



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0624

Introduced 1/25/2017, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

See Index

Creates the Out-of State Person Subject to Involuntary Admission on an Inpatient Basis Mental Health Treatment Act. Provides that on or before January 1, 2018, there is created a 2-year mental health pilot program for which a mental health facility located in Rock Island County, Illinois may accept the admission of an Iowa resident from the Eastern Iowa Mental Health Region who is a person subject to involuntary admission on an inpatient basis under an order issued by an Iowa court for treatment at a mental health facility in this State for which the Iowa court shall have jurisdiction over the recipient while committed to a mental health facility in this State. Provides that the pilot program shall also provide that a resident of Rock Island County, Illinois who is a person subject to involuntary admission on an inpatient basis under an order issued by a court of this State for treatment at a mental health facility in this State may receive inpatient treatment in an Iowa mental health facility. Provides that the Iowa or Illinois mental health facility shall provide mental health services to the recipient for the duration of the court order and shall return the recipient to his or her state of legal residence upon discharge. In the event a recipient has to enter a State-operated facility, the recipient must be returned to his or her state of legal residence. Defines "Eastern Iowa Mental Health Region", "person subject to involuntary admission on an inpatient basis", "mental health facility", "Pilot Project Area", "receiving agency", "receiving state", and "sending state". Provide that the Act is repealed on January 1, 2020. Effective July 1, 2017.

LRB100 05516 RLC 15528 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Out-of-
5 State Person Subject to Involuntary Admission on an Inpatient
6 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 counties of
10 Cedar, Clinton, Jackson, Muscatine, and Scott Iowa.

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 the agency which accepts and
18 provides treatment to a person from a state other than the one
19 in which the agency is located.

20 "Receiving state" means the state where the receiving
21 agency is located.

22 "Sending state" means the state which sends a person to
23 another state for treatment.

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

23 Section 15. Reciprocal agreement. For the purpose of this
24 Pilot Program, the reciprocal agreement is limited to court

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

21 Section 20. Applicable laws. While in the receiving state,
22 an individual shall be subject to all of the provisions of law
23 and regulations applicable to persons detained, committed, or
24 placed under the corresponding laws of the receiving state,
25 except those laws and regulations of the receiving state

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

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

12 Section 30. Receiving agency responsibility.

13 (a) It is the responsibility of the receiving agency to
14 secure a re-examination for an individual and for arranging any
15 extension or recommitment of an individual's period of
16 commitment. The receiving agency is also responsible for the
17 arrangement of transportation of individuals from the
18 receiving facility.

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

1 sending agency. The receiving state has the primary
2 responsibility for, and the authority to direct, the pursuit,
3 retaking, and any prosecution of escaped persons within its
4 borders.

5 (c) It is the responsibility of the receiving agency to
6 seek reimbursement from public or private insurance or from the
7 county of residence or 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 General Assembly. The receiving
13 agency shall submit to the Department demographic information
14 on the number of persons served in this pilot program, lengths
15 of stay, cost data, any specific problems or concerns that were
16 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 program. 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 General Assembly on the pilot program
24 and ask them to supply any comments to the Department. The

1 receiving agency shall provide the information on or before
2 August 1, 2019. The Department shall submit a report to the
3 General Assembly on or before October 31, 2019 that includes a
4 review of the program, including a cost analysis to the State
5 of Illinois during the pilot program, as well as
6 recommendations on whether the program should be extended or
7 become permanent. Mental health facilities in the pilot program
8 area shall be responsible for supplying the Department with any
9 necessary data in order to satisfy the report.

10 Section 45. Repeal. This Act is repealed on January 1,
11 2020.

12 Section 99. Effective date. This Act takes effect July 1,
13 2017.

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Statutes amended in order of appearance

3

New Act