

The IDHS FOID Mental Health Reporting System

Firearm Concealed Carry Law

The enactment of Public Act 098-0063, which clearly delineates the Firearm Concealed and Carry Law, identifies mental health treatment facilities and physicians, licensed clinical psychologists and Qualified Examiners as mandated reporters. The Illinois Department of Human Services (IDHS) has developed the IDHS FOID Mental Health Reporting System, which mandated reporters must use to meet their obligations in relation to the Act. The Mental Health and Developmental Disabilities Code further defines Qualified Examiners.

Who are Qualified Examiners?

(a) a clinical social worker who (1) has a master's or doctoral degree in social work from an accredited graduate school of social work, and (2) has at least 3 years of supervised post-master's clinical social work practice, which shall include the provision of mental health services for the evaluation, treatment and prevention of mental and emotional disorders;

(b) a registered nurse with a master's degree in psychiatric nursing who has 3 years of clinical training and experience in the evaluation and treatment to any training and experience which constituted a part of the degree program;

(c) a licensed clinical professional counselor with a master's or doctoral degree in counseling or psychology or a similar master's or doctorate program from a regionally accredited institution who has at least 3 years of supervised post-master's clinical professional counseling experience, which includes the provision of mental health services for the evaluation,

treatment, and prevention of mental and emotional disorders; or

(d) a licensed marriage and family therapist with a master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution or a similar master's program, or from a program accredited by either the Commission on Accreditation for Marriage and Family Therapy or the Commission on Accreditation for Counseling Related Educational Programs, who has at least 3 years of supervised post-master's experience as a marriage and family therapist that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders.

The above licensure categories are the only professional licenses eligible to be considered a Qualified Examiner in the Mental Health and Developmental Disabilities Code.

Physicians, licensed clinical psychologists, Qualified Examiners have an obligation to report persons that they have determined to be a "Clear and Present Danger" to themselves and/or their community. Those reports are to be made to the IDHS FOID Mental Health Reporting System within 24 hours of the determination. Those physicians, licensed clinical psychologists, and Qualified Examiners who determine a person to be developmentally disabled or intellectually disabled are also obligated to report the person within 24 hours of the determination.

For purposes of reporting to IDHS, Inpatient mental health treatment facilities include hospitals with psychiatric wards, nursing homes identified as IMDs, and Specialized Mental Health Rehabilitation Facilities (SMHRF), who are licensed by the Illinois

Department of Public Health (IDPH). Supervised Transitional Residential Programs certified by IDHS are also considered Inpatient mental health treatment facilities.

Facilities with Inpatient mental health programs are required to report all admissions or discharges as either voluntary or involuntary. The physicians, licensed clinical psychologists, or Qualified Examiners working in these programs are also required to report individuals who they have determined to be a "Clear and Present Danger," as well as those patients determined to be developmentally or intellectually disabled. Facilities with Inpatient mental health treatment programs may report on behalf of their mandated reporters.

For purposes of reporting to IDHS, Outpatient mental health treatment facilities include all other hospitals, nursing homes, University clinics, mental health centers, and medical clinics which do not have the Inpatient mental health treatment programs.

The physicians, licensed clinical psychologists, or Qualified Examiners working in Outpatient mental health treatment facilities are also required to report individuals determined to be a "Clear and Present Danger," as well as those determined to be developmentally or intellectually disabled. Outpatient facilities do not report admissions and discharges. A few Outpatient mental health treatment facilities report adjudications because their program accepts commitments from a court.

Both Inpatient and Outpatient mental health treatment facilities may report on behalf of the physicians, licensed clinical psychologists, and Qualified Examiners.