

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 Sections 2, 6, 7, 9, 9.2, 9.4, 11, and 13 and by adding
7 Sections 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, and 9.11 as follows:

8 (740 ILCS 110/2) (from Ch. 91 1/2, par. 802)

9 Sec. 2. The terms used in this Act, unless the context
10 requires otherwise, have the meanings ascribed to them in this
11 Section.

12 "Agent" means a person who has been legally appointed as an
13 individual's agent under a power of attorney for health care or
14 for property.

15 "Business associate" has the meaning ascribed to it under
16 HIPAA, as specified in 45 CFR 160.103.

17 "Confidential communication" or "communication" means any
18 communication made by a recipient or other person to a
19 therapist or to or in the presence of other persons during or
20 in connection with providing mental health or developmental
21 disability services to a recipient. Communication includes
22 information which indicates that a person is a recipient.

23 "Communication" does not include information that has been

1 de-identified in accordance with HIPAA, as specified in 45 CFR
2 164.514.

3 "Covered entity" has the meaning ascribed to it under
4 HIPAA, as specified in 45 CFR 160.103.

5 "Guardian" means a legally appointed guardian or
6 conservator of the person.

7 "Health information exchange" or "HIE" means: (i) a health
8 information exchange established pursuant to the Illinois
9 Health Information Exchange and Technology Act, or any
10 subsequent amendments thereto, and any administrative rules
11 promulgated thereunder; or (ii) another health information
12 exchange or health information organization certified or
13 approved by the Illinois Health Information Exchange
14 Authority.

15 "HIE purposes" means those uses and disclosures (as those
16 terms are defined under HIPAA, as specified in 45 CFR 160.103)
17 for activities of an HIE: (i) set forth in the Illinois Health
18 Information Exchange and Technology Act or any subsequent
19 amendments thereto and any administrative rules promulgated
20 thereunder; or (ii) which are permitted under federal law.

21 "HIPAA" means the Health Insurance Portability and
22 Accountability Act of 1996, Public Law 104-191, and any
23 subsequent amendments thereto and any regulations promulgated
24 thereunder, including the Security Rule, as specified in 45 CFR
25 164.302-18, and the Privacy Rule, as specified in 45 CFR
26 164.500-34.

1 "Integrated health system" means an organization with a
2 system of care which incorporates physical and behavioral
3 healthcare and includes care delivered in an inpatient and
4 outpatient setting.

5 "Interdisciplinary team" means a group of persons
6 representing different clinical disciplines, such as medicine,
7 nursing, social work, and psychology, providing and
8 coordinating the care and treatment for a person with mental
9 illness. The group may be composed of individuals employed by
10 one provider or multiple providers.

11 "Mental health or developmental disabilities services" or
12 "services" includes but is not limited to examination,
13 diagnosis, evaluation, treatment, training, pharmaceuticals,
14 aftercare, habilitation or rehabilitation.

15 "Personal notes" means:

16 (i) information disclosed to the therapist in
17 confidence by other persons on condition that such
18 information would never be disclosed to the recipient or
19 other persons;

20 (ii) information disclosed to the therapist by the
21 recipient which would be injurious to the recipient's
22 relationships to other persons, and

23 (iii) the therapist's speculations, impressions,
24 hunches, and reminders.

25 "Parent" means a parent or, in the absence of a parent or
26 guardian, a person in loco parentis.

1 "Recipient" means a person who is receiving or has received
2 mental health or developmental disabilities services.

3 "Record" means any record kept by a therapist or by an
4 agency in the course of providing mental health or
5 developmental disabilities service to a recipient concerning
6 the recipient and the services provided. "Records" includes all
7 records maintained by a court that have been created in
8 connection with, in preparation for, or as a result of the
9 filing of any petition or certificate under Chapter II, Chapter
10 III, or Chapter IV of the Mental Health and Developmental
11 Disabilities Code and includes the petitions, certificates,
12 dispositional reports, treatment plans, and reports of
13 diagnostic evaluations and of hearings under Article VIII of
14 Chapter III or under Article V of Chapter IV of that Code.
15 Record does not include the therapist's personal notes, if such
16 notes are kept in the therapist's sole possession for his own
17 personal use and are not disclosed to any other person, except
18 the therapist's supervisor, consulting therapist or attorney.
19 If at any time such notes are disclosed, they shall be
20 considered part of the recipient's record for purposes of this
21 Act. "Record" does not include information that has been
22 de-identified in accordance with HIPAA, as specified in 45 CFR
23 164.514.

