

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7 (Section scheduled to be repealed on January 1, 2018)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