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IDHS Announces New FOID Mental Health Reporting Requirements

Clarifies Who Must Report Dangerous Activity and What Constitutes “Clear and Present Danger”

SPRINGFIELD – The Illinois Department of Human Services (IDHS) today announced new Firearm Owner Identification (FOID) Reporting System requirements as part of the Firearm Concealed Carry Act (PA 98-063). IDHS plans to raise awareness of the new law that took effect on July 9, 2013, that requires a variety of clinicians and other health professionals to report patients who they believe pose a “clear and present danger” to themselves or others. The definition of “clear and present danger” has been clarified and the number of health professions required to report has been expanded under the new law.

“The new concealed carry law broadens the scope of the Illinois FOID Mental Health Reporting System, both [in terms of] who must report and what information they must report,” IDHS Secretary Michelle R.B. Saddler said. “We are partnering with our sister state agencies and many statewide associations and others to ensure that clinicians and facilities understand the importance of the new reporting requirements.”

The Illinois FOID Mental Health Reporting System is an online system administered by IDHS. It collects information on persons in Illinois who have been declared in court to be mentally disabled; admitted to an inpatient mental health facility within the last five years; determined to be a “clear and present danger” to themselves or others or determined to be developmentally disabled.

The system mandates clinicians, mental health facilities and qualified examiners to report persons who meet any of the above criteria to IDHS within the time frames set forth in the law. A qualified examiner includes social workers, registered nurses, clinical professional counselors, and marriage and family therapists who report only if they have an additional three years of clinical experience involving evaluation and treatment with patients that have a mental illness.

IDHS then cross-references persons to the ISP FOID database for matches, which are then reported to the Illinois State Police. ISP is then responsible for investigating and processing or rejecting the application for the FOID card. The purpose of these regulations is to save lives through common sense reform and careful oversight.
IDHS must be notified of anyone who communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself or another person; or who demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior as determined by a physician, clinical psychologist or qualified examiner. All reports must be completed via the new Illinois FOID Reporting System developed and maintained by IDHS.

Those entities required to report include hospitals; nursing homes; residential settings; and outpatient facilities. Clinicians and qualified examiners who must report include; physicians; psychiatrists; clinical psychologists; clinical social workers; registered nurses; licensed clinical professional counselors; and marriage and family therapists. All reporting is confidential and HIPAA compliant.

To learn more about the Illinois FOID Mental Health Reporting System, go to https://foid.dhs.illinois.gov/foidpublic/foid/.

FOID Frequently Asked Questions
Facilities and Clinicians

1. **What is the DHS FOID Mental Health Reporting System?**

   The DHS Firearms Owner's Identification (FOID) Mental Health Reporting System collects information on persons in Illinois that have been: adjudicated mentally disabled persons; voluntarily admitted to a psychiatric unit; determined to be a “Clear and Present Danger”; and/or determined to be “Developmentally Disabled/Intellectually Disabled.” The DHS FOID Mental Health Reporting System website provides clinicians and facilities with 24-hour and immediate access to report an individual.

2. **Who should report?**

   - **Mental Health Facilities**: Hospitals, nursing homes, some residential settings, outpatient facilities.
   - **Clinicians**: Physicians, psychiatrists, clinical psychologists, and qualified examiners.

3. **Who has access to the information in the DHS FOID Mental Health Reporting System?**

   Only a very small number of IDHS personnel are involved in the collection and maintenance of the mental health information.

4. **If a patient is treated for Alcohol or Substance Abuse, will he/she be reported?**

   No. Federal regulations prohibit IDHS from collecting treatment for alcohol or substance abuse. That information is not to be reported to the DHS FOID Mental Health Reporting System. However, a physician, psychologist, or qualified examiner is required to report any person who is a “clear and present danger”.

5. **If a patient is seeing an outpatient therapist for problems such as depression, anxiety, or any other type of mental illness, will the clinician have to report on the DHS FOID Mental Health Reporting System?**
No. An outpatient therapist will only make a report if a patient is determined to be a clear and present danger, developmentally disabled, or intellectually disabled by that qualified examiner.

6. **Can DHS take away a FOID card?**

DHS does not have the authority to revoke FOID cards; only the Illinois State Police revokes FOID and/or Concealed Carry licenses.

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