



Rep. Anna Moeller

Filed: 5/6/2019

10100SB1510ham001

LRB101 08498 RPS 60228 a

1 AMENDMENT TO SENATE BILL 1510

2 AMENDMENT NO. _____. Amend Senate Bill 1510 as follows:

3 on page 1, line 5, by deleting "2-204,"; and

4 on page 7, by replacing lines 14 through 19 with "enforced by
5 an action brought by the Department for injunctive relief,
6 civil penalties, or both injunctive relief and civil penalties
7 in the name of the People of Illinois. The Department may
8 initiate such action upon its own complaint or the complaint of
9 any other interested party."; and

10 on page 7, line 23, by deleting "person and"; and

11 by deleting line 18 on page 8 through line 25 on page 11; and

12 on page 16, line 11, after "3-103.1", by inserting ", if any";

13 and

1 on page 16, line 15, by deleting "regularly"; and

2 on page 16, by replacing line 26 with "shall be imposed for the
3 quarter beginning October 1, 2020 and"; and

4 on page 17, line 5, by replacing "twice" with "one and
5 one-half"; and

6 on page 17, by deleting lines 19 through 26; and

7 on page 20, line 3, after "may", by inserting "elect to"; and

8 on page 20, immediately below line 12, by inserting the
9 following:

10 "Section 10. The Specialized Mental Health Rehabilitation
11 Act of 2013 is amended by changing Section 3-106 as follows:

12 (210 ILCS 49/3-106)

13 Sec. 3-106. Pharmaceutical treatment.

14 (a) A consumer shall not be given unnecessary drugs. An
15 unnecessary drug is any drug used in an excessive dose,
16 including in duplicative therapy; for excessive duration;
17 without adequate monitoring; without adequate indications for
18 its use; or in the presence of adverse consequences that

1 indicate the drug should be reduced or discontinued. The
2 Department shall adopt, by rule, the standards for unnecessary
3 drugs.

4 ~~(b) (Blank). Informed consent shall be required for the~~
5 ~~prescription of psychotropic medication consistent with the~~
6 ~~requirements contained in subsection (b) of Section 2-106.1 of~~
7 ~~the Nursing Home Care Act.~~

8 (b-5) Psychotropic medication shall not be prescribed
9 without the informed consent of the consumer, the consumer's
10 guardian, or other authorized representative. "Psychotropic
11 medication" means medication that is used for or listed as used
12 for antipsychotic, antidepressant, antimanic, or antianxiety
13 behavior modification or behavior management purposes in the
14 latest editions of the AMA Drug Evaluations or the Physician's
15 Desk Reference. The Department shall adopt, by rule, a protocol
16 specifying how informed consent for psychotropic medication
17 may be obtained or refused. The protocol shall require, at a
18 minimum, a discussion between (i) the consumer or the
19 consumer's authorized representative and (ii) the consumer's
20 physician, a registered pharmacist (who is not a dispensing
21 pharmacist for the facility where the consumer lives), or a
22 licensed nurse about the possible risks and benefits of a
23 recommended medication and the use of standardized consent
24 forms designated by the Department. Each form developed by the
25 Department (i) shall be written in plain language, (ii) shall
26 be able to be downloaded from the Department's official

1 website, (iii) shall include information specific to the
2 psychotropic medication for which consent is being sought, and
3 (iv) shall be used for every consumer for whom psychotropic
4 drugs are prescribed. In addition to creating those forms, the
5 Department shall approve the use of any other informed consent
6 forms that meet criteria developed by the Department.

7 In addition to any other penalty prescribed by law, a
8 facility that is found to have violated this subsection, or the
9 federal certification requirement that informed consent be
10 obtained before administering a psychotropic medication, shall
11 thereafter be required to obtain the signatures of 2 licensed
12 health care professionals on every form purporting to give
13 informed consent for the administration of a psychotropic
14 medication, certifying the personal knowledge of each health
15 care professional that the consent was obtained in compliance
16 with the requirements of this subsection.

17 The requirements of this Section are intended to control in
18 a conflict with the requirements of Sections 2-102 and 2-107.2
19 of the Mental Health and Developmental Disabilities Code with
20 respect to the administration of psychotropic medication.

21 (c) No drug shall be administered except upon the order of
22 a person lawfully authorized to prescribe for and treat mental
23 illness.

24 (d) All drug orders shall be written, dated, and signed by
25 the person authorized to give such an order. The name,
26 quantity, or specific duration of therapy, dosage, and time or

1 frequency of administration of the drug and the route of
2 administration if other than oral shall be specific.

3 (e) Verbal orders for drugs and treatment shall be received
4 only by those authorized under Illinois law to do so from their
5 supervising physician. Such orders shall be recorded
6 immediately in the consumer's record by the person receiving
7 the order and shall include the date and time of the order.

8 (Source: P.A. 98-104, eff. 7-22-13.)".