

1 AN ACT concerning mental health.

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

4 Section 1. Short title. This Act may be cited as the  
5 Out-of-State Person Subject to Involuntary Admission on an  
6 Inpatient Basis Mental Health Treatment Act.

7 Section 5. Definitions. As used in this Act:

8 "Department" means the Department of Human Services.

9 "Eastern Iowa Mental Health Region" means the Iowa counties  
10 of Cedar, Clinton, Jackson, Muscatine, and Scott.

11 "Person subject to involuntary admission on an inpatient  
12 basis", "mental health facility", and "recipient" have the  
13 meanings ascribed to them in the Mental Health and  
14 Developmental Disabilities Code.

15 "Pilot project area" means the Eastern Iowa Mental Health  
16 Region and Rock Island County, Illinois.

17 "Receiving agency" means a mental health facility located  
18 in Rock Island, Illinois which accepts and provides treatment  
19 to a person from the sending state.

20 "Receiving state" means Illinois.

21 "Sending state" means Iowa.

22 Section 10. Pilot project reciprocal agreement. On or

1 before January 1, 2018, there is created a 2-year mental health  
2 pilot project for which the receiving agency may accept the  
3 admission of an Iowa resident from the Eastern Iowa Mental  
4 Health Region who is a person subject to involuntary admission  
5 on an inpatient basis under an order issued by an Iowa court  
6 for treatment at a receiving agency in this State for which the  
7 Iowa court shall have jurisdiction over the recipient while  
8 committed to a receiving agency in this State as provided under  
9 Section 331.910 of the Iowa Code. The pilot project shall also  
10 provide that a resident of Rock Island County, Illinois who is  
11 a person subject to involuntary admission on an inpatient basis  
12 under an order issued by a court of this State for treatment at  
13 a receiving agency in this State may receive inpatient  
14 treatment in the sending state. The sending state or receiving  
15 agency shall provide mental health services to the recipient  
16 for the duration of the court order and shall return the  
17 recipient to his or her state of legal residence upon  
18 discharge. If a recipient has to enter a State-operated  
19 facility, the recipient must be returned to his or her state of  
20 legal residence.

21 Section 15. Reciprocal agreement. For the purpose of the  
22 pilot project, the reciprocal agreement is limited to court  
23 orders issued by the courts in the Eastern Iowa Mental Health  
24 Region and in Rock Island County, Illinois. Court orders valid  
25 under the law of the sending state are granted recognition and

1 reciprocity in the receiving state's respective pilot project  
2 area to the extent that the court orders relate to commitment  
3 for inpatient treatment of a mental illness. The court orders  
4 are not subject to legal challenge in the courts of the  
5 receiving state. Persons who are detained, committed or placed  
6 under the law of a sending state and who are transferred to a  
7 receiving state under this Section continue to be in the legal  
8 custody of the authority responsible for them under the law of  
9 the sending state. Except in emergencies, those persons may not  
10 be transferred, removed, or furloughed from a facility of the  
11 receiving agency without the specific approval of the authority  
12 responsible for them under the law of the sending state. The  
13 receiving facility, whether public or private, must agree to  
14 the transfer from the sending state before a transfer takes  
15 place. Specifically excluded from this pilot project are those  
16 persons who are involved in criminal proceedings.

17 Section 20. Applicable law. While in the receiving state, a  
18 person shall be subject to all of the provisions of law, rules,  
19 and regulations applicable to persons detained, committed, or  
20 placed under the corresponding laws of the receiving state,  
21 except those laws, rules, and regulations of the receiving  
22 state relating to length of commitment, reexaminations, and  
23 extensions of commitment or recommitment and except as  
24 otherwise provided by this Act. Specifically, the laws of the  
25 receiving state on emergency use of psychotropic medication and

1 the procedures for involuntary forced psychotropic medications  
2 shall apply to the person while in the receiving state. The  
3 laws, rules, and regulations of the sending state relating to  
4 length of commitment, reexaminations, and extensions of  
5 commitment or recommitment shall apply.

6 Section 25. Records. Treatment records shall be managed in  
7 accordance with the laws of the receiving state.

8 Section 30. Receiving agency responsibility.

9 (a) The receiving agency shall secure a re-examination for  
10 a person and arrange any extension or recommitment of a  
11 person's period of commitment. The receiving agency shall  
12 arrange transportation of persons from the receiving facility.

13 (b) If a person receiving services under a contract under  
14 this Act escapes from the receiving agency and the person at  
15 the time of the escape is subject to involuntary admission  
16 under the law of the sending state, the receiving agency shall  
17 use all reasonable means to recapture the escapee. The  
18 receiving agency shall immediately report the escape to the  
19 sending state. The receiving state has the primary  
20 responsibility for, and may direct, the pursuit, retaking, and  
21 prosecution of escaped persons within its jurisdiction.

22 (c) The receiving agency shall seek reimbursement from  
23 public or private insurance or from the county of residence or  
24 the sending state.

1           Section 35. Residence not established. No person  
2 establishes legal residence in the state where the receiving  
3 agency is located while the person is receiving services under  
4 this Act.

5           Section 40. Report to the Department. The receiving agency  
6 shall submit to the Department demographic information on the  
7 number of persons served in this pilot project, lengths of  
8 stay, cost data, and any specific problems or concerns that  
9 were raised during their stay. The agency shall also provide  
10 information about the number of Illinois residents who were  
11 served during the same period and whether any Illinois  
12 residents were denied services due to this pilot project. The  
13 receiving agency shall also notify other providers, hospitals,  
14 courts, law enforcement organizations, and advocacy  
15 organizations in the pilot project area on or before July 1,  
16 2019 of the report to the Department on the pilot project and  
17 ask them to supply any comments to the Department. The  
18 receiving agency shall provide the information on or before  
19 August 1, 2019.

20           Section 45. Repeal. This Act is repealed on January 1,  
21 2020.

22           Section 99. Effective date. This Act takes effect July 1,  
23 2017.