24 "Record custodian" means a person responsible for
25 maintaining a recipient's record.

26 "Therapist" means a psychiatrist, physician, psychologist,

1 social worker, or nurse providing mental health or
2 developmental disabilities services or any other person not
3 prohibited by law from providing such services or from holding
4 himself out as a therapist if the recipient reasonably believes
5 that such person is permitted to do so. Therapist includes any
6 successor of the therapist.

7 (Source: P.A. 89-58, eff. 1-1-96; 90-538, eff. 12-1-97.)

8 (740 ILCS 110/6) (from Ch. 91 1/2, par. 806)

9 Sec. 6. Such information from a recipient's record as is
10 necessary to enable him to apply for or receive benefits may be
11 disclosed with consent obtained pursuant to Section 5 of this
12 Act. Disclosure may be made without consent when despite every
13 reasonable effort it is not possible to obtain consent because
14 the person entitled to give consent is not capable of
15 consenting or is not available to do so. The recipient shall be
16 informed of any disclosure made without consent. The
17 information disclosed without consent under this Section may
18 include only the identity of the recipient and therapist and a
19 description of the nature, purpose, quantity, and date of the
20 services provided. Any request for additional information
21 shall state with particularity what further information is
22 needed and the reasons therefor. Refusal to consent to the
23 disclosure of more information than is necessary to apply for
24 or receive direct benefits shall not be grounds for in any way
25 denying, limiting, or cancelling such benefits or refusing to

1 accept an application or renew such benefits. Such information
2 shall not be redisclosed except as provided in this Act ~~with~~
3 ~~the consent of the person entitled to give consent.~~

4 (Source: P.A. 80-1508.)

5 (740 ILCS 110/7) (from Ch. 91 1/2, par. 807)

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

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

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

1 purpose of the review.

2 For the purpose of this subsection, an inspection
3 investigation or site visit by the United States Department of
4 Justice regarding compliance with a pending consent decree is
5 considered an audit by a federal agency.

6 (c) An independent team of experts under Brian's Law shall
7 be entitled to inspect and copy the records of any recipient
8 whose death is being examined by such a team pursuant to the
9 mortality review process authorized by Brian's Law.
10 Information disclosed under this subsection may not be
11 redisclosed without the written consent of one of the persons
12 identified in Section 4 of this Act.

13 (Source: P.A. 96-1235, eff. 1-1-11.)

14 (740 ILCS 110/9) (from Ch. 91 1/2, par. 809)

15 (Text of Section WITHOUT the changes made by P.A. 89-7,
16 which has been held unconstitutional)

17 Sec. 9. In the course of providing services and after the
18 conclusion of the provision of services, including for the
19 purposes of treatment and care coordination, a therapist,
20 integrated health system, or member of an interdisciplinary
21 team may use, disclose, or re-disclose ~~may disclose~~ a record or
22 communications without consent to:

23 (1) the therapist's supervisor, a consulting
24 therapist, members of a staff team participating in the
25 provision of services, a record custodian, a business

1 associate, an integrated health system, a member of an
2 interdisciplinary team, or a person acting under the
3 supervision and control of the therapist;

4 (2) persons conducting a peer review of the services
5 being provided;

6 (3) the Institute for Juvenile Research and the
7 Institute for the Study of Developmental Disabilities;

8 (4) an attorney or advocate consulted by a therapist or
9 agency which provides services concerning the therapist's
10 or agency's legal rights or duties in relation to the
11 recipient and the services being provided; and

12 (5) the Inspector General of the Department of Children
13 and Family Services when such records or communications are
14 relevant to a pending investigation authorized by Section
15 35.5 of the Children and Family Services Act where:

16 (A) the recipient was either (i) a parent, foster
17 parent, or caretaker who is an alleged perpetrator of
18 abuse or neglect or the subject of a dependency
19 investigation or (ii) a non-ward victim of alleged
20 abuse or neglect, and

21 (B) available information demonstrates that the
22 mental health of the recipient was or should have been
23 an issue to the safety of the child.

24 In the course of providing services, a therapist,
25 integrated health system, or member of an interdisciplinary
26 team may disclose a record or communications without consent to

1 any department, agency, institution or facility which has
2 custody of the recipient pursuant to State statute or any court
3 order of commitment.

