




ILLINOIS FIREARM OWNER IDENTIFICATION (FOID) MENTAL HEALTH REPORTING SYSTEM REQUIREMENTS

HOSPITALS, NURSING HOMES, AND OTHER FACILITIES WITHOUT MENTAL HEALTH TREATMENT PROGRAMS TRAINING MODULE

Illinois Department of Human Services

April 2014



“THIS INFORMATION IS NOT INTENDED TO PROVIDE LEGAL ADVICE ON P.A.98-63.”

- The Emergency Rules and the Proposed Rules for Title 59, Part 150 were published in the Illinois Register, Vol.38, Issue 3, pages 1971 and 2413 on January 17th, 2014.
- Please check the Department of Human Services (DHS) FOID web site for updated information relative to P.A. 098-0063.

For practical purposes the Illinois FOID Mental Health Reporting System treats all facilities which do not have inpatient mental health treatment programs as Outpatient Mental Health Facilities. Outpatient mental health facilities include:

- Hospitals without inpatient mental health treatment programs
- Nursing homes without inpatient mental health treatment programs
- Traditional outpatient mental health practices
- University Clinics without inpatient mental health
- Mental Health Centers without inpatient mental health
- Medical Clinics without inpatient mental health

Outpatient (OP) mental health treatment programs:

- OPs do not report patient admissions or discharges within seven days
- OPs do report patients determined to be a clear and present danger, developmentally disabled, and/or intellectually disabled within 24 hours
- OPs only report adjudication of a patient determined by a court to be a mentally disabled person if the facility has received written notice including Docket county, Docket Number, Docket Order.
- The facility may designate staff as the agency's "authorized user" responsible for submitting information to the DHS FOID website.

Information for outpatient reporting

- Patient identification
 - Last name, first name, middle name, suffix, and Social Security Number. Date of Birth, Address, Gender, Race, Eye Color, Height, and weight.
- Event type:
 - Clear and Present Danger
 - Developmentally Disabled
 - Intellectually Disabled
 - Date the determination was made

For Clear and Present Danger you will also be required to briefly describe why you believe the patient is a clear and present danger (in your own words).

- Adjudications PRN: docket county, docket number, docket order.

Clear and Present Danger

- “Determining” a patient is a clear and present danger is considered an “event” which should be reported to the Illinois FOID Mental Health Reporting System within 24 hours of that determination. The report reflects the opinion or clinical judgment of a physician, clinical psychologist, or qualified examiner practicing in the facility.
 - As defined in P.A. 98-63 “Clear and Present danger” means a person who:
 - Communicates a serious threat or physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; and/or
 - Demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner. (FOID Act, 430 ILCS 65/1.1)

Developmentally and/or intellectually disabled.

- “Developmentally disabled” means a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap. (FOID Act Sec. 1.1)
- “Intellectually disabled” means significantly sub average general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (FOID Act Sec. 1.1)

Reporting of Clear and Present Danger

- Physicians, licensed psychologists, and qualified examiners are required to report the determination of C&P within 24 hours.
- Outpatient facilities are also required to report C&P within 24 hours
- The Rule permits outpatient facilities to report on behalf of physicians, licensed psychologists, and qualified examiners practicing within the facility.

Reporting of developmental and/or intellectual disabilities.

- The determination is based on a formal structured assessment or evaluation which in the clinical judgment of the physician, licensed clinical psychologist, or qualified examiner practicing at the facility supports the diagnosis of developmental disability or intellectual disability.
- The determination is not based on simple observation, a record review, or anecdotal information.
- Assumes a clinician/patient relationship
- The report to the Illinois FOID Mental Health Reporting System must be made within 24 hours of the determination.

Reporting “on behalf of” physicians, licensed psychologists, and qualified examiners practicing at the facility.

- This is voluntary on the part of the outpatient facility.
- For facilities reporting on behalf of physicians, licensed psychologists, and qualified examiners the facility assumes the responsibility for verifying the credentials of the professional’s practice.
- What can be reported?
 - That a patient has been determined by a physician, licensed psychologist, or qualified examiner to be a Clear and Present danger, developmental disabled and/or intellectually disabled.
 - Report includes professional’s name and type of license
 - C&P report must include a brief description “in your own words” why you believe the patient is a clear and present danger.

Liability

- Any person, institution, or agency, under this Act, participating in good faith in the reporting or disclosure of records and communications otherwise in accordance with this provision or with rules, regulations or guidelines issued by the Department shall have immunity from any liability, civil, criminal or otherwise, that might result by reason of action. For the purpose of any proceeding, civil, or criminal, arising out of a report or disclosure in accordance with this provision, the good faith of any person, institution, or agency so reporting or disclosing shall be presumed. The full extent of the immunity provided in this subsection (b) shall apply to any person, institution or agency that fails to make a report or disclosure in the good faith believe that the report or disclosure would violate federal regulation governing the confidentiality of alcohol and drug abuse patient records implementing 42 USC 290dd-3 and 290ee-3. [MHDD Confidentiality Act, Sec 12 (b)]

Case Scenario...#1 A patient is seen in an outpatient mental health facility:

- An individual after being observed for a time leaves against medical advice without being admitted. As long as the patient was not determined as a Clear and Present danger there is nothing to report.
- An individual is “observed” in an emergency room for less than 24 hours and eventually leaves without being admitted. The individual requests and/or receives a prescription which is a psychotropic medication. There is no indication of “clear and present” danger. There is nothing to report.

Additional examples clarifying outpatient facility reporting

- The person with mental illness comes to the emergency room of a hospital for an injury or illness, is treated and released. The person would not be reported.
- The person with mental illness comes to the emergency department of a hospital for an injury or illness, is admitted to the hospital (non-psychiatric unit) and treated for the illness or injury. The person would not be reported.
- The person with mental illness comes to the emergency department of a hospital for treatment of the mental illness, and is transferred to another hospital for admission to their psychiatric or behavioral health unit. The person would not be reported by the sending hospital but should be reported by the receiving hospital.

For More Information Visit:

The Illinois FOID
Mental Health Reporting System Website:
<https://foid.dhs.illinois.gov/foidpublic/foid/>

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