

1 AN ACT concerning State government.

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  
5 Developmental Disability and Mental Health Safety Act or  
6 Brian's Law.

7 Section 5. Legislative Findings. The General Assembly  
8 finds all of the following:

9 (a) As a result of decades of significant under-funding of  
10 Illinois' developmental disabilities and mental health service  
11 delivery system, the quality of life of individuals with  
12 disabilities has been negatively impacted and, in an  
13 unacceptable number of instances, has resulted in serious  
14 health consequences and even death.

15 (b) In response to growing concern over the safety of the  
16 State-operated developmental disability facilities, following  
17 a series of resident deaths, the agency designated by the  
18 Governor pursuant to the Protection and Advocacy for  
19 Developmentally Disabled Persons Act opened a systemic  
20 investigation to examine all such deaths for a period of time,  
21 including the death of a young man in his twenties, Brian Kent,  
22 on October 30, 2002, and released a public report, "Life and  
23 Death in State-Operated Developmental Disability

1 Institutions," which included findings and recommendations  
2 aimed at preventing such tragedies in the future.

3 (c) The documentation of substandard medical care and  
4 treatment of individual residents living in the State-operated  
5 facilities cited in that report necessitate that the State of  
6 Illinois take immediate action to prevent further injuries and  
7 deaths.

8 (d) The agency designated by the Governor pursuant to the  
9 Protection and Advocacy for Developmentally Disabled Persons  
10 Act has also reviewed conditions and deaths of individuals with  
11 disabilities living in or transferred to community-based  
12 facilities and found similar problems in some of those  
13 settings.

14 (e) The circumstances associated with deaths in both  
15 State-operated facilities and community-based facilities, and  
16 review of the State's investigations and findings regarding  
17 these incidents, demonstrate that the current federal and State  
18 oversight and investigatory systems are seriously  
19 under-funded.

20 (f) An effective mortality review process enables state  
21 service systems to focus on individual deaths and consider the  
22 broader issues, policies, and practices that may contribute to  
23 these tragedies. This critical information, when shared with  
24 public and private facilities, can help to reduce circumstances  
25 that place individuals at high risk of serious harm and even  
26 death.

1 (g) The purpose of this Act is to establish within the  
2 Department of Human Services a low-cost, volunteer-based  
3 mortality review process conducted by an independent team of  
4 experts that will enhance the health and safety of the  
5 individuals served by Illinois' developmental disability and  
6 mental health service delivery systems.

7 (h) This independent team of experts will be comparable to  
8 existing types of oversight teams: the Abuse Prevention  
9 Review Team created under the jurisdiction of the Department of  
10 Public Health, which examines deaths of individuals living in  
11 long-term care facilities, and Child Death Review Teams created  
12 under the jurisdiction of the Department of Children and Family  
13 Services, which reviews the deaths of children.

14 Section 10. Definitions. As used in this Act:

15 "Community agency" means (i) a community agency licensed,  
16 funded, or certified by the Department of Human Services, but  
17 not licensed or certified by any other human services agency of  
18 the State, to provide developmental disabilities service or  
19 mental health service or (ii) a program licensed, funded, or  
20 certified by the Department of Human Services, but not licensed  
21 or certified by any other human services agency of the State,  
22 to provide developmental disabilities service or mental health  
23 service.

24 "Facility" means a developmental disabilities facility or  
25 mental health facility operated by the Department of Human

1 Services.

2 Section 15. Mortality Review Process.

3 (a) The Department of Human Services shall develop an  
4 independent team of experts from the academic, private, and  
5 public sectors to examine all deaths at facilities and  
6 community agencies.

7 (b) The Secretary of Human Services, in consultation with  
8 the Director of Public Health, shall appoint members to the  
9 independent team of experts, which shall consist of at least  
10 one member from each of the following categories:

11 1. Physicians experienced in providing medical care to  
12 individuals with developmental disabilities.

13 2. Physicians experienced in providing medical care to  
14 individuals with mental illness.

15 3. Registered nurses experienced in providing medical  
16 care to individuals with developmental disabilities.

17 4. Registered nurses experienced in providing medical  
18 care to individuals with mental illness.

19 5. Psychiatrists.

20 6. Psychologists.

21 7. Representatives of the Department of Human Services  
22 who are not employed at the facility at which the death  
23 occurred.

24 8. Representatives of the Department of Public Health.

25 9. Representatives of the agency designated by the

1 Governor pursuant to the Protection and Advocacy for  
2 Developmentally Disabled Persons Act.

3 10. State's Attorneys or State's Attorneys'  
4 representatives.

