

HB3977



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3977

Introduced 3/4/2021, by Rep. Lindsey LaPointe - Dave Vella and Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

New Act

Creates the First Responders Behavioral Healthcare Bill of Rights Act. Provides that first responders have certain specified statutory rights in seeking behavioral health services and treatment. Provides that the rights guaranteed to first responders in these provisions are judicially enforceable. Provides that an aggrieved employee may, under the Civil Practice Law, bring an action for damages, attorney's fee, or injunctive relief against an employer for violating these rights. Defines various terms.

LRB102 15075 RLC 20430 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the First
5 Responders Behavioral Healthcare Bill of Rights Act.

6 Section 5. Purposes. The General Assembly recognizes the
7 difficult nature of the job of first responder, including
8 trauma endured by first responders in the performance of their
9 duties. It is the intent of the General Assembly to ensure that
10 first responders, including police, firefighters, and
11 emergency medical technicians across this State have full
12 access to supportive and responsive behavioral health services
13 and treatment. The General Assembly recognizes that these
14 services should be responsive to the individual's needs and
15 must be kept confidential. The General Assembly recognizes
16 that the administration and provision of these services both
17 recognize and reduce the historical barrier of stigma and a
18 lack of confidentiality that first responders face when
19 attempting to access behavioral health services and treatment.

20 Section 10. Definitions. In this Act:

21 "Behavioral health" or "behavioral healthcare" means both
22 mental health, substance use disorder, or both, co-occurring

1 together.

2 "Employee" means a first responder employed by a unit of
3 State or local government or school district or by a public or
4 private hospital or ambulance service.

5 "Employer" means the State, a unit of local government, a
6 school district, or a public or private hospital or ambulance
7 service that employs first responders.

8 "First responder" means a law enforcement officer or
9 fireman as defined in Section 2 of the Line of Duty
10 Compensation Act or an "emergency medical technician (EMT)" as
11 defined in Section 3.50 of the Emergency Medical Services
12 (EMS) Systems Act.

13 "Substance use disorder" has the meaning ascribed to it in
14 Section 1-10 of the Substance Use Disorder Act.

15 Section 15. First responders rights to behavioral
16 healthcare.

17 (a) First responders have the following rights:

18 (1) The right of full access to behavioral health
19 services and treatment that are responsive to the needs of
20 the individual and the professions of police and
21 firefighter.

22 (2) The right to seek, or access if required or
23 requested, services and treatment for behavioral health
24 needs without fear of repercussions by his or her employer
25 or supervisor and without fear of reprisal.

1 (3) The right, in the course of seeking services and
2 treatment for behavioral health, that all records, notes,
3 and conclusions by the treatment provider shall not be
4 shared with an employer unless otherwise mandated by law.
5 The right guaranteed by this paragraph (3) may be waived
6 by the employee.

7 (4) The right of first responder employees not to be
8 compelled by their employer under the threat of discipline
9 to release any records related to behavioral health.

10 (5) The right to have behavioral health records not be
11 used in any disciplinary or other proceeding against an
12 employee.

13 (6) The right of employees to seek treatment in any
14 geographic area without restrictions or limitations
15 imposed by the employer.

16 (7) The right to have behavioral health services and
17 treatment in a manner that reduces stigma and barriers to
18 those services and treatment.

19 (b) The rights guaranteed to first responders in
20 subsection (a) are judicially enforceable. An aggrieved
21 employee may, under the Civil Practice Law, bring an action
22 for damages, attorney's fee, or injunctive relief against an
23 employer for violating subsection (a).