**Section 125.60 Discharge notification and objection process**

a) *Written notice of discharge shall* be given *to the recipient, if 12 years of age or older; to the attorney* of record and *guardian,* if any; and to the *person who executed the application for admission. This notice shall include the reason for the discharge and a statement of the right object* (Section 3-903 of the Code).

b) *Whenever* possible, *notice* of the discharge *shall be given at least* seven *days prior to the intended discharge* date *from a mental health facility* and *14 days prior to discharge from a developmental disabilities facility* (Sections 3-903 and 4-704 of the Code).

c) The *recipient,* if 12 years of age or older*, may object to discharge, or the attorney or guardian* of a recipient or *the person who executed the application may object* on behalf of a recipient*. Prior to discharge, a written objection shall be submitted to the director of the facility* in which *the* recipient *is located. Upon receipt of an objection, the facility director shall promptly schedule a hearing,* with the utilization review committee*, to be held* at the facility *within* seven days (Sections 3-207, 3-903, 4-209 and 4-704 of the Code).

d) *No discharge shall proceed pending a hearing on an objection, unless the person objecting to the discharge consents to discharge pending the outcome of the hearing* (Sections 3-903 and 4-704 of the Code).

e) *At the hearing, the Department shall have the burden of proving that the recipient meets the standard for discharge under* the Code and *under Section 15 of* *Mental Health and Developmental Disabilities Administrative Act* (Sections 3-903 and 4-704 of the Code).

f) Within three days after the conclusion of the hearing, the utilization review committee shall submit its written recommendations to the facility director. A copy of the recommendations shall be given to the recipient and the objector. (Sections 3-903 and 4-704 of the Code)

g) Within seven days after receipt of the recommendations, the facility director shall provide written notice to the recipient and objector of either acceptance or rejection of the recommendations and reasons therefor.

h) If the facility director rejects the recommendations, or if the recipient or objector requests a review of the facility director's decision, the facility director shall promptly forward a copy of the decision, the recommendations, and the record of the hearing to the Secretary of the Department for final review. The decision of the facility director or the decision of the Secretary of the Department, if his review was requested, shall be considered a final administrative decision.

i) *Any person affected by a final administrative decision of the Department may have such decisions reviewed only under and in accordance with the Administrative Review Law* [735 ILCS 5/Art. III]. *The Administrative Review Law*, *and the rules adopted* pursuant thereto*, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department* (Section 6-101 of the Code).