



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2567

Introduced 1/11/2012, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

740 ILCS 110/2

from Ch. 91 1/2, par. 802

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Expands the definition of "therapist" to include a pharmacist who dispenses pharmaceuticals to a recipient or is consulted by a recipient for the proposed dispensing pharmaceuticals that the pharmacist knows, or reasonably should know, are intended for the provision of mental health or developmental disability services. Adds to the definition of "mental health or developmental disabilities services" the prescribing and dispensing of pharmaceuticals. Provides that the term "record" includes information that indicates that a person is a recipient of mental health or developmental disabilities services.

LRB097 14338 AJO 60705 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 Section 2 as follows:

7 (740 ILCS 110/2) (from Ch. 91 1/2, par. 802)

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

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

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

20 "Guardian" means a legally appointed guardian or
21 conservator of the person.

22 "Mental health or developmental disabilities services" or
23 "services" includes but is not limited to examination,

1 diagnosis, evaluation, treatment, training, prescribing or
2 dispensing pharmaceuticals, aftercare, habilitation or
3 rehabilitation.

4 "Personal notes" means:

5 (i) information disclosed to the therapist in
6 confidence by other persons on condition that such
7 information would never be disclosed to the recipient or
8 other persons;

9 (ii) information disclosed to the therapist by the
10 recipient which would be injurious to the recipient's
11 relationships to other persons, and

12 (iii) the therapist's speculations, impressions,
13 hunches, and reminders.

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

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

18 "Record" means any record kept by a therapist or by an
19 agency in the course of providing mental health or
20 developmental disabilities service to a recipient concerning
21 the recipient and the services provided. "Records" includes all
22 records maintained by a court that have been created in
23 connection with, in preparation for, or as a result of the
24 filing of any petition or certificate under Chapter II, Chapter
25 III, or Chapter IV of the Mental Health and Developmental
26 Disabilities Code and includes the petitions, certificates,

1 dispositional reports, treatment plans, and reports of
2 diagnostic evaluations and of hearings under Article VIII of
3 Chapter III or under Article V of Chapter IV of that Code.
4 Record does not include the therapist's personal notes, if such
5 notes are kept in the therapist's sole possession for his own
6 personal use and are not disclosed to any other person, except
7 the therapist's supervisor, consulting therapist or attorney.
8 If at any time such notes are disclosed, they shall be
9 considered part of the recipient's record for purposes of this
10 Act. "Record" includes information that indicates that a person
11 is a recipient.

12 "Record custodian" means a person responsible for
13 maintaining a recipient's record.

14 "Therapist" means a psychiatrist, physician, psychologist,
15 social worker, or nurse providing mental health or
16 developmental disabilities services or any other person not
17 prohibited by law from providing such services or from holding
18 himself out as a therapist if the recipient reasonably believes
19 that such person is permitted to do so. Therapist includes any
20 successor of the therapist. "Therapist" also includes any
21 pharmacist who dispenses pharmaceuticals to a recipient or is
22 consulted by a recipient for the purpose of dispensing
23 pharmaceuticals that the pharmacist knows, or reasonably
24 should know, are intended for the provision of mental health or
25 developmental disability services.

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