4 Information may be disclosed under this Section only to the
5 extent that knowledge of the record or communications is
6 essential to the purpose for which disclosure is made and only
7 after the recipient is informed that such disclosure may be
8 made. A person to whom disclosure is made under this Section
9 shall not redisclose any information except as provided in this
10 Act.

11 (Source: P.A. 86-955; 90-512, eff. 8-22-97.)

12 (740 ILCS 110/9.2)

13 Sec. 9.2. Interagency disclosure of recipient information.
14 For the purposes of continuity of care, the Department of Human
15 Services (as successor to the Department of Mental Health and
16 Developmental Disabilities), community agencies funded by the
17 Department of Human Services in that capacity, licensed private
18 hospitals, integrated health systems, members of an
19 interdisciplinary team, federally qualified health centers, or
20 physicians or therapists or other healthcare providers
21 licensed or certified by ~~receiving payments from~~ the Department
22 of Human Services or the Department of Healthcare and Family
23 Services, State correctional facilities, juvenile justice
24 facilities, mental health facilities operated by a county,
25 mental health court professionals as defined in Section 10 of

1 the Mental Health Court Treatment Act, Veterans and
2 Servicemembers Court professionals as defined in Section 10 of
3 the Veterans and Servicemembers Court Treatment Act and jails
4 and juvenile detention facilities operated by any county of
5 this State may disclose a recipient's record or communications,
6 without consent, to each other, but only for the purpose of
7 admission, treatment, planning, coordinating care, ~~or~~
8 discharge, or governmentally mandated public health reporting.
9 Entities shall not redisclose any personally identifiable
10 information, unless necessary for admission, treatment,
11 planning, coordinating care, ~~or~~ discharge, or governmentally
12 mandated public health reporting ~~of the identified recipient to~~
13 ~~another setting.~~ Such purposes may be accomplished utilizing an
14 HIE. No records or communications may be disclosed to a county
15 jail or State correctional facility pursuant to this Section
16 unless the Department has entered into a written agreement with
17 the county jail or State correctional facility requiring that
18 the county jail or State correctional facility adopt written
19 policies and procedures designed to ensure that the records and
20 communications are disclosed only to those persons employed by
21 or under contract to the county jail or State correctional
22 facility who are involved in the provision of mental health
23 services to inmates and that the records and communications are
24 protected from further disclosure.

25 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10;
26 97-946, eff. 8-13-12.)

1 (740 ILCS 110/9.4)

2 Sec. 9.4. Disclosure for treatment and coordination of
3 care.

4 (a) For recipients in a program administered or operated by
5 the Department of Healthcare and Family Services or the
6 Department of Human Services (as successor to the Department of
7 Mental Health and Developmental Disabilities), records of a
8 recipient may be disclosed without consent by county jails,
9 insurance companies, integrated health systems, and State
10 agencies, including the Department of Corrections, the
11 Department of Children and Family Services, the Department of
12 Healthcare and Family Services and the Department of Human
13 Services, to hospitals, physicians, therapists, emergency
14 medical personnel, and members of an interdisciplinary team
15 treating a recipient for the purposes of treatment and
16 coordination of care.

17 (b) An interdisciplinary team treating a recipient may
18 disclose the recipient's records without the recipient's
19 consent to other members of the team.

20 (c) The records that may be disclosed under this Section
21 are services rendered, providers rendering the services,
22 pharmaceuticals prescribed or dispensed, and diagnoses. All
23 disclosures under this Section must be made in a manner
24 consistent with existing federal and State laws and
25 regulations, including the federal Health Insurance

1 Portability and Accountability Act (HIPAA).

2 (d) (Blank). ~~For the purpose of this Section only:~~

3 ~~"Integrated health system" means an organization with~~
4 ~~a system of care which incorporates physical and behavioral~~
5 ~~healthcare and includes care delivered in an inpatient and~~
6 ~~outpatient setting.~~

7 ~~"Interdisciplinary team" means a group of persons,~~
8 ~~representing different clinical disciplines (medicine,~~
9 ~~nursing, social work, psychology, etc.) providing and~~
10 ~~coordinating the care and treatment for a person with~~
11 ~~mental illness. The group may be composed of individuals~~
12 ~~employed by one provider or multiple providers.~~

13 (Source: P.A. 97-515, eff. 8-23-11.)

