

1 AN ACT concerning mental health.

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 Code is amended by adding Section 2-113.5 as  
6 follows:

7 (405 ILCS 5/2-113.5 new)

8 Sec. 2-113.5. Receipt of information concerning a  
9 recipient. A mental health facility is required to accept  
10 information, orally or in writing, from the recipient's family  
11 and friends concerning the recipient's treatment for mental  
12 illness, including hospitalization history, medications,  
13 diagnoses, and behaviors related to the recipient's mental  
14 illness.

15 Section 10. The Mental Health and Developmental  
16 Disabilities Confidentiality Act is amended by adding Section  
17 5.5 as follows:

18 (740 ILCS 110/5.5 new)

19 Sec. 5.5. Limited access to basic mental health  
20 information.

21 (a) Each of the following individuals is entitled, upon

1 request, to obtain the information listed in this Section  
2 pursuant to the procedures set forth in this Section if the  
3 individual resides with the recipient or is paying for the  
4 recipient's care:

5 (1) the parent of a recipient;

6 (2) the adult sibling of a recipient;

7 (3) the adult child of a recipient;

8 (4) the spouse of a recipient, if the spouse is  
9 residing with the recipient; and

10 (5) the adult grandchild of the recipient.

11 (b) An individual listed under subsection (a) is entitled  
12 to information under this Section if:

13 (1) the individual provides to the inpatient mental  
14 health facility:

15 (i) proof of identification; and

16 (ii) a statement, in writing, that the individual  
17 resides with the recipient or is paying for the  
18 recipient's care, and the statement includes the  
19 individual's name, address, phone number, and  
20 relationship to the recipient, a declaration that  
21 there is no current or pending order of protection  
22 involving both the individual and the recipient, and,  
23 if the individual is the spouse of the recipient, a  
24 declaration that no action is pending between the  
25 individual and the recipient under the Illinois  
26 Marriage and Dissolution of Marriage Act; and

1           (2) the recipient's treating physician determines, in  
2           writing, that the recipient is unable or unwilling, due to  
3           mental or physical incapacity, to authorize the disclosure  
4           under Section 5 and that the disclosure is in the  
5           recipient's best interest.

6           (c) An individual listed under subsection (a) is entitled  
7           to access the following information:

8           (1) whether the recipient is located at the mental  
9           health facility;

10           (2) plans for the discharge of the recipient,  
11           including the anticipated date and time of the discharge,  
12           if known, the address where the recipient will live, and  
13           the plans, if any, for the provision of treatment in the  
14           community following discharge, including, but not limited  
15           to, medication and the identity of any person or agency  
16           that will be providing treatment to the recipient; and

17           (3) if the mental health facility has filed a petition  
18           for inpatient or outpatient commitment under Chapter III  
19           of the Mental Health and Developmental Disabilities Code,  
20           a copy of the petition.

21           (d) An individual who has received information under this  
22           Section shall not use the information provided by the mental  
23           health facility regarding the recipient to the individual's  
24           advantage in any legal proceeding or other transaction. The  
25           information shall be excluded from evidence in a proceeding  
26           and may not be used in any other way, unless it is being used

1 to assert or prove that a person is subject to an involuntary  
2 admission on an inpatient or outpatient basis or whether  
3 psychotropic medication or electroconvulsive therapy may be  
4 administered under the Mental Health and Developmental  
5 Disabilities Code or to prove that a person is a person with a  
6 disability in need of an adult guardianship proceeding under  
7 Article XIa of the Probate Act of 1975.

8 (e) If access or modification of the information is  
9 requested, the request, the grounds for its acceptance or  
10 denial, and any action taken thereon shall be noted in the  
11 recipient's record.