
19 inspection a written decision setting forth its
20 determinative reasoning.

21 (5) The purchase or lease of real property for the use
22 of the public body, including meetings held for the purpose
23 of discussing whether a particular parcel should be
24 acquired.

25 (6) The setting of a price for sale or lease of
26 property owned by the public body.

1 (7) The sale or purchase of securities, investments, or
2 investment contracts.

3 (8) Security procedures and the use of personnel and
4 equipment to respond to an actual, a threatened, or a
5 reasonably potential danger to the safety of employees,
6 students, staff, the public, or public property.

7 (9) Student disciplinary cases.

8 (10) The placement of individual students in special
9 education programs and other matters relating to
10 individual students.

11 (11) Litigation, when an action against, affecting or
12 on behalf of the particular public body has been filed and
13 is pending before a court or administrative tribunal, or
14 when the public body finds that an action is probable or
15 imminent, in which case the basis for the finding shall be
16 recorded and entered into the minutes of the closed
17 meeting.

18 (12) The establishment of reserves or settlement of
19 claims as provided in the Local Governmental and
20 Governmental Employees Tort Immunity Act, if otherwise the
21 disposition of a claim or potential claim might be
22 prejudiced, or the review or discussion of claims, loss or
23 risk management information, records, data, advice or
24 communications from or with respect to any insurer of the
25 public body or any intergovernmental risk management
26 association or self insurance pool of which the public body

1 is a member.

2 (13) Conciliation of complaints of discrimination in
3 the sale or rental of housing, when closed meetings are
4 authorized by the law or ordinance prescribing fair housing
5 practices and creating a commission or administrative
6 agency for their enforcement.

7 (14) Informant sources, the hiring or assignment of
8 undercover personnel or equipment, or ongoing, prior or
9 future criminal investigations, when discussed by a public
10 body with criminal investigatory responsibilities.

11 (15) Professional ethics or performance when
12 considered by an advisory body appointed to advise a
13 licensing or regulatory agency on matters germane to the
14 advisory body's field of competence.

15 (16) Self evaluation, practices and procedures or
16 professional ethics, when meeting with a representative of
17 a statewide association of which the public body is a
18 member.

19 (17) The recruitment, credentialing, discipline or
20 formal peer review of physicians or other health care
21 professionals for a hospital, or other institution
22 providing medical care, that is operated by the public
23 body.

24 (18) Deliberations for decisions of the Prisoner
25 Review Board.

26 (19) Review or discussion of applications received

1 under the Experimental Organ Transplantation Procedures
2 Act.

3 (20) The classification and discussion of matters
4 classified as confidential or continued confidential by
5 the State Government Suggestion Award Board.

6 (21) Discussion of minutes of meetings lawfully closed
7 under this Act, whether for purposes of approval by the
8 body of the minutes or semi-annual review of the minutes as
9 mandated by Section 2.06.

10 (22) Deliberations for decisions of the State
11 Emergency Medical Services Disciplinary Review Board.

12 (23) The operation by a municipality of a municipal
13 utility or the operation of a municipal power agency or
14 municipal natural gas agency when the discussion involves
15 (i) contracts relating to the purchase, sale, or delivery
16 of electricity or natural gas or (ii) the results or
17 conclusions of load forecast studies.

18 (24) Meetings of a residential health care facility
19 resident sexual assault and death review team or the
20 Executive Council under the Abuse Prevention Review Team
21 Act.

22 (25) Meetings of an independent team of experts under
23 Brian's Law.

24 (d) Definitions. For purposes of this Section:

25 "Employee" means a person employed by a public body whose
26 relationship with the public body constitutes an

1 employer-employee relationship under the usual common law
2 rules, and who is not an independent contractor.

3 "Public office" means a position created by or under the
4 Constitution or laws of this State, the occupant of which is
5 charged with the exercise of some portion of the sovereign
6 power of this State. The term "public office" shall include
7 members of the public body, but it shall not include
8 organizational positions filled by members thereof, whether
9 established by law or by a public body itself, that exist to
10 assist the body in the conduct of its business.

11 "Quasi-adjudicative body" means an administrative body
12 charged by law or ordinance with the responsibility to conduct
13 hearings, receive evidence or testimony and make
14 determinations based thereon, but does not include local
15 electoral boards when such bodies are considering petition
16 challenges.

17 (e) Final action. No final action may be taken at a closed
18 meeting. Final action shall be preceded by a public recital of
19 the nature of the matter being considered and other information
20 that will inform the public of the business being conducted.

21 (Source: P.A. 94-931, eff. 6-26-06; 95-185, eff. 1-1-08.)

