

## **I. Current Illinois Law on Caregiver Information**

- **Illinois Adverse Health Care Event Reporting Law of 2005**

[R]eports, findings, and plans shall not be available to the public and shall not be discoverable or admissible in any civil, criminal, or administrative proceeding against a health care facility or health care professional. No report or Department disclosure under this Law may contain information identifying a patient, employee, or licensed professional. Notwithstanding any other provision of law, under no circumstances shall the Department disclose information obtained from a health care facility that is confidential under Part 21 of Article VIII of the Code of Civil Procedure.

- **Hospital Report Card Act**

None of the information the Department discloses to the public may be made available in any form or fashion unless the information has been reviewed, adjusted, and validated.

Notwithstanding any other provision of law, under no circumstances shall the Department disclose information obtained from a hospital that is confidential under Part 21 of Article 8 of the Code of Civil Procedure.

(h) No hospital report or Department disclosure may contain information identifying a patient, employee, or licensed professional.

Only the most basic identifying information from mandatory reports shall be used, and information identifying a patient, employee, or licensed professional shall not be released. None of the information the Department discloses to the public under this Act may be used to establish a standard of care in a private civil action.

- **Illinois Medical Studies Act**

All information, interviews, reports, statements, memoranda, recommendations, letters of reference or other third party confidential assessments of a health care practitioner's professional competence, or other data of the Illinois Department of Public Health, ... committees of licensed or accredited hospitals or their medical staffs, ... used in the course of internal quality control or of medical study for the purpose of reducing morbidity or mortality, or for improving patient care or increasing organ and tissue donation, shall be privileged, strictly confidential and shall be used only for medical research, increasing organ and tissue donation, the evaluation and improvement of quality care, or granting, limiting or revoking staff privileges or agreements for services,...

## **II. *Proposed Section III. Protection of Caregiver Information***

The information available through the state-level HIE should be used only for public health and patient care purposes. To encourage caregiver participation in the HIE, the state-level HIE should adopt practices, policies and procedures that limit the availability of HIE information exclusively to these purposes. Accordingly, the state-level HIE must adopt practices, policies and procedures that ensure the following:

- None of the HIE information made available to the public or a researcher may contain information identifying a patient or caregiver.
- HIE information shall not be available to anyone for use in any civil, criminal, or administrative proceeding against a caregiver.
- Under no circumstances shall the HIE disclose information to the public or a researcher that is confidential under Illinois Medical Studies Act.
- None of the HIE information shall be discoverable or admissible in any legal or administrative action for the purpose of establishing a standard of medical or health care practice.