**Section 125.140 Mandated follow-up monitoring services**

a) Provisions contained within Sections 15 through 16 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15 through 16] mandate specific types of follow-up services for recipients who are being discharged from Department State-operated facilities and placed in licensed long-term care facilities, as defined by Section 1-113 of the Nursing Home Care Act [210 ILCS 45/1-113].

b) Before discharge from a state-operated facility can be considered, a clinical and professional decision must have been made that a recipient will derive benefits from a proposed placement, is legally competent (or is in the process of having legal competency restored), has a guardian if declared legally incompetent (or is in the process of having a guardian appointed), and requires the medical and personal care and/or supervision as described in the Nursing Home Care Act. The lack of a guardian, however, shall not inhibit discharge planning and placement once it has been deemed that continuing State-operated treatment/habilitation services will no longer be of benefit to a recipient. Department staff will do all that is possible to obtain suitable guardians; however, if these efforts prove to be unsuccessful the regional office of the Guardianship and Advocacy Commission shall be contacted and all appropriate information, such as but nor limited to, the recipient, the recipient's condition, the inability to locate a person to serve as guardian and the need for guardianship, forwarded.

c) Mandated follow-up services may be delegated by the Department to community agencies. This delegation shall be based on but not limited to caseload needs, availability of staff and available resources. This arrangement, however, will require a special contract between the Department and the agency. This contract establishes that the community agency acts as an agency of the Department and is bound by this Part. In addition, employees of any community agency that has a long-term care monitoring contract with the Department, is subject to the same conflict of interest rule as Department employees (59 Ill. Adm. Code 101.80).

d) As required by the Mental Health and Developmental Disabilities Confidentiality Act the recipient's confidentiality shall be protected.