5 11. Coroners or forensic pathologists.

6 12. Representatives of local hospitals, trauma  
7 centers, or providers of emergency medical services.

8 13. Other categories of persons, as the Secretary of  
9 Human Services may see fit.

10 The independent team of experts may make recommendations to  
11 the Secretary of Human Services concerning additional  
12 appointments. Each team member must have demonstrated  
13 experience and an interest in investigating, treating, or  
14 preventing the deaths of individuals with disabilities. The  
15 Secretary of Human Services shall appoint additional teams if  
16 the Secretary or the existing team determines that more teams  
17 are necessary to accomplish the purposes of this Act. The  
18 members of a team shall be appointed for 2-year staggered terms  
19 and shall be eligible for reappointment upon the expiration of  
20 their terms. Each independent team shall select a Chairperson  
21 from among its members.

22 (c) The independent team of experts shall examine the  
23 deaths of all individuals who have died while under the care of  
24 a facility or community agency.

25 (d) The purpose of the independent team of experts'  
26 examination of such deaths is to do the following:

1           1. Review the cause and manner of the individual's  
2 death.

3           2. Review all actions taken by the facility, State  
4 agencies, or other entities to address the cause or causes  
5 of death and the adequacy of medical care and treatment.

6           3. Evaluate the means, if any, by which the death might  
7 have been prevented.

8           4. Report its observations and conclusions to the  
9 Secretary of Human Services and make recommendations that  
10 may help to reduce the number of unnecessary deaths.

11          5. Promote continuing education for professionals  
12 involved in investigating and preventing the unnecessary  
13 deaths of individuals under the care of a facility or  
14 community agency.

15          6. Make specific recommendations to the Secretary of  
16 Human Services concerning the prevention of unnecessary  
17 deaths of individuals under the care of facilities and  
18 community agencies, including changes in policies and  
19 practices that will prevent harm to individuals with  
20 disabilities, and the establishment of protocols for  
21 investigating the deaths of these individuals.

22          (e) The independent team of experts must examine the cases  
23 submitted to it on a quarterly basis. The team shall meet at  
24 least once in each calendar quarter if there are cases to be  
25 examined. The Department of Human Services shall forward cases  
26 within 90 days after completion of a review or an investigation

1 into the death of an individual residing at a facility or  
2 community agency.

3 (f) Within 90 days after receiving recommendations made by  
4 the independent team of experts under subsection (d) of this  
5 Section, the Secretary of Human Services must review those  
6 recommendations, as feasible and appropriate, and shall  
7 respond to the team in writing to explain the implementation of  
8 those recommendations.

9 (g) The Secretary of Human Services shall establish  
10 protocols governing the operation of the independent team.  
11 Those protocols shall include the creation of sub-teams to  
12 review the case records or portions of the case records and  
13 report to the full team. The members of a sub-team shall be  
14 composed of team members specially qualified to examine those  
15 records. In any instance in which the independent team does not  
16 operate in accordance with established protocol, the Secretary  
17 of Human Services shall take any necessary actions to bring the  
18 team into compliance with the protocol.

19 Section 20. Independent team of experts' access to  
20 information.

21 (a) The Secretary of Human Services shall provide to the  
22 independent team of experts, on the request of the team  
23 Chairperson, all records and information in the Department's  
24 possession that are relevant to the team's examination of a  
25 death of the sort described in subsection (c) of Section 10,

1 including records and information concerning previous reports  
2 or investigations of any matter, as determined by the team.

3 (b) The independent team shall have access to all records  
4 and information that are relevant to its review of a death and  
5 in the possession of a State or local governmental agency or  
6 other entity. These records and information shall include,  
7 without limitation, death certificates, all relevant medical  
8 and mental health records, records of law enforcement agency  
9 investigations, records of coroner or medical examiner  
10 investigations, records of the Department of Corrections  
11 concerning a person's parole, records of a probation and court  
12 services department, and records of a social services agency  
13 that provided services to the person who died.

14 Section 25. Public access to and confidentiality of  
15 information.

16 (a) Meetings of the independent team of experts shall be  
17 closed to the public.

18 (b) Records and information provided to the independent  
19 team of experts are confidential. Nothing contained in this  
20 subsection (b) prevents the sharing or disclosure of records,  
21 other than those produced by the independent team, relating or  
22 pertaining to the death of an individual.

