



## 98TH GENERAL ASSEMBLY

### State of Illinois

#### 2013 and 2014

##### HB1017

by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

740 ILCS 110/2	from Ch. 91 1/2, par. 802
740 ILCS 110/6	from Ch. 91 1/2, par. 806
740 ILCS 110/7	from Ch. 91 1/2, par. 807
740 ILCS 110/9	from Ch. 91 1/2, par. 809
740 ILCS 110/9.2	
740 ILCS 110/9.4	
740 ILCS 110/9.5 new	
740 ILCS 110/9.6 new	
740 ILCS 110/9.7 new	
740 ILCS 110/9.8 new	
740 ILCS 110/9.9 new	
740 ILCS 110/9.10 new	
740 ILCS 110/9.11 new	
740 ILCS 110/11	from Ch. 91 1/2, par. 811

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Defines "business associate", "covered entity", "facility", "health information exchange" ("HIE"), "HIE purposes", "HIPAA", "integrated health system", and "interdisciplinary team" and changes the definition of "confidential communication" and "record". Provides that an HIE, person, therapist, facility, agency, interdisciplinary team, integrated health system, business associate, or covered entity may, without a recipient's consent, use, disclose, or redisclose information from a recipient's record to certain entities for specified purposes. Provides that a recipient may opt-out of having his or her record disclosed. Makes corresponding changes throughout the rest of the Act.

LRB098 04914 HEP 34944 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 changing  
6 Sections 2, 6, 7, 9, 9.2, 9.4, and 11 and by adding Sections  
7 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, or discharge. Entities shall  
8 not redisclose any personally identifiable information, unless  
9 necessary for admission, treatment, planning, coordinating  
10 care, or discharge, or governmentally mandated public health  
11 reporting of the identified recipient to another setting. Such  
12 purposes may be accomplished utilizing an HIE. No records or  
13 communications may be disclosed to a county jail or State  
14 correctional facility pursuant to this Section unless the  
15 Department has entered into a written agreement with the county  
16 jail or State correctional facility requiring that the county  
17 jail or State correctional facility adopt written policies and  
18 procedures designed to ensure that the records and  
19 communications are disclosed only to those persons employed by  
20 or under contract to the county jail or State correctional  
21 facility who are involved in the provision of mental health  
22 services to inmates and that the records and communications are  
23 protected from further disclosure.

24 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10;  
25 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  
26 Portability and Accountability Act (HIPAA).

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

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

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

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

13 (740 ILCS 110/9.5 new)

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

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

25 (b) As used in this Section:

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

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

9           (740 ILCS 110/9.6 new)

10          Sec. 9.6. HIE opt-out. The Illinois Health Information  
11          Exchange Authority shall, through appropriate rules,  
12          standards, and contractual obligations binding upon HIE  
13          participants, provide each recipient whose record is  
14          accessible through the health information exchange the  
15          reasonable opportunity to expressly decline the further  
16          disclosure of the record by the health information exchange to  
17          third parties, except to the extent permitted by law such as  
18          for purposes of public health reporting. The recipient shall be  
19          provided meaningful disclosure regarding the health  
20          information exchange, and the recipient's decision whether to  
21          opt-out should be obtained without undue inducement or any  
22          element of force, fraud, deceit, duress, or other form of  
23          constraint or coercion. To the extent that HIPAA, as specified  
24          in 45 CFR 164.508(b)(4), prohibits a covered entity from  
25          conditioning the provision of its services upon an individual's

1 provision of an authorization, an HIE participant shall not  
2 condition the provision of its services upon a recipient's  
3 decision to opt-out of further disclosure of the record by an  
4 HIE to third parties.

5 (740 ILCS 110/9.7 new)

6 Sec. 9.7. Authority of Illinois Health Information  
7 Exchange Authority not limited. Nothing in this Act shall be  
8 construed to limit the authority of the Illinois Health  
9 Information Exchange Authority to impose limits or conditions  
10 on consent for disclosures to or through an HIE which are more  
11 restrictive than the requirements under this Act or under  
12 HIPAA. The consent requirements under Section 5 may not be  
13 required for the use or disclosure (as those terms are defined  
14 under HIPAA, as specified in 45 CFR 160.103) of a record or  
15 communication disclosed (as that term is defined under HIPAA,  
16 as specified in 45 CFR 160.103) to or through an HIE for HIE  
17 purposes and in accordance with any applicable requirements of  
18 the Illinois Health Information Exchange Authority.

