

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 Disorder Treatment Act.

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

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

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

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

22 "Receiving state" means the state in which the receiving

1 agency is located.

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

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

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

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

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

24 Section 15. Provision of services. A private mental health

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

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

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

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

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

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

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

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

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

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

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

21 (3) Provide for reports by the receiving agency to the
22 sending agency on the condition of each client covered by
23 the contract.

24 (4) Provide for arbitration of disputes arising out of

1 the provisions of the contract which cannot be settled
2 through discussion between the contracting parties and
3 specify how arbitrators will be chosen.

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

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

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

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

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

24 (10) Require the sending agency to provide the
25 receiving agency with copies of all relevant legal
26 documents authorizing confinement of persons who are

1 confined in accordance with the law of the sending state
2 and receiving services in accordance with a contract under
3 this Act.

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

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

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

12 Section 55. Applicability. This Act does not apply to
13 state-operated or public facilities or hospitals located in
14 Wisconsin or Illinois.