23 (c) Members of the independent team of experts are not  
24 subject to examination, in any civil or criminal proceeding,  
25 concerning information presented to members of the team or



1 opinions formed by members of the team based on that  
2 information. A person may, however, be examined concerning  
3 information provided to the team that is otherwise available to  
4 the public.

5 (d) Records and information produced by the team are not  
6 subject to discovery or subpoena and are not admissible as  
7 evidence in any civil or criminal proceeding. Those records and  
8 information are, however, subject to discovery or a subpoena,  
9 and are admissible as evidence to the extent they are otherwise  
10 available to the public.

11 Section 30. Indemnification. The State shall indemnify and  
12 hold harmless members of the independent team for all their  
13 acts, omissions, decisions, or other conduct arising out of the  
14 scope of their service on the team, except those involving  
15 willful or wanton misconduct. The method of providing  
16 indemnification shall be as provided in the State Employee  
17 Indemnification Act.

18 Section 35. Department's annual report. The Department of  
19 Human Services shall include in its annual report to the  
20 General Assembly a report of the activities of the independent  
21 team of experts, the results of the team's observations and  
22 conclusions, categories of members of the team as prescribed in  
23 Section 10 of this Act which are currently vacant,  
24 recommendations made by the team to the Governor, State

1 agencies, or other entities, and, as applicable, either (i) the  
2 implementation of the recommendations or (ii) the reasons the  
3 recommendations were not implemented.

4 Section 40. Rights information. The Department of Human  
5 Services shall ensure that individuals with disabilities and  
6 their guardians and families receive sufficient information  
7 regarding their rights, including the right to be safe, the  
8 right to be free from abuse and neglect, the right to receive  
9 quality services, and the right to an adequate discharge plan  
10 and timely transition to the least restrictive setting to meet  
11 their individual needs and desires. The Department shall  
12 provide this information, which shall be developed in  
13 collaboration with the agency designated by the Governor  
14 pursuant to the Protection and Advocacy for Developmentally  
15 Disabled Persons Act, in order to allow individuals with  
16 disabilities and their guardians and families to make informed  
17 decisions regarding the provision of services that can meet the  
18 individual's needs and desires. The Department shall provide  
19 this information to all facilities and community agencies to be  
20 made available upon admission and at least annually thereafter  
21 for as long as the individual remains in the facility.

22 Section 90. The Open Meetings Act is amended by changing  
23 Section 2 as follows:

1 (5 ILCS 120/2) (from Ch. 102, par. 42)

2 Sec. 2. Open meetings.

3 (a) Openness required. All meetings of public bodies shall  
4 be open to the public unless excepted in subsection (c) and  
5 closed in accordance with Section 2a.

6 (b) Construction of exceptions. The exceptions contained  
7 in subsection (c) are in derogation of the requirement that  
8 public bodies meet in the open, and therefore, the exceptions  
9 are to be strictly construed, extending only to subjects  
10 clearly within their scope. The exceptions authorize but do not  
11 require the holding of a closed meeting to discuss a subject  
12 included within an enumerated exception.

13 (c) Exceptions. A public body may hold closed meetings to  
14 consider the following subjects:

15 (1) The appointment, employment, compensation,  
16 discipline, performance, or dismissal of specific  
17 employees of the public body or legal counsel for the  
18 public body, including hearing testimony on a complaint  
19 lodged against an employee of the public body or against  
20 legal counsel for the public body to determine its  
21 validity.

22 (2) Collective negotiating matters between the public  
23 body and its employees or their representatives, or  
24 deliberations concerning salary schedules for one or more  
25 classes of employees.

26 (3) The selection of a person to fill a public office,

1 as defined in this Act, including a vacancy in a public  
2 office, when the public body is given power to appoint  
3 under law or ordinance, or the discipline, performance or  
4 removal of the occupant of a public office, when the public  
5 body is given power to remove the occupant under law or  
6 ordinance.

7 (4) Evidence or testimony presented in open hearing, or  
8 in closed hearing where specifically authorized by law, to  
9 a quasi-adjudicative body, as defined in this Act, provided  
10 that the body prepares and makes available for public  
11 inspection a written decision setting forth its  
12 determinative reasoning.

13 (5) The purchase or lease of real property for the use  
14 of the public body, including meetings held for the purpose  
15 of discussing whether a particular parcel should be  
16 acquired.

17 (6) The setting of a price for sale or lease of  
18 property owned by the public body.

19 (7) The sale or purchase of securities, investments, or  
20 investment contracts.

21 (8) Security procedures and the use of personnel and  
22 equipment to respond to an actual, a threatened, or a  
23 reasonably potential danger to the safety of employees,  
24 students, staff, the public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to  
2 individual students.