14 (740 ILCS 110/9.5 new)

15 Sec. 9.5. Use and disclosure of information to an HIE.

16 (a) An HIE, person, therapist, facility, agency,
17 interdisciplinary team, integrated health system, business
18 associate, or covered entity may, without a recipient's
19 consent, use or disclose information from a recipient's record
20 in connection with an HIE, including disclosure to the Illinois
21 Health Information Exchange Authority, an HIE, or the business
22 associate of either. An HIE and its business associate may,
23 without a recipient's consent, use or disclose and re-disclose
24 such information for HIE purposes or for such other purposes as
25 are specifically allowed under this Act.

1 (b) As used in this Section:

2 (1) "facility" means a developmental disability
3 facility as defined in Section 1-107 of the Mental Health
4 and Developmental Disabilities Code or a mental health
5 facility as defined in Section 1-114 of the Mental Health
6 and Developmental Disabilities Code; and

7 (2) the terms "disclosure" and "use" have the meanings
8 ascribed to them under HIPAA, as specified in 45 CFR
9 160.103.

10 (740 ILCS 110/9.6 new)

11 Sec. 9.6. HIE opt-out. The Illinois Health Information
12 Exchange Authority shall, through appropriate rules,
13 standards, or contractual obligations binding upon HIE
14 participants, provide each recipient whose record is
15 accessible through the health information exchange the
16 reasonable opportunity to expressly decline the further
17 disclosure of the record by the health information exchange to
18 third parties, except to the extent permitted by law such as
19 for purposes of public health reporting. These rules,
20 standards, or contractual obligations shall permit a recipient
21 to revoke a prior decision to opt-out or a decision not to
22 opt-out. These rules, standards, or contractual obligations
23 shall provide for written notice of a recipient's right to
24 opt-out which directs the recipient to a health information
25 exchange website containing (i) an explanation of the purposes

1 of the health information exchange; and (ii) audio, visual, and
2 written instructions on how to opt-out of participation in
3 whole or in part to the extent possible. These rules,
4 standards, or contractual obligations shall be reviewed
5 annually and updated as the technical options develop. The
6 recipient shall be provided meaningful disclosure regarding
7 the health information exchange, and the recipient's decision
8 whether to opt-out should be obtained without undue inducement
9 or any element of force, fraud, deceit, duress, or other form
10 of constraint or coercion. To the extent that HIPAA, as
11 specified in 45 CFR 164.508(b) (4), prohibits a covered entity
12 from conditioning the provision of its services upon an
13 individual's provision of an authorization, an HIE participant
14 shall not condition the provision of its services upon a
15 recipient's decision to opt-out of further disclosure of the
16 record by an HIE to third parties. The Illinois Health
17 Information Exchange Authority shall, through appropriate
18 rules, standards, or contractual obligations binding upon HIE
19 participants, give consideration to the format and content of
20 the meaningful disclosure and the availability to recipients of
21 information regarding an HIE and the rights of recipients under
22 this Section to expressly decline the further disclosure of the
23 record by an HIE to third parties. The Illinois Health
24 Information Exchange Authority shall also give annual
25 consideration to enable a recipient to expressly decline the
26 further disclosure by an HIE to third parties of selected

1 portions of the recipient's record while permitting disclosure
2 of the recipient's remaining patient health information. In
3 establishing rules, standards, or contractual obligations
4 binding upon HIE participants to give effect to recipient
5 disclosure preferences, the Illinois Health Information
6 Exchange Authority in its discretion may consider the extent to
7 which relevant health information technologies reasonably
8 available to therapists and HIEs in this State reasonably
9 enable the effective segmentation of specific information
10 within a recipient's electronic medical record and reasonably
11 enable the effective exclusion of specific information from
12 disclosure by an HIE to third parties, as well as the
13 availability of sufficient authoritative clinical guidance to
14 enable the practical application of such technologies to effect
15 recipient disclosure preferences.

