

1 AN ACT in relation to mental health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 3-605 and
6 3-819 as follows:

7 (405 ILCS 5/3-605) (from Ch. 91 1/2, par. 3-605)

8 Sec. 3-605. (a) In counties with a population of 3,000,000
9 or more, upon receipt of a petition and certificate prepared
10 pursuant to this Article, the county sheriff of the county in
11 which a respondent is found shall take a respondent into
12 custody and transport him to a mental health facility, or may
13 make arrangements with another public or private entity
14 including a licensed ambulance service to transport the
15 respondent to the mental health facility. In the event it is
16 determined by such facility that the respondent is in need of
17 commitment or treatment at another mental health facility, the
18 county sheriff shall transport the respondent to the
19 appropriate mental health facility, or the county sheriff may
20 make arrangements with another public or private entity
21 including a licensed ambulance service to transport the
22 respondent to the mental health facility.

23 (b) The county sheriff may delegate his duties under
24 subsection (a) hereunder to another law enforcement body within
25 that county if that law enforcement body agrees.

26 (b-5) In counties with a population under 3,000,000, upon
27 receipt of a petition and certificate prepared pursuant to this
28 Article, the Department shall make arrangements to
29 appropriately transport the respondent to a mental health
30 facility. In the event it is determined by the facility that
31 the respondent is in need of commitment or treatment at another
32 mental health facility, the Department shall make arrangements

1 to appropriately transport the respondent to another mental
2 health facility. The making of such arrangements and agreements
3 with public or private entities is independent of the
4 Department's role as a provider of mental health services and
5 does not indicate that the respondent is admitted to any
6 Department facility. In making such arrangements and
7 agreements with other public or private entities, the
8 Department shall include provisions to ensure (i) the provision
9 of trained personnel and the use of an appropriate vehicle for
10 the safe transport of the respondent and (ii) that the
11 respondent's insurance carrier as well as other programs, both
12 public and private, that provide payment for such
13 transportation services are fully utilized to the maximum
14 extent possible.

15 The Department may not make arrangements with an existing
16 hospital or grant-in-aid or fee-for-service community provider
17 for transportation services under this Section unless the
18 hospital or provider has voluntarily submitted a proposal for
19 its transportation services. This requirement does not
20 eliminate or reduce any responsibility on the part of a
21 hospital or community provider to ensure transportation that
22 may arise independently through other State or federal law or
23 regulation.

24 (c) The transporting authority acting in good faith and
25 without negligence in connection with the transportation of
26 respondents shall incur no liability, civil or criminal, by
27 reason of such transportation.

28 (d) The respondent and the estate of that respondent are
29 liable for the payment of transportation costs for transporting
30 the respondent to a mental health facility. If the respondent
31 is a beneficiary of a trust described in Section 15.1 of the
32 Trusts and Trustees Act, the trust shall not be considered a
33 part of the respondent's estate and shall not be subject to
34 payment for transportation costs for transporting the
35 respondent to a mental health facility under this Section
36 except to the extent permitted under Section 15.1 of the Trusts

1 and Trustees Act. If the respondent is unable to pay or if the
2 estate of the respondent is insufficient, the responsible
3 relatives are severally liable for the payment of those sums or
4 for the balance due in case less than the amount owing has been
5 paid. If the respondent is covered by insurance, the insurance
6 carrier shall be liable for payment to the extent authorized by
7 the respondent's insurance policy.

8 (Source: P.A. 87-1158.)

9 (405 ILCS 5/3-819) (from Ch. 91 1/2, par. 3-819)