3 (11) Litigation, when an action against, affecting or  
4 on behalf of the particular public body has been filed and  
5 is pending before a court or administrative tribunal, or  
6 when the public body finds that an action is probable or  
7 imminent, in which case the basis for the finding shall be  
8 recorded and entered into the minutes of the closed  
9 meeting.

10 (12) The establishment of reserves or settlement of  
11 claims as provided in the Local Governmental and  
12 Governmental Employees Tort Immunity Act, if otherwise the  
13 disposition of a claim or potential claim might be  
14 prejudiced, or the review or discussion of claims, loss or  
15 risk management information, records, data, advice or  
16 communications from or with respect to any insurer of the  
17 public body or any intergovernmental risk management  
18 association or self insurance pool of which the public body  
19 is a member.

20 (13) Conciliation of complaints of discrimination in  
21 the sale or rental of housing, when closed meetings are  
22 authorized by the law or ordinance prescribing fair housing  
23 practices and creating a commission or administrative  
24 agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of  
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public  
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when  
4 considered by an advisory body appointed to advise a  
5 licensing or regulatory agency on matters germane to the  
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or  
8 professional ethics, when meeting with a representative of  
9 a statewide association of which the public body is a  
10 member.

11 (17) The recruitment, credentialing, discipline or  
12 formal peer review of physicians or other health care  
13 professionals for a hospital, or other institution  
14 providing medical care, that is operated by the public  
15 body.

16 (18) Deliberations for decisions of the Prisoner  
17 Review Board.

18 (19) Review or discussion of applications received  
19 under the Experimental Organ Transplantation Procedures  
20 Act.

21 (20) The classification and discussion of matters  
22 classified as confidential or continued confidential by  
23 the State Government Suggestion Award Board.

24 (21) Discussion of minutes of meetings lawfully closed  
25 under this Act, whether for purposes of approval by the  
26 body of the minutes or semi-annual review of the minutes as

1 mandated by Section 2.06.

2 (22) Deliberations for decisions of the State  
3 Emergency Medical Services Disciplinary Review Board.

4 (23) The operation by a municipality of a municipal  
5 utility or the operation of a municipal power agency or  
6 municipal natural gas agency when the discussion involves  
7 (i) contracts relating to the purchase, sale, or delivery  
8 of electricity or natural gas or (ii) the results or  
9 conclusions of load forecast studies.

10 (24) Meetings of a residential health care facility  
11 resident sexual assault and death review team or the  
12 Executive Council under the Abuse Prevention Review Team  
13 Act.

14 (25) Meetings of an independent team of experts under  
15 Brian's Law.

16 (d) Definitions. For purposes of this Section:

17 "Employee" means a person employed by a public body whose  
18 relationship with the public body constitutes an  
19 employer-employee relationship under the usual common law  
20 rules, and who is not an independent contractor.

21 "Public office" means a position created by or under the  
22 Constitution or laws of this State, the occupant of which is  
23 charged with the exercise of some portion of the sovereign  
24 power of this State. The term "public office" shall include  
25 members of the public body, but it shall not include  
26 organizational positions filled by members thereof, whether

1 established by law or by a public body itself, that exist to  
2 assist the body in the conduct of its business.

3 "Quasi-adjudicative body" means an administrative body  
4 charged by law or ordinance with the responsibility to conduct  
5 hearings, receive evidence or testimony and make  
6 determinations based thereon, but does not include local  
7 electoral boards when such bodies are considering petition  
8 challenges.

9 (e) Final action. No final action may be taken at a closed  
10 meeting. Final action shall be preceded by a public recital of  
11 the nature of the matter being considered and other information  
12 that will inform the public of the business being conducted.

13 (Source: P.A. 94-931, eff. 6-26-06; 95-185, eff. 1-1-08.)

14 Section 95. The Freedom of Information Act is amended by  
15 changing Section 7.5 as follows:

16 (5 ILCS 140/7.5)

17 Sec. 7.5. Statutory Exemptions. To the extent provided for  
18 by the statutes referenced below, the following shall be exempt  
19 from inspection and copying:

20 (a) All information determined to be confidential under  
21 Section 4002 of the Technology Advancement and Development Act.

22 (b) Library circulation and order records identifying  
23 library users with specific materials under the Library Records  
24 Confidentiality Act.



