

SB1507



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1507

Introduced 2/18/2009, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

225 ILCS 20/16

from Ch. 111, par. 6366

Amends the Clinical Social Work and Social Work Practice Act. In a provision that allows a social worker to voluntarily disclose privileged information acquired from persons consulting the social worker in a professional capacity if it is in the course of formally reporting, conferring, or consulting with administrative superiors, colleagues, or consultants who share professional responsibility, provides that professional responsibility includes "a professional responsibility to maintain confidentiality". Effective immediately.

LRB096 07603 ASK 17699 b

A BILL FOR

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Clinical Social Work and Social Work
5 Practice Act is amended by changing Section 16 as follows:

6 (225 ILCS 20/16) (from Ch. 111, par. 6366)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 16. Privileged Communications and Exceptions.

9 1. No licensed clinical social worker or licensed social
10 worker shall disclose any information acquired from persons
11 consulting the social worker in a professional capacity, except
12 that which may be voluntarily disclosed under the following
13 circumstances:

14 (a) In the course of formally reporting, conferring or
15 consulting with administrative superiors, colleagues or
16 consultants who share professional responsibility,
17 including a professional responsibility to maintain
18 confidentiality, in which instance all recipients of such
19 information are similarly bound to regard the
20 communication as privileged;

21 (b) With the written consent of the person who provided
22 the information;

23 (c) In case of death or disability, with the written

1 consent of a personal representative, other person
2 authorized to sue, or the beneficiary of an insurance
3 policy on the person's life, health or physical condition;

4 (d) When a communication reveals the intended
5 commission of a crime or harmful act and such disclosure is
6 judged necessary by the licensed clinical social worker or
7 licensed social worker to protect any person from a clear,
8 imminent risk of serious mental or physical harm or injury,
9 or to forestall a serious threat to the public safety;

10 (e) When the person waives the privilege by bringing
11 any public charges against the licensee; or

12 (f) When the information is acquired during the course
13 of investigating a report or working on a case of elder
14 abuse, neglect, or financial exploitation by a designated
15 Elder Abuse Provider Agency and disclosure of the
16 information is in accordance with the provisions of Section
17 8 of the Elder Abuse and Neglect Act.

18 2. When the person is a minor under the laws of the State
19 of Illinois and the information acquired by the licensed
20 clinical social worker or licensed social worker indicates the
21 minor was the victim or subject of a crime, the licensed
22 clinical social worker or licensed social worker may be
23 required to testify in any judicial proceedings in which the
24 commission of that crime is the subject of inquiry and when,
25 after in camera review of the information that the licensed
26 clinical social worker or licensed social worker acquired, the

1 court determines that the interests of the minor in having the
2 information held privileged are outweighed by the requirements
3 of justice, the need to protect the public safety or the need
4 to protect the minor, except as provided under the Abused and
5 Neglected Child Reporting Act.

6 3. Any person having access to records or any one who
7 participates in providing social work services or who, in
8 providing any human services, is supervised by a licensed
9 clinical social worker or licensed social worker, is similarly
10 bound to regard all information and communications as
11 privileged in accord with this Section.

12 4. Nothing shall be construed to prohibit a licensed
13 clinical social worker or licensed social worker from
14 voluntarily testifying in court hearings concerning matters of
15 adoption, child abuse, child neglect or other matters
16 pertaining to children, except as provided under the Abused and
17 Neglected Child Reporting Act.

18 5. The Mental Health and Developmental Disabilities
19 Confidentiality Act, as now or hereafter amended, is
20 incorporated herein as if all of its provisions were included
21 in this Act.

22 (Source: P.A. 89-387, eff. 8-20-95.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.