



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1966

Introduced 2/26/2021, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

New Act

Creates the Interstate Contracts for Mental Health and Substance Use Disorder Treatment Act. Provides that the purpose of the Act is to enable Illinois and Wisconsin residents who are subject, by court order, to involuntary admission on an inpatient basis for the treatment of a mental health or substance use disorder to obtain appropriate treatment across state lines in qualified hospitals and facilities that are closer to their homes than are facilities available in their home states. Permits mental health facilities located in certain northern border counties to contract with Wisconsin county departments to provide substance use or mental health treatment to Wisconsin residents who are subject to involuntary commitment orders for treatment issued by Wisconsin courts, except that no services may be provided to Wisconsin residents who are involved in a criminal proceeding. Permits mental health facilities located in certain northern border counties to contract with Wisconsin county departments to secure substance use or mental health treatment for Illinois residents who are subject to involuntary commitment orders for treatment issued by State courts, except that no services may be secured for Illinois residents who are committed under specified provisions of the Code of Criminal Procedure or the Unified Code of Corrections. Contains provisions concerning involuntary commitment court orders, treatment records, transfers between facilities, required contract provisions, and other matters.

LRB102 17305 KTG 22790 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
5 Interstate Contracts for Mental Health and Substance Use
6 Disorder Treatment Act.

7 Section 3. Purpose. The purpose of this Act is to enable
8 Illinois and Wisconsin residents who are subject, by court
9 order, to involuntary admission on an inpatient basis for the
10 treatment of a mental health or substance use disorder to
11 obtain appropriate treatment across state lines in qualified
12 hospitals and facilities that are closer to their homes than
13 are facilities available in their home states.

14 Section 5. Definitions. As used in this Act:

15 "Subject to involuntary admission on an inpatient basis",
16 "mental health facility", and "recipient" have the meanings
17 ascribed to them in the Mental Health and Developmental
18 Disabilities Code.

19 "Receiving agency" means a mental health facility that
20 provides substance use disorder or mental health treatment to
21 a person from a state other than the state in which a facility
22 is located.

1 "Receiving state" means the state in which the receiving
2 agency is located.

3 "Northern border county" means the Illinois counties of
4 Boone, DeKalb, DuPage, Kane, Lake, McHenry, and Winnebago.

5 "Sending agency" means a mental health facility located in
6 a state which sends a person to a receiving state for substance
7 use disorder or mental health treatment.

8 "Sending state" means the state in which a sending agency
9 is located.

10 "Wisconsin Southeast Region" means the Wisconsin counties
11 of Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth,
12 Washington, and Waukesha.

13 Section 10. Purchase of services. A mental health facility
14 located in a northern border county may contract as provided
15 under this Act with a county department located in the
16 Wisconsin Southeast Region to secure substance use disorder or
17 mental health treatment for Illinois residents who are subject
18 to involuntary admission on an inpatient basis under orders
19 issued by courts of this State for treatment at the mental
20 health facility or hospital, except that substance use
21 disorder or mental health treatment may not be secured for
22 persons committed under Section 104-13 or 104-25 of the Code
23 of Criminal Procedure of 1963 or under Section 5-2-4 of the
24 Unified Code of Corrections.

1 Section 15. Provision of services. A mental health
2 facility located in a northern border county may contract as
3 provided under this Act with a county department located in
4 the Wisconsin Southeast Region to provide substance use
5 disorder or mental health treatment to Wisconsin residents who
6 are subject to involuntary admission on an inpatient basis
7 under orders issued by Wisconsin courts which shall have
8 jurisdiction over the Wisconsin residents while they are
9 committed to the mental health facility or hospital for
10 treatment as provided under Section 51.87 of the Wisconsin
11 Statutes, except that substance use disorder or mental health
12 treatment may not be provided for Wisconsin residents who are
13 involved in a criminal proceeding.

14 Section 20. Residence not established. No person
15 establishes legal residence in the state where the receiving
16 agency is located while the person is receiving services in
17 accordance with a contract under this Act.

18 Section 25. Treatment records. Treatment records shall be
19 managed in accordance with the laws of the receiving state.