1           (c) Applications, related documents, and medical records  
2 received by the Experimental Organ Transplantation Procedures  
3 Board and any and all documents or other records prepared by  
4 the Experimental Organ Transplantation Procedures Board or its  
5 staff relating to applications it has received.

6           (d) Information and records held by the Department of  
7 Public Health and its authorized representatives relating to  
8 known or suspected cases of sexually transmissible disease or  
9 any information the disclosure of which is restricted under the  
10 Illinois Sexually Transmissible Disease Control Act.

11           (e) Information the disclosure of which is exempted under  
12 Section 30 of the Radon Industry Licensing Act.

13           (f) Firm performance evaluations under Section 55 of the  
14 Architectural, Engineering, and Land Surveying Qualifications  
15 Based Selection Act.

16           (g) Information the disclosure of which is restricted and  
17 exempted under Section 50 of the Illinois Prepaid Tuition Act.

18           (h) Information the disclosure of which is exempted under  
19 the State Officials and Employees Ethics Act, and records of  
20 any lawfully created State or local inspector general's office  
21 that would be exempt if created or obtained by an Executive  
22 Inspector General's office under that Act.

23           (i) Information contained in a local emergency energy plan  
24 submitted to a municipality in accordance with a local  
25 emergency energy plan ordinance that is adopted under Section  
26 11-21.5-5 of the Illinois Municipal Code.

1           (j) Information and data concerning the distribution of  
2 surcharge moneys collected and remitted by wireless carriers  
3 under the Wireless Emergency Telephone Safety Act.

4           (k) Law enforcement officer identification information or  
5 driver identification information compiled by a law  
6 enforcement agency or the Department of Transportation under  
7 Section 11-212 of the Illinois Vehicle Code.

8           (l) Records and information provided to a residential  
9 health care facility resident sexual assault and death review  
10 team or the Executive Council under the Abuse Prevention Review  
11 Team Act.

12           (m) Information provided to the predatory lending database  
13 created pursuant to Article 3 of the Residential Real Property  
14 Disclosure Act, except to the extent authorized under that  
15 Article.

16           (n) Defense budgets and petitions for certification of  
17 compensation and expenses for court appointed trial counsel as  
18 provided under Sections 10 and 15 of the Capital Crimes  
19 Litigation Act. This subsection (n) shall apply until the  
20 conclusion of the trial of the case, even if the prosecution  
21 chooses not to pursue the death penalty prior to trial or  
22 sentencing.

23           (o) Information that is prohibited from being disclosed  
24 under Section 4 of the Illinois Health and Hazardous Substances  
25 Registry Act.

26           (p) Security portions of system safety program plans,

1 investigation reports, surveys, schedules, lists, data, or  
2 information compiled, collected, or prepared by or for the  
3 Regional Transportation Authority under Section 2.11 of the  
4 Regional Transportation Authority Act or the St. Clair County  
5 Transit District under the Bi-State Transit Safety Act.

6 (q) Information prohibited from being disclosed by the  
7 Personnel Records Review Act.

8 (r) Information prohibited from being disclosed by the  
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted under  
11 Section 5-108 of the Public Utilities Act.

12 (t) Records and information provided to an independent team  
13 of experts under Brian's Law.

14 (Source: P.A. 96-542, eff. 1-1-10.)

15 Section 100. The State Employee Indemnification Act is  
16 amended by changing Section 1 as follows:

17 (5 ILCS 350/1) (from Ch. 127, par. 1301)

18 Sec. 1. Definitions. For the purpose of this Act:

19 (a) The term "State" means the State of Illinois, the  
20 General Assembly, the court, or any State office, department,  
21 division, bureau, board, commission, or committee, the  
22 governing boards of the public institutions of higher education  
23 created by the State, the Illinois National Guard, the  
24 Comprehensive Health Insurance Board, any poison control

1 center designated under the Poison Control System Act that  
2 receives State funding, or any other agency or instrumentality  
3 of the State. It does not mean any local public entity as that  
4 term is defined in Section 1-206 of the Local Governmental and  
5 Governmental Employees Tort Immunity Act or a pension fund.