22 Section 95. The Freedom of Information Act is amended by
23 changing Section 7.5 as follows:

24 (5 ILCS 140/7.5)

1 Sec. 7.5. Statutory Exemptions. To the extent provided for
2 by the statutes referenced below, the following shall be exempt
3 from inspection and copying:

4 (a) All information determined to be confidential under
5 Section 4002 of the Technology Advancement and Development Act.

6 (b) Library circulation and order records identifying
7 library users with specific materials under the Library Records
8 Confidentiality Act.

9 (c) Applications, related documents, and medical records
10 received by the Experimental Organ Transplantation Procedures
11 Board and any and all documents or other records prepared by
12 the Experimental Organ Transplantation Procedures Board or its
13 staff relating to applications it has received.

14 (d) Information and records held by the Department of
15 Public Health and its authorized representatives relating to
16 known or suspected cases of sexually transmissible disease or
17 any information the disclosure of which is restricted under the
18 Illinois Sexually Transmissible Disease Control Act.

19 (e) Information the disclosure of which is exempted under
20 Section 30 of the Radon Industry Licensing Act.

21 (f) Firm performance evaluations under Section 55 of the
22 Architectural, Engineering, and Land Surveying Qualifications
23 Based Selection Act.

24 (g) Information the disclosure of which is restricted and
25 exempted under Section 50 of the Illinois Prepaid Tuition Act.

26 (h) Information the disclosure of which is exempted under

1 the State Officials and Employees Ethics Act, and records of
2 any lawfully created State or local inspector general's office
3 that would be exempt if created or obtained by an Executive
4 Inspector General's office under that Act.

5 (i) Information contained in a local emergency energy plan
6 submitted to a municipality in accordance with a local
7 emergency energy plan ordinance that is adopted under Section
8 11-21.5-5 of the Illinois Municipal Code.

9 (j) Information and data concerning the distribution of
10 surcharge moneys collected and remitted by wireless carriers
11 under the Wireless Emergency Telephone Safety Act.

12 (k) Law enforcement officer identification information or
13 driver identification information compiled by a law
14 enforcement agency or the Department of Transportation under
15 Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential
17 health care facility resident sexual assault and death review
18 team or the Executive Council under the Abuse Prevention Review
19 Team Act.

20 (m) Information provided to the predatory lending database
21 created pursuant to Article 3 of the Residential Real Property
22 Disclosure Act, except to the extent authorized under that
23 Article.

24 (n) Defense budgets and petitions for certification of
25 compensation and expenses for court appointed trial counsel as
26 provided under Sections 10 and 15 of the Capital Crimes

1 Litigation Act. This subsection (n) shall apply until the
2 conclusion of the trial of the case, even if the prosecution
3 chooses not to pursue the death penalty prior to trial or
4 sentencing.

5 (o) Information that is prohibited from being disclosed
6 under Section 4 of the Illinois Health and Hazardous Substances
7 Registry Act.

8 (p) Security portions of system safety program plans,
9 investigation reports, surveys, schedules, lists, data, or
10 information compiled, collected, or prepared by or for the
11 Regional Transportation Authority under Section 2.11 of the
12 Regional Transportation Authority Act or the St. Clair County
13 Transit District under the Bi-State Transit Safety Act.

14 (q) Information prohibited from being disclosed by the
15 Personnel Records Review Act.

16 (r) Information prohibited from being disclosed by the
17 Illinois School Student Records Act.

18 (s) Information the disclosure of which is restricted under
19 Section 5-108 of the Public Utilities Act.

20 (t) Records and information provided to an independent team
21 of experts under Brian's Law.

22 (Source: P.A. 96-542, eff. 1-1-10.)

23 Section 100. The State Employee Indemnification Act is
24 amended by changing Section 1 as follows:

1 (5 ILCS 350/1) (from Ch. 127, par. 1301)

2 Sec. 1. Definitions. For the purpose of this Act:

3 (a) The term "State" means the State of Illinois, the
4 General Assembly, the court, or any State office, department,
5 division, bureau, board, commission, or committee, the
6 governing boards of the public institutions of higher education
7 created by the State, the Illinois National Guard, the
8 Comprehensive Health Insurance Board, any poison control
9 center designated under the Poison Control System Act that
10 receives State funding, or any other agency or instrumentality
11 of the State. It does not mean any local public entity as that
12 term is defined in Section 1-206 of the Local Governmental and
13 Governmental Employees Tort Immunity Act or a pension fund.

