

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 2-200 as
6 follows:

7 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

8 Sec. 2-200. (a) Upon commencement of services, or as soon
9 thereafter as the condition of the recipient permits, every
10 adult recipient, as well as the recipient's guardian or
11 substitute decision maker, and every recipient who is 12 years
12 of age or older and the parent or guardian of a minor or person
13 under guardianship shall be informed orally and in writing of
14 the rights guaranteed by this Chapter which are relevant to the
15 nature of the recipient's services program. Every facility
16 shall also post conspicuously in public areas a summary of the
17 rights which are relevant to the services delivered by that
18 facility as well as contact information for the Guardianship
19 and Advocacy Commission and the agency designated by the
20 Governor under Section 1 of the Protection and Advocacy for
21 Persons with Developmental Disabilities Act.

22 (b) A recipient who is 12 years of age or older and the
23 parent or guardian of a minor or person under guardianship at

1 any time may designate, and upon commencement of services shall
2 be informed of the right to designate, a person or agency to
3 receive notice under Section 2-201 or to direct that no
4 information about the recipient be disclosed to any person or
5 agency.

6 (c) Upon commencement of services, or as soon thereafter as
7 the condition of the recipient permits, the facility shall ask
8 the adult recipient or minor recipient admitted pursuant to
9 Section 3-502 whether the recipient wants the facility to
10 contact the recipient's spouse, parents, guardian, close
11 relatives, friends, attorney, advocate from the Guardianship
12 and Advocacy Commission or the agency designated by the
13 Governor under Section 1 of the Protection and Advocacy for
14 Persons with Developmental Disabilities Act ~~"An Act in relation~~
15 ~~to the protection and advocacy of the rights of persons with~~
16 ~~developmental disabilities, and amending Acts therein named",~~
17 ~~approved September 20, 1985,~~ or others and inform them of the
18 recipient's presence at the facility. The facility shall by
19 phone or by mail contact at least two of those people
20 designated by the recipient and shall inform them of the
21 recipient's location. If the recipient so requests, the
22 facility shall also inform them of how to contact the
23 recipient.

24 (d) Upon commencement of services, or as soon thereafter as
25 the condition of the recipient permits, the facility shall
26 advise the recipient as to the circumstances under which the

1 law permits the use of emergency forced medication or
2 electroconvulsive therapy under subsection (a) of Section
3 2-107, restraint under Section 2-108, or seclusion under
4 Section 2-109. At the same time, the facility shall inquire of
5 the recipient which form of intervention the recipient would
6 prefer if any of these circumstances should arise. The
7 recipient's preference shall be noted in the recipient's record
8 and communicated by the facility to the recipient's guardian or
9 substitute decision maker, if any, and any other individual
10 designated by the recipient. If any such circumstances
11 subsequently do arise, the facility shall give due
12 consideration to the preferences of the recipient regarding
13 which form of intervention to use as communicated to the
14 facility by the recipient or as stated in the recipient's
15 advance directive.

16 (Source: P.A. 95-172, eff. 8-14-07.)