16 (740 ILCS 110/9.7 new)

17 Sec. 9.7. Authority of Illinois Health Information
18 Exchange Authority not limited. Nothing in this Act shall be
19 construed to limit the authority of the Illinois Health
20 Information Exchange Authority to impose limits or conditions
21 on consent for disclosures to or through an HIE which are more
22 restrictive than the requirements under this Act or under
23 HIPAA. The consent requirements under Section 5 may not be
24 required for the use or disclosure (as those terms are defined
25 under HIPAA, as specified in 45 CFR 160.103) of a record or

1 communication disclosed (as that term is defined under HIPAA,
2 as specified in 45 CFR 160.103) to or through an HIE for HIE
3 purposes and in accordance with any applicable requirements of
4 the Illinois Health Information Exchange Authority.

5 (740 ILCS 110/9.8 new)

6 Sec. 9.8. Business associates. An HIE, person, therapist,
7 facility, agency, interdisciplinary team, integrated health
8 system, business associate, covered entity, the Illinois
9 Health Information Exchange Authority, or entity facilitating
10 the establishment or operation of an HIE may, without a
11 recipient's consent, utilize the services of and disclose
12 information from a recipient's record to a business associate,
13 as defined by and in accordance with the requirements set forth
14 under HIPAA. As used in this Section, the term "disclosure" has
15 the meaning ascribed to it by HIPAA, as specified in 45 CFR
16 160.103.

17 (740 ILCS 110/9.9 new)

18 Sec. 9.9. Record locator service.

19 (a) An HIE, person, therapist, facility, agency,
20 interdisciplinary team, integrated health system, business
21 associate, covered entity, the Illinois Health Information
22 Exchange Authority, or entity facilitating the establishment
23 or operation of an HIE may, without a recipient's consent,
24 disclose the existence of a recipient's record to a record

1 locator service, master patient index, or other directory or
2 services deemed necessary by the Illinois Health Information
3 Exchange Authority to support and enable the establishment and
4 operation of an HIE.

5 (b) As used in this Section:

6 (1) the term "disclosure" has the meaning ascribed to
7 it under HIPAA, as specified in 45 CFR 160.103; and

8 (2) "facility" means a developmental disability
9 facility as defined in Section 1-107 of the Mental Health
10 and Developmental Disabilities Code or a mental health
11 facility as defined in Section 1-114 of the Mental Health
12 and Developmental Disabilities Code.

13 (740 ILCS 110/9.10 new)

14 Sec. 9.10. Interagency disclosures by HIE. Nothing in this
15 Act shall be construed to limit the use of an HIE to facilitate
16 the disclosure or re-disclosure of information from a
17 recipient's record to any agency or department of this State as
18 authorized by Sections 7.1, 9.2 and 9.4 of this Act.
19 Notwithstanding the foregoing, nothing in this Act shall be
20 construed to allow for the disclosure or re-disclosure of
21 information from a recipient's record to law enforcement
22 personnel or for law enforcement purposes.

23 (740 ILCS 110/9.11 new)

24 Sec. 9.11. Establishment and disclosure of limited data

1 sets and de-identified information.

2 (a) An HIE, person, therapist, facility, agency,
3 interdisciplinary team, integrated health system, business
4 associate, covered entity, the Illinois Health Information
5 Exchange Authority, or entity facilitating the establishment
6 or operation of an HIE may, without a recipient's consent, use
7 information from a recipient's record to establish, or disclose
8 such information to a business associate to establish, and
9 further disclose information from a recipient's record as part
10 of a limited data set as defined by and in accordance with the
11 requirements set forth under HIPAA, as specified in 45 CFR
12 164.514(e). An HIE, person, therapist, facility, agency,
13 interdisciplinary team, integrated health system, business
14 associate, covered entity, the Illinois Health Information
15 Exchange Authority, or entity facilitating the establishment
16 or operation of an HIE may, without a recipient's consent, use
17 information from a recipient's record or disclose information
18 from a recipient's record to a business associate to
19 de-identity the information in accordance with HIPAA, as
20 specified in 45 CFR 164.514.

21 (b) As used in this Section:

22 (1) the terms "disclosure" and "use" shall have the
23 meanings ascribed to them by HIPAA, as specified in 45 CFR
24 160.103; and

25 (2) "facility" means a developmental disability
26 facility as defined in Section 1-107 of the Mental Health

1 and Developmental Disabilities Code or a mental health
2 facility as defined in Section 1-114 of the Mental Health
3 and Developmental Disabilities Code.

