

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 3-610 as
6 follows:

7 (405 ILCS 5/3-610) (from Ch. 91 1/2, par. 3-610)

8 Sec. 3-610. As soon as possible but not later than 24
9 hours, excluding Saturdays, Sundays and holidays, after
10 admission of a respondent pursuant to this Article, the
11 respondent shall be personally examined by a psychiatrist. The
12 psychiatrist may be a member of the staff of the facility but
13 shall not be the person who executed the first certificate. If
14 a certificate has already been completed by a psychiatrist
15 following the respondent's admission, the respondent shall be
16 examined by another psychiatrist or by a physician, clinical
17 psychologist, or qualified examiner. If, as a result of this
18 second examination, a certificate is executed, the certificate
19 shall be promptly filed with the court. If the certificate
20 states that the respondent is subject to involuntary admission
21 but not in need of immediate hospitalization, the respondent
22 may remain in his or her place of residence pending a hearing
23 on the petition unless he or she voluntarily agrees to

1 inpatient treatment. If the respondent is not examined or if
2 the psychiatrist, physician, clinical psychologist, or
3 qualified examiner does not execute a certificate pursuant to
4 Section 3-602, the respondent shall be released forthwith. For
5 the purpose of this Section, a personal examination includes an
6 examination performed in real time (synchronous examination)
7 via an Interactive Telecommunication System as defined in 89
8 Ill. Adm. Code 140.403(a)(5). An examination via an Interactive
9 Telecommunication System may only be used for certification
10 under this Section when a psychiatrist is not on-site within
11 the time period set forth in this Section. If the examination
12 is performed via an Interactive Communication System, that fact
13 shall be noted on the certificate.

14 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)