14 (b) The term "employee" means any present or former elected
15 or appointed officer, trustee or employee of the State, or of a
16 pension fund, any present or former commissioner or employee of
17 the Executive Ethics Commission or of the Legislative Ethics
18 Commission, any present or former Executive, Legislative, or
19 Auditor General's Inspector General, any present or former
20 employee of an Office of an Executive, Legislative, or Auditor
21 General's Inspector General, any present or former member of
22 the Illinois National Guard while on active duty, individuals
23 or organizations who contract with the Department of
24 Corrections, the Comprehensive Health Insurance Board, or the
25 Department of Veterans' Affairs to provide services,
26 individuals or organizations who contract with the Department

1 of Human Services (as successor to the Department of Mental
2 Health and Developmental Disabilities) to provide services
3 including but not limited to treatment and other services for
4 sexually violent persons, individuals or organizations who
5 contract with the Department of Military Affairs for youth
6 programs, individuals or organizations who contract to perform
7 carnival and amusement ride safety inspections for the
8 Department of Labor, individual representatives of or
9 designated organizations authorized to represent the Office of
10 State Long-Term Ombudsman for the Department on Aging,
11 individual representatives of or organizations designated by
12 the Department on Aging in the performance of their duties as
13 elder abuse provider agencies or regional administrative
14 agencies under the Elder Abuse and Neglect Act, individuals or
15 organizations who perform volunteer services for the State
16 where such volunteer relationship is reduced to writing,
17 individuals who serve on any public entity (whether created by
18 law or administrative action) described in paragraph (a) of
19 this Section, individuals or not for profit organizations who,
20 either as volunteers, where such volunteer relationship is
21 reduced to writing, or pursuant to contract, furnish
22 professional advice or consultation to any agency or
23 instrumentality of the State, individuals who serve as foster
24 parents for the Department of Children and Family Services when
25 caring for a Department ward, individuals who serve as members
26 of an independent team of experts under Brian's Law, and

1 individuals who serve as arbitrators pursuant to Part 10A of
2 Article II of the Code of Civil Procedure and the rules of the
3 Supreme Court implementing Part 10A, each as now or hereafter
4 amended, but does not mean an independent contractor except as
5 provided in this Section. The term includes an individual
6 appointed as an inspector by the Director of State Police when
7 performing duties within the scope of the activities of a
8 Metropolitan Enforcement Group or a law enforcement
9 organization established under the Intergovernmental
10 Cooperation Act. An individual who renders professional advice
11 and consultation to the State through an organization which
12 qualifies as an "employee" under the Act is also an employee.
13 The term includes the estate or personal representative of an
14 employee.

15 (c) The term "pension fund" means a retirement system or
16 pension fund created under the Illinois Pension Code.

17 (Source: P.A. 93-617, eff. 12-9-03.)

18 (405 ILCS 5/5-100A rep.)

19 Section 105. The Mental Health and Developmental
20 Disabilities Code is amended by repealing Section 5-100A.

21 Section 110. The Mental Health and Developmental
22 Disabilities Confidentiality Act is amended by changing
23 Section 7 as follows:

1 (740 ILCS 110/7) (from Ch. 91 1/2, par. 807)

2 Sec. 7. Review of therapist or agency; use of recipient's
3 record.

4 (a) When a therapist or agency which provides services is
5 being reviewed for purposes of licensure, statistical
6 compilation, research, evaluation, or other similar purpose, a
7 recipient's record may be used by the person conducting the
8 review to the extent that this is necessary to accomplish the
9 purpose of the review, provided that personally identifiable
10 data is removed from the record before use. Personally
11 identifiable data may be disclosed only with the consent
12 obtained under Section 5 of this Act. Licensure and the like
13 may not be withheld or withdrawn for failure to disclose
14 personally identifiable data if consent is not obtained.

15 (b) When an agency which provides services is being
16 reviewed for purposes of funding, accreditation, reimbursement
17 or audit by a State or federal agency or accrediting body, a
18 recipient's record may be used by the person conducting the
19 review and personally identifiable information may be
20 disclosed without consent, provided that the personally
21 identifiable information is necessary to accomplish the
22 purpose of the review.

23 For the purpose of this subsection, an inspection
24 investigation or site visit by the United States Department of
25 Justice regarding compliance with a pending consent decree is
26 considered an audit by a federal agency.

1 (c) An independent team of experts under Brian's Law ~~The~~
2 ~~Mental Health and Developmental Disabilities Medical Review~~
3 ~~Board~~ shall be entitled to inspect and copy the records of any
4 recipient whose death is being examined by such a team pursuant
5 to the mortality review process authorized by Brian's Law.
6 Information disclosed under this subsection may not be
7 redisclosed without the written consent of one of the persons
8 identified in Section 4 of this Act.
9 (Source: P.A. 88-484.)".