



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5903

by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

740 ILCS 110/9.12 new

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that the Department of Human Services may disclose records or communications of persons receiving care from the Department or under contract with the Department, without consent, to not-for-profit institutions of higher education engaged in research concerning the safety, effectiveness, or cost-effectiveness of mental health treatments if specified conditions are met. Provides that the Department may refuse to disclose records or communications if, in its sole discretion, it determines that the identity of recipients or any of the records or communications will not be adequately protected. Provides that the Department shall adopt rules concerning the use of any records or communications disclosed.

LRB099 15403 HEP 39679 b

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 adding Section
6 9.12 as follows:

7 (740 ILCS 110/9.12 new)

8 Sec. 9.12. Disclosure for purposes of evaluating
9 treatments. The Department of Human Services may disclose
10 records or communications of persons receiving care from the
11 Department of Human Services or under contract with the
12 Department of Human Services, without consent, to
13 not-for-profit institutions of higher education engaged in
14 research concerning the safety, effectiveness, or
15 cost-effectiveness of mental health treatments if the
16 Department of Human Services has entered into written
17 agreements with the persons or institutions to whom the records
18 and communications are disclosed. An agreement shall provide
19 that records and communications are used solely for the purpose
20 of the research and that the records and communications are
21 protected from further disclosure. The Department of Human
22 Services may refuse to disclose records or communications under
23 this Section if, in its sole discretion, it determines that the

1 identity of recipients or any of the records or communications
2 will not be adequately protected. The Department of Human
3 Services shall adopt rules concerning the use of any records or
4 communications disclosed under this Section, including, but
5 not limited to, rules prohibiting further disclosure and
6 ensuring compliance with all federal and state laws and
7 regulations concerning the conduct of research.