6 (b) The term "employee" means any present or former elected  
7 or appointed officer, trustee or employee of the State, or of a  
8 pension fund, any present or former commissioner or employee of  
9 the Executive Ethics Commission or of the Legislative Ethics  
10 Commission, any present or former Executive, Legislative, or  
11 Auditor General's Inspector General, any present or former  
12 employee of an Office of an Executive, Legislative, or Auditor  
13 General's Inspector General, any present or former member of  
14 the Illinois National Guard while on active duty, individuals  
15 or organizations who contract with the Department of  
16 Corrections, the Comprehensive Health Insurance Board, or the  
17 Department of Veterans' Affairs to provide services,  
18 individuals or organizations who contract with the Department  
19 of Human Services (as successor to the Department of Mental  
20 Health and Developmental Disabilities) to provide services  
21 including but not limited to treatment and other services for  
22 sexually violent persons, individuals or organizations who  
23 contract with the Department of Military Affairs for youth  
24 programs, individuals or organizations who contract to perform  
25 carnival and amusement ride safety inspections for the  
26 Department of Labor, individual representatives of or

1 designated organizations authorized to represent the Office of  
2 State Long-Term Ombudsman for the Department on Aging,  
3 individual representatives of or organizations designated by  
4 the Department on Aging in the performance of their duties as  
5 elder abuse provider agencies or regional administrative  
6 agencies under the Elder Abuse and Neglect Act, individuals or  
7 organizations who perform volunteer services for the State  
8 where such volunteer relationship is reduced to writing,  
9 individuals who serve on any public entity (whether created by  
10 law or administrative action) described in paragraph (a) of  
11 this Section, individuals or not for profit organizations who,  
12 either as volunteers, where such volunteer relationship is  
13 reduced to writing, or pursuant to contract, furnish  
14 professional advice or consultation to any agency or  
15 instrumentality of the State, individuals who serve as foster  
16 parents for the Department of Children and Family Services when  
17 caring for a Department ward, individuals who serve as members  
18 of an independent team of experts under Brian's Law, and  
19 individuals who serve as arbitrators pursuant to Part 10A of  
20 Article II of the Code of Civil Procedure and the rules of the  
21 Supreme Court implementing Part 10A, each as now or hereafter  
22 amended, but does not mean an independent contractor except as  
23 provided in this Section. The term includes an individual  
24 appointed as an inspector by the Director of State Police when  
25 performing duties within the scope of the activities of a  
26 Metropolitan Enforcement Group or a law enforcement

1 organization established under the Intergovernmental  
2 Cooperation Act. An individual who renders professional advice  
3 and consultation to the State through an organization which  
4 qualifies as an "employee" under the Act is also an employee.  
5 The term includes the estate or personal representative of an  
6 employee.

7 (c) The term "pension fund" means a retirement system or  
8 pension fund created under the Illinois Pension Code.

9 (Source: P.A. 93-617, eff. 12-9-03.)

10 (405 ILCS 5/5-100A rep.)

11 Section 105. The Mental Health and Developmental  
12 Disabilities Code is amended by repealing Section 5-100A.

13 Section 110. The Mental Health and Developmental  
14 Disabilities Confidentiality Act is amended by changing  
15 Section 7 as follows:

16 (740 ILCS 110/7) (from Ch. 91 1/2, par. 807)

17 Sec. 7. Review of therapist or agency; use of recipient's  
18 record.

19 (a) When a therapist or agency which provides services is  
20 being reviewed for purposes of licensure, statistical  
21 compilation, research, evaluation, or other similar purpose, a  
22 recipient's record may be used by the person conducting the  
23 review to the extent that this is necessary to accomplish the

1 purpose of the review, provided that personally identifiable  
2 data is removed from the record before use. Personally  
3 identifiable data may be disclosed only with the consent  
4 obtained under Section 5 of this Act. Licensure and the like  
5 may not be withheld or withdrawn for failure to disclose  
6 personally identifiable data if consent is not obtained.

7 (b) When an agency which provides services is being  
8 reviewed for purposes of funding, accreditation, reimbursement  
9 or audit by a State or federal agency or accrediting body, a  
10 recipient's record may be used by the person conducting the  
11 review and personally identifiable information may be  
12 disclosed without consent, provided that the personally  
13 identifiable information is necessary to accomplish the  
14 purpose of the review.

15 For the purpose of this subsection, an inspection  
16 investigation or site visit by the United States Department of  
17 Justice regarding compliance with a pending consent decree is  
18 considered an audit by a federal agency.

19 (c) An independent team of experts under Brian's Law ~~The~~  
20 ~~Mental Health and Developmental Disabilities Medical Review~~  
21 ~~Board~~ shall be entitled to inspect and copy the records of any  
22 recipient whose death is being examined by such a team pursuant  
23 to the mortality review process authorized by Brian's Law.  
24 Information disclosed under this subsection may not be  
25 redisclosed without the written consent of one of the persons  
26 identified in Section 4 of this Act.

1 (Source: P.A. 88-484.)