



Rep. Deb Conroy

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LRB102 22973 JDS 38271 a

1 AMENDMENT TO SENATE BILL 3617

2 AMENDMENT NO. _____. Amend Senate Bill 3617, on page 13,
3 immediately below line 19, by inserting the following:

4 "Section 5-5. The Specialized Mental Health Rehabilitation
5 Act of 2013 is amended by changing Sections 1-102 and 2-102.5
6 as follows:

7 (210 ILCS 49/1-102)

8 Sec. 1-102. Definitions. For the purposes of this Act,
9 unless the context otherwise requires:

10 "Abuse" means any physical or mental injury or sexual
11 assault inflicted on a consumer other than by accidental means
12 in a facility.

13 "Accreditation" means any of the following:

14 (1) the Joint Commission;

15 (2) the Commission on Accreditation of Rehabilitation
16 Facilities;

1 (3) the Healthcare Facilities Accreditation Program;
2 or

3 (4) any other national standards of care as approved
4 by the Department.

5 "APRN" means an Advanced Practice Registered Nurse,
6 nationally certified as a mental health or psychiatric nurse
7 practitioner and licensed under the Nurse Practice Act.

8 "Applicant" means any person making application for a
9 license or a provisional license under this Act.

10 "Consumer" means a person, 18 years of age or older,
11 admitted to a mental health rehabilitation facility for
12 evaluation, observation, diagnosis, treatment, stabilization,
13 recovery, and rehabilitation.

14 "Consumer" does not mean any of the following:

15 (i) an individual requiring a locked setting;

16 (ii) an individual requiring psychiatric
17 hospitalization because of an acute psychiatric crisis;

18 (iii) an individual under 18 years of age;

19 (iv) an individual who is actively suicidal or violent
20 toward others;

21 (v) an individual who has been found unfit to stand
22 trial;

23 (vi) an individual who has been found not guilty by
24 reason of insanity based on committing a violent act, such
25 as sexual assault, assault with a deadly weapon, arson, or
26 murder;

1 (vii) an individual subject to temporary detention and
2 examination under Section 3-607 of the Mental Health and
3 Developmental Disabilities Code;

4 (viii) an individual deemed clinically appropriate for
5 inpatient admission in a State psychiatric hospital; and

6 (ix) an individual transferred by the Department of
7 Corrections pursuant to Section 3-8-5 of the Unified Code
8 of Corrections.

9 "Consumer record" means a record that organizes all
10 information on the care, treatment, and rehabilitation
11 services rendered to a consumer in a specialized mental health
12 rehabilitation facility.

13 "Controlled drugs" means those drugs covered under the
14 federal Comprehensive Drug Abuse Prevention Control Act of
15 1970, as amended, or the Illinois Controlled Substances Act.

16 "Department" means the Department of Public Health.

17 "Discharge" means the full release of any consumer from a
18 facility.

19 "Drug administration" means the act in which a single dose
20 of a prescribed drug or biological is given to a consumer. The
21 complete act of administration entails removing an individual
22 dose from a container, verifying the dose with the
23 prescriber's orders, giving the individual dose to the
24 consumer, and promptly recording the time and dose given.

25 "Drug dispensing" means the act entailing the following of
26 a prescription order for a drug or biological and proper

1 selection, measuring, packaging, labeling, and issuance of the
2 drug or biological to a consumer.

3 "Emergency" means a situation, physical condition, or one
4 or more practices, methods, or operations which present
5 imminent danger of death or serious physical or mental harm to
6 consumers of a facility.

7 "Facility" means a specialized mental health
8 rehabilitation facility that provides at least one of the
9 following services: (1) triage center; (2) crisis
10 stabilization; (3) recovery and rehabilitation supports; or
11 (4) transitional living units for 3 or more persons. The
12 facility shall provide a 24-hour program that provides
13 intensive support and recovery services designed to assist
14 persons, 18 years or older, with mental disorders to develop
15 the skills to become self-sufficient and capable of increasing
16 levels of independent functioning. It includes facilities that
17 meet the following criteria:

18 (1) 100% of the consumer population of the facility
19 has a diagnosis of serious mental illness;

20 (2) no more than 15% of the consumer population of the
21 facility is 65 years of age or older;

22 (3) none of the consumers are non-ambulatory;

23 (4) none of the consumers have a primary diagnosis of
24 moderate, severe, or profound intellectual disability; and

25 (5) the facility must have been licensed under the
26 Specialized Mental Health Rehabilitation Act or the

1 Nursing Home Care Act immediately preceding July 22, 2013
2 (the effective date of this Act) and qualifies as an
3 institute for mental disease under the federal definition
4 of the term.

5 "Facility" does not include the following:

6 (1) a home, institution, or place operated by the
7 federal government or agency thereof, or by the State of
8 Illinois;

9 (2) a hospital, sanitarium, or other institution whose
10 principal activity or business is the diagnosis, care, and
11 treatment of human illness through the maintenance and
12 operation as organized facilities therefor which is
13 required to be licensed under the Hospital Licensing Act;

14 (3) a facility for child care as defined in the Child
15 Care Act of 1969;

16 (4) a community living facility as defined in the
17 Community Living Facilities Licensing Act;

18 (5) a nursing home or sanatorium operated solely by
19 and for persons who rely exclusively upon treatment by
20 spiritual means through prayer, in accordance with the
21 creed or tenets of any well-recognized church or religious
22 denomination; however, such nursing home or sanatorium
23 shall comply with all local laws and rules relating to
24 sanitation and safety;

25 (6) a facility licensed by the Department of Human
26 Services as a community-integrated living arrangement as

1 defined in the Community-Integrated Living Arrangements
2 Licensure and Certification Act;

