



Rep. Michael Halpin

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LRB100 05515 RLC 23526 a

1 AMENDMENT TO HOUSE BILL 3703

2 AMENDMENT NO. _____. Amend House Bill 3703 by replacing
3 everything after the enacting clause with the following:

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.

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

4 "Receiving state" means Illinois.

5 "Sending state" means Iowa.

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

1 legal residence.

2 Section 15. Reciprocal agreement. For the purpose of the
3 pilot project, the reciprocal agreement is limited to court
4 orders issued by the courts in the Eastern Iowa Mental Health
5 Region and in Rock Island County, Illinois. Court orders valid
6 under the law of the sending state are granted recognition and
7 reciprocity in the receiving state's respective pilot project
8 area to the extent that the court orders relate to commitment
9 for inpatient treatment of a mental illness. The court orders
10 are not subject to legal challenge in the courts of the
11 receiving state. Persons who are detained, committed or placed
12 under the law of a sending state and who are transferred to a
13 receiving state under this Section continue to be in the legal
14 custody of the authority responsible for them under the law of
15 the sending state. Except in emergencies, those persons may not
16 be transferred, removed, or furloughed from a facility of the
17 receiving agency without the specific approval of the authority
18 responsible for them under the law of the sending state. The
19 receiving facility, whether public or private, must agree to
20 the transfer from the sending state before a transfer takes
21 place. Specifically excluded from this pilot project are those
22 persons who are involved in criminal proceedings.

23 Section 20. Applicable law. While in the receiving state, a
24 person shall be subject to all of the provisions of law, rules,

1 and regulations applicable to persons detained, committed, or
2 placed under the corresponding laws of the receiving state,
3 except those laws, rules, and regulations of the receiving
4 state relating to length of commitment, reexaminations, and
5 extensions of commitment or recommitment and except as
6 otherwise provided by this Act. Specifically, the laws of the
7 receiving state on emergency use of psychotropic medication and
8 the procedures for involuntary forced psychotropic medications
9 shall apply to the person while in the receiving state. The
10 laws, rules, and regulations of the sending state relating to
11 length of commitment, reexaminations, and extensions of
12 commitment or recommitment shall apply.

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

15 Section 30. Receiving agency responsibility.

16 (a) The receiving agency shall secure a re-examination for
17 a person and arrange any extension or recommitment of a
18 person's period of commitment. The receiving agency shall
19 arrange transportation of persons from the receiving facility.

20 (b) If a person receiving services under a contract under
21 this Act escapes from the receiving agency and the person at
22 the time of the escape is subject to involuntary admission
23 under the law of the sending state, the receiving agency shall
24 use all reasonable means to recapture the escapee. The

1 receiving agency shall immediately report the escape to the
2 sending state. The receiving state has the primary
3 responsibility for, and may direct, the pursuit, retaking, and
4 prosecution of escaped persons within its jurisdiction.

5 (c) The receiving agency shall seek reimbursement from
6 public or private insurance or from the county of residence or
7 the sending state.

8 Section 35. Residence not established. No person
9 establishes legal residence in the state where the receiving
10 agency is located while the person is receiving services under
11 this Act.

12 Section 40. Report to the Department. The receiving agency
13 shall submit to the Department demographic information on the
14 number of persons served in this pilot project, lengths of
15 stay, cost data, and any specific problems or concerns that
16 were raised during their stay. The agency shall also provide
17 information about the number of Illinois residents who were
18 served during the same period and whether any Illinois
19 residents were denied services due to this pilot project. The
20 receiving agency shall also notify other providers, hospitals,
21 courts, law enforcement organizations, and advocacy
22 organizations in the pilot project area on or before July 1,
23 2019 of the report to the Department on the pilot project and
24 ask them to supply any comments to the Department. The

1 receiving agency shall provide the information on or before
2 August 1, 2019.

3 Section 45. Repeal. This Act is repealed on January 1,
4 2020.

5 Section 99. Effective date. This Act takes effect July 1,
6 2017.".