**Section 505.80 Additional Rules**

a) The release by DHS-ORS of any clinical, social work, psychological, psychiatric or other information of a mental health or developmental disability services nature, including, but not limited to, examination, diagnosis, evaluation, treatment, training, pharmaceuticals, aftercare, habilitation or rehabilitation, shall be governed by the Mental Health and Development of Disabilities Confidentiality Act [740 ILCS 110] unless requirements of the federal regulations (34 CFR 361.49) are more stringent.

b) AIDS, ARC, HIV Information.

No person or employee shall disclose or be compelled to disclose the identity of a customer or of a DHS-ORS student who has been exposed to the human immunodeficiency virus (HIV), the identity of the person upon whom a HIV test is performed or the results of such a test without the written informed consent of the customer or student, or legally authorized representative, except as permitted by the Illinois AIDS Confidentiality Act [410 ILCS 305].

c) AIDS Information as it Relates to DHS-ORS Schools

1) A DHS-ORS school principal shall only disclose the identity of an HIV infected student:

A) if notified by a public health authority (e.g., Illinois Department of Public Health, county or city health department) that the student has been exposed to the HIV infection;

B) if in the principal's judgement it is necessary per the Communicable Disease Prevention Act [410 ILCS 315]; and

C) if approval to share the information has been obtained through the chain of command to the Associate Deputy Director of the Bureau of Rehabilitation Services, but identifying information may not be disclosed to obtain approval.

2) If these conditions are met, the principal shall inform the following:

A) the superintendent of the DHS-ORS school;

B) the school nurse;

C) other persons as shall be necessary in the principal's opinion (e.g., dorm parent, wrestling coach, teachers in whose classes the student is enrolled), as long as the student's identity is not revealed; and

D) those persons who are required to decide the student's placement or educational program, but only if there is a need to know such information in order to provide the student with medical services, e.g., when a student must take medication during school attendance or when the student's clinical condition necessitates other medical services.

d) Media Requests. No confidential information requested by the media concerning a customer shall be released, unless the written consent of the customer, guardian or representative is first obtained.

e) Legislative Requests. Release of Information to State Legislators or Legislative Bodies

1) Only the Associate Director or customer, guardian or representative can authorize the release of customer information to the Illinois legislature, committees, commissions or employees thereof; except if:

A) access is authorized by the legislature by resolution or otherwise; or

B) a member of a committee or commission needs such information to advance legislation pending before such committee.

2) Legislators may receive a general status report, not containing confidential information upon request.

3) Auditors with specific legislative authority shall be given access to any and all records necessary for such audit. The auditors shall be prohibited by this Part from any further dissemination of confidential information beyond the scope of the audit, and shall similarly be bound by a statute governing the operation of the Auditor General's Office [301 ILCS 5], and regulations promulgated pursuant thereto (Auditor General Regulation 3:3 11A(1), "Maintenance of Information").

f) All reports made to DHS-ORS pursuant to the Domestic Abuse of Disabled Adults Intervention Act (Act) [201 ILCS 2435] shall be confidential and may not be released except as follows:

1) To DHS-ORS employees for the purpose of the Act;

2) To law enforcement agencies investigating suspected abuse, neglect or exploitation;

3) To the adult disabled person who is the subject of the report;

4) To a court for an in camera inspection but only pursuant to a finding that access is necessary;

5) To a grand jury if it finds that access is necessary for an issue pending before it;

6) To any person authorized by the Associate Director for audit or research purposes;

7) To a coroner or medical examiner; or

8) To the agency designated pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act [405 ILCS 40] and the Protection and Advocacy for Mentally Ill Act [405 ILCS 45].

In addition, the identity of the reporter must be kept confidential unless express written consent is received from him/her to release his/her name.

(Source: Amended at 19 Ill. Reg. 14821, effective October 5, 1995)