19 (740 ILCS 110/9.8 new)

20 Sec. 9.8. Business associates. An HIE, person, therapist,  
21 facility, agency, interdisciplinary team, integrated health  
22 system, business associate, covered entity, the Illinois  
23 Health Information Exchange Authority, or entity facilitating  
24 the establishment or operation of an HIE may, without a

1 recipient's consent, utilize the services of and disclose  
2 information from a recipient's record to a business associate,  
3 as defined by and in accordance with the requirements set forth  
4 under HIPAA. As used in this Section, the term "disclosure" has  
5 the meaning ascribed to it by HIPAA, as specified in 45 CFR  
6 160.103.

7 (740 ILCS 110/9.9 new)

8 Sec. 9.9. Record locator service.

9 (a) An HIE, person, therapist, facility, agency,  
10 interdisciplinary team, integrated health system, business  
11 associate, covered entity, the Illinois Health Information  
12 Exchange Authority, or entity facilitating the establishment  
13 or operation of an HIE may, without a recipient's consent,  
14 disclose the existence of a recipient's record to a record  
15 locator service, master patient index, or other directory or  
16 services deemed necessary by the Illinois Health Information  
17 Exchange Authority to support and enable the establishment and  
18 operation of an HIE.

19 (b) As used in this Section:

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

22 (2) "facility" means a developmental disability  
23 facility as defined in Section 1-107 of the Mental Health  
24 and Developmental Disabilities Code or a mental health  
25 facility as defined in Section 1-114 of the Mental Health



1           and Developmental Disabilities Code.

2           (740 ILCS 110/9.10 new)

3           Sec. 9.10. Interagency disclosures by HIE. Nothing in this  
4 Act shall be construed to limit the use of an HIE to facilitate  
5 the disclosure or re-disclosure of information from a  
6 recipient's record to any agency or department of this State as  
7 authorized by Sections 7.1, 9.2 and 9.4 of this Act.  
8 Notwithstanding the foregoing, nothing in this Act shall be  
9 construed to allow for the disclosure or re-disclosure of  
10 information from a recipient's record to law enforcement  
11 personnel or for law enforcement purposes.

12           (740 ILCS 110/9.11 new)

13           Sec. 9.11. Establishment and disclosure of limited data  
14 sets and de-identified information.

15           (a) An HIE, person, therapist, facility, agency,  
16 interdisciplinary team, integrated health system, business  
17 associate, covered entity, the Illinois Health Information  
18 Exchange Authority, or entity facilitating the establishment  
19 or operation of an HIE may, without a recipient's consent, use  
20 information from a recipient's record to establish, or disclose  
21 such information to a business associate to establish, and  
22 further disclose information from a recipient's record as part  
23 of a limited data set as defined by and in accordance with the  
24 requirements set forth under HIPAA, as specified in 45 CFR

1 164.514(e). An HIE, person, therapist, facility, agency,  
2 interdisciplinary team, integrated health system, business  
3 associate, covered entity, the Illinois Health Information  
4 Exchange Authority, or entity facilitating the establishment  
5 or operation of an HIE may, without a recipient's consent, use  
6 information from a recipient's record or disclose information  
7 from a recipient's record to a business associate to  
8 de-identity the information in accordance with HIPAA, as  
9 specified in 45 CFR 164.514.

10 (b) As used in this Section:

11 (1) the terms "disclosure" and "use" shall have the  
12 meanings ascribed to them by HIPAA, as specified in 45 CFR  
13 160.103; and

14 (2) "facility" means a developmental disability  
15 facility as defined in Section 1-107 of the Mental Health  
16 and Developmental Disabilities Code or a mental health  
17 facility as defined in Section 1-114 of the Mental Health  
18 and Developmental Disabilities Code.