20 Section 30. Involuntary commitments. An individual who is
21 detained, committed, or placed on an involuntary basis under
22 Article VI or VII of the Mental Health and Developmental
23 Disabilities Code may be confined and treated for a mental

1 health or substance use disorder in a public or private
2 hospital or mental health facility located in the Wisconsin
3 Southeast Region in accordance with a contract under this Act.
4 An individual who is detained, committed, or placed under the
5 civil laws of Wisconsin may be confined and treated in this
6 State in accordance with a contract under this Act. Court
7 orders valid under the law of the sending state are granted
8 recognition and reciprocity in the receiving state for
9 individuals covered by a contract under this Act to the extent
10 that the court orders relate to confinement for treatment or
11 care of a mental health or substance use disorder. Such court
12 orders are not subject to legal challenge in the courts of the
13 receiving state. Persons who are detained, committed, or
14 placed under the law of a sending state and who are transferred
15 to a receiving state under this Act continue to be in the legal
16 custody of the authority responsible for them under the law of
17 the sending state. Except in emergencies, those persons may
18 not be transferred, removed, or furloughed from a facility of
19 the receiving agency without the specific approval of the
20 authority responsible for them under the law of the sending
21 state.

22 Section 35. Applicable laws. While in the receiving state
23 in accordance with a contract under this Act, an individual
24 shall be subject to all of the provisions of law, rules, and
25 regulations applicable to persons detained, committed, or

1 placed in accordance with the corresponding laws of the
2 receiving state, except those law, rules, and regulations of
3 the receiving state relating to length of confinement,
4 reexaminations, and extensions of confinement and except as
5 otherwise provided by this Act. The law, rules, and
6 regulations of the sending state relating to length of
7 confinement, reexaminations, and extensions of confinement
8 shall apply. No person may be sent to another state in
9 accordance with a contract under this Act until the receiving
10 state has enacted a law recognizing the validity and
11 applicability of this State's laws as provided in this Act.

12 Section 40. Transfers between facilities. An individual
13 may be transferred between facilities of the receiving state
14 if transfers are permitted by the contract under this Act
15 providing for the individual's care.

16 Section 50. Required contract provisions. All contracts
17 under this Act shall do all of the following:

18 (1) Establish the responsibility for the costs of all
19 services to be provided under the contract.

20 (2) Establish the responsibility for the
21 transportation of clients to and from receiving
22 facilities.

23 (3) Provide for reports by the receiving agency to the
24 sending agency on the condition of each client covered by

1 the contract.

2 (4) Provide for arbitration of disputes arising out of
3 the provisions of the contract which cannot be settled
4 through discussion between the contracting parties and
5 specify how arbitrators will be chosen.

6 (5) Include provisions ensuring the nondiscriminatory
7 treatment, as required by law, of employees, clients, and
8 applicants for employment and services.

9 (6) Establish the responsibility for providing legal
10 representation for clients in legal proceedings involving
11 the legality of confinement and the conditions of
12 confinement.

13 (7) Establish the responsibility for providing legal
14 representation for employees of the contracting parties in
15 legal proceedings initiated by persons receiving treatment
16 in accordance with the contract.

17 (8) Include provisions concerning the length of the
18 contract and the means by which the contract can be
19 terminated.

20 (9) Establish the right of qualified employees and
21 representatives of the sending agency and sending state to
22 inspect, at all reasonable times, the records of the
23 receiving agency and its treatment facilities to determine
24 if appropriate standards of care are met for clients
25 receiving services under the contract.

26 (10) Require the sending agency to provide the

1 receiving agency with copies of all relevant legal
2 documents authorizing confinement of persons who are
3 confined in accordance with the law of the sending state
4 and receiving services in accordance with a contract under
5 this Act.

6 (11) Establish the responsibility for securing a
7 reexamination for an individual and for extending an
8 individual's period of confinement.

9 (12) Include provisions specifying when a receiving
10 facility can refuse to admit or retain an individual.

11 (13) Specify the circumstances under which individuals
12 will be permitted home visits and granted passes to leave
13 the facility.