



Sen. Laura Fine

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10200SB1970sam001

LRB102 17209 LNS 24154 a

1 AMENDMENT TO SENATE BILL 1970

2 AMENDMENT NO. _____. Amend Senate Bill 1970 by replacing
3 everything after the enacting clause with the following:

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

1 Disabilities Confidentiality Act is amended by adding Section
2 5.5 as follows:

3 (740 ILCS 110/5.5 new)

4 Sec. 5.5. Limited access to basic mental health
5 information.

6 (a) Each of the following individuals is entitled, upon
7 request, to obtain the information listed in this Section
8 pursuant to the procedures set forth in this Section if the
9 individual resides with the recipient or is paying for the
10 recipient's care:

11 (1) the parent of a recipient;

12 (2) the adult sibling of a recipient;

13 (3) the adult child of a recipient;

14 (4) the spouse of a recipient, if the spouse is
15 residing with the recipient; and

16 (5) the adult grandchild of the recipient.

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

19 (1) the individual provides to the inpatient mental
20 health facility:

21 (i) proof of identification; and

22 (ii) a statement, in writing, that the individual
23 resides with the recipient or is paying for the
24 recipient's care, and the statement includes the
25 individual's name, address, phone number, and

1 relationship to the recipient, a declaration that
2 there is no current or pending order of protection
3 involving both the individual and the recipient, and,
4 if the individual is the spouse of the recipient, a
5 declaration that no action is pending between the
6 individual and the recipient under the Illinois
7 Marriage and Dissolution of Marriage Act; and

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

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

15 (1) whether the recipient is located at the mental
16 health facility;

17 (2) plans for the discharge of the recipient,
18 including the anticipated date and time of the discharge,
19 if known, the address where the recipient will live, and
20 the plans, if any, for the provision of treatment in the
21 community following discharge, including, but not limited
22 to, medication and the identity of any person or agency
23 that will be providing treatment to the recipient; and

24 (3) if the mental health facility has filed a petition
25 for inpatient or outpatient commitment under Chapter III
26 of the Mental Health and Developmental Disabilities Code,

1 a copy of the petition.

2 (d) An individual who has received information under this
3 Section shall not use the information provided by the mental
4 health facility regarding the recipient to the individual's
5 advantage in any legal proceeding or other transaction. The
6 information shall be excluded from evidence in a proceeding
7 and may not be used in any other way, unless it is being used
8 to assert or prove that a person is subject to an involuntary
9 admission on an inpatient or outpatient basis or whether
10 psychotropic medication or electroconvulsive therapy may be
11 administered under the Mental Health and Developmental
12 Disabilities Code or to prove that a person is a person with a
13 disability in need of an adult guardianship proceeding under
14 Article XIa of the Probate Act of 1975.

15 (e) If access or modification of the information is
16 requested, the request, the grounds for its acceptance or
17 denial, and any action taken thereon shall be noted in the
18 recipient's record."