**Section 150.30 Definitions**

For the purposes of this Part, the following terms are defined:

"Adjudicated a mentally disabled person" – The person is the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, mental illness, mental impairment, incompetency, condition or disease:

 presents a clear and present danger to himself, herself or others;

lacks the mental capacity to manage his or her own affairs or is adjudicated a disabled person as defined in Section 11a-2 of the Probate Act of 1975 [755 ILCS 5];

is not guilty in a criminal case by reason of insanity, mental disease or defect as provided in Section 5-2-4 of the Unified Code of Corrections [730 ILCS 5];

is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections;

is incompetent to stand trial in a criminal case as provided in Article 104 of the Code of Criminal Procedure [725 ILCS 5];

is not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the Uniform Code of Military Justice (10 USC 850a and 876b);

is a sexually violent person under Section 5(f) of the Sexually Violent Persons Commitment Act [725 ILCS 207];

has been found to be a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205];

is unfit to stand trial under the Juvenile Court Act of 1987 [705 ILCS 405];

is not guilty by reason of insanity under the Juvenile Court Act of 1987;

is subject to involuntary admission as an inpatient as defined in Section 1-119 of the Mental Health and Development Disabilities Code [405 ILCS 5];

is subject to involuntary admissions as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code;

is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental Disabilities Code; or

is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act [45 ILCS 20] (see Section 1.1 of the FOID Act).

"Clear and present danger" – a person 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 as determined by a clinician; or

demonstrates threatening physical or verbal behavior, such as violent, suicidal or assaultive threats, actions or other behavior, as determined by a clinician, school administrator or law enforcement official (see Section 1.1 of the FOID Act).

"Clinical psychologist" – a person licensed by the Illinois Department of Financial and Professional Regulation under the Clinical Psychologist Licensing Act [225 ILCS 15] (see 405 ILCS 5/1-103).

"Clinical social worker" – a person who:

has a master's or doctoral degree in social work from an accredited graduate school of social work; and

has at least 3 years of supervised postmaster's clinical social work practice that shall include the provision of mental health services for the evaluation, treatment and prevention of mental and emotional disorders (see 405 ILCS 5/1-122.1).

"Clinician"– a physician, psychiatrist, clinical psychologist or qualified examiner.

"Confidentiality Act" – the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Determined" – the mandated reporter has completed a formal structured evaluation and/or assessment that, in his or her clinical judgment, supports the diagnosis of developmentally disabled and/or intellectual disability.

"Developmentally disabled" – a person with a disability that is attributable to any other condition that results in impairment similar to that caused by an intellectual disability and that requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap (see Section 1.1 of the FOID Act). This can include an intellectual disability, autism, cerebral palsy and epilepsy.

"DHS" – the Illinois Department of Human Services.

"DPH" – the Illinois Department of Public Health.

"FOID Act" – the Firearm Owner's Identification Card Act [430 ILCS 65].

"Intellectual disability" – significantly subaverage general intellectual functioning that exists concurrently with impairment in adaptive behavior and that originates before the age of 18 years.

"Involuntarily admitted" – has the meaning prescribed in Sections 1-119 and 1-119.1 of the MHDD Code (see Section 1.1 of the FOID Act).

"MHDD Code" – the Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Mental health facility" – any licensed private hospital or hospital affiliate, institution or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof that provides treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, that provides treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness (see Section 1.1 of the FOID Act). For purposes of this Part, an inpatient mental health facility includes:

State-operated mental health facility as described in Section 4 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705];

Psychiatric hospital as authorized by DPH;

The specific units of a general hospital providing psychiatric services as authorized by DPH; and

Residential settings. Residential settings include:

Nursing homes or long-term care facilities that are considered Institutes for Mental Disease as that term is described in section 1905(i) of Title XIX of the Social Security Act (42 USC 1396d(i));

The specific units of a nursing home or long-term care facility authorized by DPH to provide psychiatric or behavioral healthcare;

The specific units of a nursing home or long-term care facility held out by the facility as providing psychiatric or behavioral health care;

Specialized Mental Health Rehabilitation Facilities as described in the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49]; and

A supervised transitional residential program funded by the DHS Division of Mental Health (DHS-DMH) when that level of service has been determined to be medically necessary as that term is defined by 59 Ill. Adm. Code 132.

For the purposes of this Part, an outpatient mental health facility includes:

A community mental health agency;

A general hospital that does not provide inpatient psychiatric care;

A general hospital emergency department;

The portions of a psychiatric hospital (or general hospital with psychiatric services) that do not provide inpatient psychiatric services;

A nursing home or long-term care facility that does not provide inpatient psychiatric care;

A health counseling center or health clinic operated by a college or university;

A clinic.

It is possible for a facility to qualify as both an inpatient and outpatient mental health facility.

"National Instant Criminal Background Check System" or "NICS" – the system that a federal firearm licensee must, with limited exceptions, contact for information on whether receipt of a firearm by a person who is not licensed under 18 USC 923 would violate federal or State law (28 CFR 25.2).

"Patient" –

a person who voluntarily receives mental health treatment as an inpatient or resident of any public or private mental health facility, unless the treatment was solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

a person who voluntarily receives mental health treatment as an outpatient or is provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself or others (see Section 1.1 of the FOID Act).

For the purposes of this Part, a person is considered to voluntarily receive mental health services on an inpatient basis if the person is admitted:

On a voluntary basis as that term is used in Article IV of Chapter III of the MHDD Code;

On an informal basis as that term is used in Section 3-300 of the MHDD Code;

As a juvenile under the provisions of Article V of Chapter III of the MHDD Code;

On a petition, or a petition and one or more certificates, as described in Article VI, VII or VII-A of Chapter III of the MHDD Code; or

On a court order for detention and examination under the provisions of Section 3-607 of the MHDD Code.

"Physician" – *any person licensed by the State of Illinois to practice medicine in all its branches and includes any person holding a temporary license, as provided* in the Medical Practice Act of 1987 [225 ILCS 60]. *Physician includes a psychiatrist as defined* in this Section[405 ILCS 5/1-120].

"Psychiatrist" – *a physician as defined* in this Section *who has successfully completed* a residency program in psychiatry *accredited by either the Accreditation Council for Graduate Medical Education* (www.acgme.org) *or the American Osteopathic Association* (www.osteopathic.org) [405 ILCS 5/1-121].

"Qualified examiner" – a person who is:

A clinical social worker as defined in this Part;

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 of mental illness that has been acquired subsequent to any training and experience that constituted a part of the degree program;

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 that includes the provision of mental health services for the evaluation, treatment and prevention of mental and emotional disorders; or

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 Education http://www.aamft.org/imis15/content/

coamfte/About\_COAMFTE.aspx) or the Council for Accreditation of Counseling & Related Educational Programs (www.cacrep.org), who has at least 3 years of supervised post-master's experience as a marriage and family therapist that includes the provisions of mental health services for the evaluation, treatment and prevention of mental and emotional disorders.

A social worker who is a qualified examiner shall be a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] (see 405 ILCS 5/1-122).