10 Sec. 3-819. (a) In counties with a population of 3,000,000
11 or more, when a recipient is hospitalized upon court order, the
12 order may authorize a relative or friend of the recipient to
13 transport the recipient to the facility if such person is able
14 to do so safely and humanely. When the Department indicates
15 that it has transportation to the facility available, the order
16 may authorize the Department to transport the recipient there.
17 The court may order the sheriff of the county in which such
18 proceedings are held to transport the recipient to the
19 facility. When a recipient is hospitalized upon court order,
20 and the recipient has been transported to a mental health
21 facility, other than a state-operated mental health facility,
22 and it is determined by the facility that the recipient is in
23 need of commitment or treatment at another mental health
24 facility, the court shall determine whether a relative or
25 friend of the recipient or the Department is authorized to
26 transport the recipient between facilities, or whether the
27 county sheriff is responsible for transporting the recipient
28 between facilities. The sheriff may make arrangements with
29 another public or private entity including a licensed ambulance
30 service to transport the recipient to the facility. The
31 transporting entity acting in good faith and without negligence
32 in connection with the transportation of recipients shall incur
33 no liability, civil or criminal, by reason of such
34 transportation.

35 (a-5) In counties with a population under 3,000,000, when a

1 recipient is hospitalized upon court order, the order may
2 authorize a relative or friend of the recipient to transport
3 the recipient to the facility if the person is able to do so
4 safely and humanely. The court may order the Department to
5 transport the recipient to the facility. When a recipient is
6 hospitalized upon court order, and the recipient has been
7 transported to a mental health facility other than a
8 State-operated mental health facility, and it is determined by
9 the facility that the recipient is in need of commitment or
10 treatment at another mental health facility, the court shall
11 determine whether a relative or friend of the recipient is
12 authorized to transport the recipient between facilities, or
13 whether the Department is responsible for transporting the
14 recipient between facilities. If the court determines that the
15 Department is responsible for the transportation, the
16 Department shall make arrangements either directly or through
17 agreements with another public or private entity, including a
18 licensed ambulance service, to appropriately transport the
19 recipient to the facility. The making of such arrangements and
20 agreements with public or private entities is independent of
21 the Department's role as a provider of mental health services
22 and does not indicate that the recipient is admitted to any
23 Department facility. In making such arrangements and
24 agreements with other public or private entities, the
25 Department shall include provisions to ensure (i) the provision
26 of trained personnel and the use of an appropriate vehicle for
27 the safe transport of the recipient and (ii) that the
28 recipient's insurance carrier as well as other programs, both
29 public and private, that provide payment for such
30 transportation services are fully utilized to the maximum
31 extent possible.

32 The Department may not make arrangements with an existing
33 hospital or grant-in-aid or fee-for-service community provider
34 for transportation services under this Section unless the
35 hospital or provider has voluntarily submitted a proposal for
36 its transportation services. This requirement does not

1 eliminate or reduce any responsibility on the part of a
2 hospital or community provider to ensure transportation that
3 may arise independently through other State or federal law or
4 regulation.

5 A transporting entity acting in good faith and without
6 negligence in connection with the transportation of a recipient
7 incurs no liability, civil or criminal, by reason of that
8 transportation.

9 (b) The ~~court may authorize the~~ transporting entity may ~~to~~
10 bill the recipient, the estate of the recipient, legally
11 responsible relatives, or insurance carrier for the cost of
12 providing transportation of the recipient to a mental health
13 facility. The recipient and the estate of the recipient are
14 liable for the payment of transportation costs for transporting
15 the recipient to a mental health facility. If the recipient is
16 a beneficiary of a trust described in Section 15.1 of the
17 Trusts and Trustees Act, the trust shall not be considered a
18 part of the recipient's estate and shall not be subject to
19 payment for transportation costs for transporting the
20 recipient to a mental health facility under this section,
21 except to the extent permitted under Section 15.1 of the Trusts
22 and Trustees Act. If the recipient is unable to pay or if the
23 estate of the recipient is insufficient, the responsible
24 relatives are severally liable for the payment of those sums or
25 for the balance due in case less than the amount owing has been
26 paid. If the recipient is covered by insurance, the insurance
27 carrier shall be liable for payment to the extent authorized by
28 the recipient's insurance policy.

29 (c) Upon the delivery of a recipient to a facility, in
30 accordance with the procedure set forth in this Article, the
31 facility director of the facility shall sign a receipt
32 acknowledging custody of the recipient and for any personal
33 property belonging to him, which receipt shall be filed with
34 the clerk of the court entering the hospitalization order.

35 (Source: P.A. 87-1158; 88-380.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2005.