19 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

20 Sec. 11. Disclosure of records and communications. Records  
21 and communications may be disclosed:

22 (i) in accordance with the provisions of the Abused and  
23 Neglected Child Reporting Act, subsection (u) of Section 5  
24 of the Children and Family Services Act, or Section 7.4 of  
25 the Child Care Act of 1969;

1           (ii) when, and to the extent, a therapist, in his or  
2 her sole discretion, determines that disclosure is  
3 necessary to initiate or continue civil commitment or  
4 involuntary treatment proceedings under the laws of this  
5 State or to otherwise protect the recipient or other person  
6 against a clear, imminent risk of serious physical or  
7 mental injury or disease or death being inflicted upon the  
8 recipient or by the recipient on himself or another;

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

13           (iv) when disclosure is necessary to collect sums or  
14 receive third party payment representing charges for  
15 mental health or developmental disabilities services  
16 provided by a therapist or agency to a recipient under  
17 Chapter V of the Mental Health and Developmental  
18 Disabilities Code or to transfer debts under the  
19 Uncollected State Claims Act; however, disclosure shall be  
20 limited to information needed to pursue collection, and the  
21 information so disclosed shall not be used for any other  
22 purposes nor shall it be redisclosed except in connection  
23 with collection activities;

24           (v) when requested by a family member, the Department  
25 of Human Services may assist in the location of the  
26 interment site of a deceased recipient who is interred in a

1 cemetery established under Section 26 of the Mental Health  
2 and Developmental Disabilities Administrative Act;

3 (vi) in judicial proceedings under Article VIII of  
4 Chapter III and Article V of Chapter IV of the Mental  
5 Health and Developmental Disabilities Code and proceedings  
6 and investigations preliminary thereto, to the State's  
7 Attorney for the county or residence of a person who is the  
8 subject of such proceedings, or in which the person is  
9 found, or in which the facility is located, to the attorney  
10 representing the petitioner in the judicial proceedings,  
11 to the attorney representing the recipient in the judicial  
12 proceedings, to any person or agency providing mental  
13 health services that are the subject of the proceedings and  
14 to that person's or agency's attorney, to any court  
15 personnel, including but not limited to judges and circuit  
16 court clerks, and to a guardian ad litem if one has been  
17 appointed by the court. Information disclosed under this  
18 subsection shall not be utilized for any other purpose nor  
19 be redisclosed except in connection with the proceedings or  
20 investigations. Copies of any records provided to counsel  
21 for a petitioner shall be deleted or destroyed at the end  
22 of the proceedings and counsel for petitioner shall certify  
23 to the court in writing that he or she has done so. At the  
24 request of a recipient or his or her counsel, the court  
25 shall issue a protective order insuring the  
26 confidentiality of any records or communications provided

1 to counsel for a petitioner;

2 (vii) when, and to the extent disclosure is necessary  
3 to comply with the requirements of the Census Bureau in  
4 taking the federal Decennial Census;

5 (viii) when, and to the extent, in the therapist's sole  
6 discretion, disclosure is necessary to warn or protect a  
7 specific individual against whom a recipient has made a  
8 specific threat of violence where there exists a  
9 therapist-recipient relationship or a special  
10 recipient-individual relationship;

11 (ix) in accordance with the Sex Offender Registration  
12 Act;

13 (x) in accordance with the Rights of Crime Victims and  
14 Witnesses Act;

15 (xi) in accordance with Section 6 of the Abused and  
16 Neglected Long Term Care Facility Residents Reporting Act;  
17 ~~and~~

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

20 (xiii) to an HIE as specifically allowed under this Act  
21 for HIE purposes and in accordance with any applicable  
22 requirements of the Illinois Health Information Exchange  
23 Authority.

24 Any person, institution, or agency, under this Act,  
25 participating in good faith in the making of a report under the  
26 Abused and Neglected Child Reporting Act or in the disclosure

1 of records and communications under this Section, shall have  
2 immunity from any liability, civil, criminal or otherwise, that  
3 might result by reason of such action. For the purpose of any  
4 proceeding, civil or criminal, arising out of a report or  
5 disclosure under this Section, the good faith of any person,  
6 institution, or agency so reporting or disclosing shall be  
7 presumed.

8 (Source: P.A. 96-466, eff. 8-14-09; 97-333, eff. 8-12-11;  
9 97-375, eff. 8-15-11.)