4 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

5 Sec. 11. Disclosure of records and communications. Records
6 and communications may be disclosed:

7 (i) in accordance with the provisions of the Abused and
8 Neglected Child Reporting Act, subsection (u) of Section 5
9 of the Children and Family Services Act, or Section 7.4 of
10 the Child Care Act of 1969;

11 (ii) when, and to the extent, a therapist, in his or
12 her sole discretion, determines that disclosure is
13 necessary to initiate or continue civil commitment or
14 involuntary treatment proceedings under the laws of this
15 State or to otherwise protect the recipient or other person
16 against a clear, imminent risk of serious physical or
17 mental injury or disease or death being inflicted upon the
18 recipient or by the recipient on himself or another;

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

23 (iv) when disclosure is necessary to collect sums or
24 receive third party payment representing charges for
25 mental health or developmental disabilities services

1 provided by a therapist or agency to a recipient under
2 Chapter V of the Mental Health and Developmental
3 Disabilities Code or to transfer debts under the
4 Uncollected State Claims Act; however, disclosure shall be
5 limited to information needed to pursue collection, and the
6 information so disclosed shall not be used for any other
7 purposes nor shall it be redisclosed except in connection
8 with collection activities;

9 (v) when requested by a family member, the Department
10 of Human Services may assist in the location of the
11 interment site of a deceased recipient who is interred in a
12 cemetery established under Section 26 of the Mental Health
13 and Developmental Disabilities Administrative Act;

14 (vi) in judicial proceedings under Article VIII of
15 Chapter III and Article V of Chapter IV of the Mental
16 Health and Developmental Disabilities Code and proceedings
17 and investigations preliminary thereto, to the State's
18 Attorney for the county or residence of a person who is the
19 subject of such proceedings, or in which the person is
20 found, or in which the facility is located, to the attorney
21 representing the petitioner in the judicial proceedings,
22 to the attorney representing the recipient in the judicial
23 proceedings, to any person or agency providing mental
24 health services that are the subject of the proceedings and
25 to that person's or agency's attorney, to any court
26 personnel, including but not limited to judges and circuit

1 court clerks, and to a guardian ad litem if one has been
2 appointed by the court. Information disclosed under this
3 subsection shall not be utilized for any other purpose nor
4 be redisclosed except in connection with the proceedings or
5 investigations. Copies of any records provided to counsel
6 for a petitioner shall be deleted or destroyed at the end
7 of the proceedings and counsel for petitioner shall certify
8 to the court in writing that he or she has done so. At the
9 request of a recipient or his or her counsel, the court
10 shall issue a protective order insuring the
11 confidentiality of any records or communications provided
12 to counsel for a petitioner;

13 (vii) when, and to the extent disclosure is necessary
14 to comply with the requirements of the Census Bureau in
15 taking the federal Decennial Census;

16 (viii) when, and to the extent, in the therapist's sole
17 discretion, disclosure is necessary to warn or protect a
18 specific individual against whom a recipient has made a
19 specific threat of violence where there exists a
20 therapist-recipient relationship or a special
21 recipient-individual relationship;

22 (ix) in accordance with the Sex Offender Registration
23 Act;

24 (x) in accordance with the Rights of Crime Victims and
25 Witnesses Act;

26 (xi) in accordance with Section 6 of the Abused and

1 Neglected Long Term Care Facility Residents Reporting Act;

2 ~~and~~

3 (xii) in accordance with Section 55 of the Abuse of
4 Adults with Disabilities Intervention Act; and -

5 (xiii) to an HIE as specifically allowed under this Act
6 for HIE purposes and in accordance with any applicable
7 requirements of the Illinois Health Information Exchange
8 Authority.

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

19 (Source: P.A. 96-466, eff. 8-14-09; 97-333, eff. 8-12-11;
20 97-375, eff. 8-15-11.)

21 (740 ILCS 110/13) (from Ch. 91 1/2, par. 813)

22 Sec. 13. Whenever disclosure of a record or communication
23 is made without consent pursuant to this Act, other than uses,
24 disclosures, or redisclosures permitted under Sections 9.5,
25 9.8, 9.9, 9.10, and 9.11 of this Act, or whenever a record is

1 used pursuant to Sections 7 and 8 of this Act, a notation of
2 the information disclosed and the purpose of such disclosure or
3 use shall be noted in the recipient's record together with the
4 date and the name of the person to whom disclosure was made or
5 by whom the record was used.

6 (Source: P.A. 80-1508.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.