3 (7) a supportive residence licensed under the
4 Supportive Residences Licensing Act;

5 (8) a supportive living facility in good standing with
6 the program established under Section 5-5.01a of the
7 Illinois Public Aid Code, except only for purposes of the
8 employment of persons in accordance with Section 3-206.01
9 of the Nursing Home Care Act;

10 (9) an assisted living or shared housing establishment
11 licensed under the Assisted Living and Shared Housing Act,
12 except only for purposes of the employment of persons in
13 accordance with Section 3-206.01 of the Nursing Home Care
14 Act;

15 (10) an Alzheimer's disease management center
16 alternative health care model licensed under the
17 Alternative Health Care Delivery Act;

18 (11) a home, institution, or other place operated by
19 or under the authority of the Illinois Department of
20 Veterans' Affairs;

21 (12) a facility licensed under the ID/DD Community
22 Care Act;

23 (13) a facility licensed under the Nursing Home Care
24 Act after July 22, 2013 (the effective date of this Act);
25 or

26 (14) a facility licensed under the MC/DD Act.

1 "Executive director" means a person who is charged with
2 the general administration and supervision of a facility
3 licensed under this Act and who is a licensed nursing home
4 administrator, licensed practitioner of the healing arts, or
5 qualified mental health professional.

6 "Guardian" means a person appointed as a guardian of the
7 person or guardian of the estate, or both, of a consumer under
8 the Probate Act of 1975.

9 "Identified offender" means a person who meets any of the
10 following criteria:

11 (1) Has been convicted of, found guilty of,
12 adjudicated delinquent for, found not guilty by reason of
13 insanity for, or found unfit to stand trial for, any
14 felony offense listed in Section 25 of the Health Care
15 Worker Background Check Act, except for the following:

16 (i) a felony offense described in Section 10-5 of
17 the Nurse Practice Act;

18 (ii) a felony offense described in Section 4, 5,
19 6, 8, or 17.02 of the Illinois Credit Card and Debit
20 Card Act;

21 (iii) a felony offense described in Section 5,
22 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

23 (iv) a felony offense described in Section 401,
24 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
25 Controlled Substances Act; and

26 (v) a felony offense described in the

1 Methamphetamine Control and Community Protection Act.

2 (2) Has been convicted of, adjudicated delinquent for,
3 found not guilty by reason of insanity for, or found unfit
4 to stand trial for, any sex offense as defined in
5 subsection (c) of Section 10 of the Sex Offender
6 Management Board Act.

7 "Transitional living units" are residential units within a
8 facility that have the purpose of assisting the consumer in
9 developing and reinforcing the necessary skills to live
10 independently outside of the facility. The duration of stay in
11 such a setting shall not exceed 120 days for each consumer.
12 Nothing in this definition shall be construed to be a
13 prerequisite for transitioning out of a facility.

14 "Licensee" means the person, persons, firm, partnership,
15 association, organization, company, corporation, or business
16 trust to which a license has been issued.

17 "Misappropriation of a consumer's property" means the
18 deliberate misplacement, exploitation, or wrongful temporary
19 or permanent use of a consumer's belongings or money without
20 the consent of a consumer or his or her guardian.

21 "Neglect" means a facility's failure to provide, or
22 willful withholding of, adequate medical care, mental health
23 treatment, psychiatric rehabilitation, personal care, or
24 assistance that is necessary to avoid physical harm and mental
25 anguish of a consumer.

26 "Personal care" means assistance with meals, dressing,

1 movement, bathing, or other personal needs, maintenance, or
2 general supervision and oversight of the physical and mental
3 well-being of an individual who is incapable of maintaining a
4 private, independent residence or who is incapable of managing
5 his or her person, whether or not a guardian has been appointed
6 for such individual. "Personal care" shall not be construed to
7 confine or otherwise constrain a facility's pursuit to develop
8 the skills and abilities of a consumer to become
9 self-sufficient and capable of increasing levels of
10 independent functioning.

11 "Recovery and rehabilitation supports" means a program
12 that facilitates a consumer's longer-term symptom management
13 and stabilization while preparing the consumer for
14 transitional living units by improving living skills and
15 community socialization. The duration of stay in such a
16 setting shall be established by the Department by rule.

17 "Restraint" means:

18 (i) a physical restraint that is any manual method or
19 physical or mechanical device, material, or equipment
20 attached or adjacent to a consumer's body that the
21 consumer cannot remove easily and restricts freedom of
22 movement or normal access to one's body; devices used for
23 positioning, including, but not limited to, bed rails,
24 gait belts, and cushions, shall not be considered to be
25 restraints for purposes of this Section; or

26 (ii) a chemical restraint that is any drug used for

1 discipline or convenience and not required to treat
2 medical symptoms; the Department shall, by rule, designate
3 certain devices as restraints, including at least all
4 those devices that have been determined to be restraints
5 by the United States Department of Health and Human
6 Services in interpretive guidelines issued for the
7 purposes of administering Titles XVIII and XIX of the
8 federal Social Security Act. For the purposes of this Act,
9 restraint shall be administered only after utilizing a
10 coercive free environment and culture.

11 "Self-administration of medication" means consumers shall
12 be responsible for the control, management, and use of their
13 own medication.

14 "Crisis stabilization" means a secure and separate unit
15 that provides short-term behavioral, emotional, or psychiatric
16 crisis stabilization as an alternative to hospitalization or
17 re-hospitalization for consumers from residential or community
18 placement. The duration of stay in such a setting shall not
19 exceed 21 days for each consumer.

20 "Therapeutic separation" means the removal of a consumer
21 from the milieu to a room or area which is designed to aid in
22 the emotional or psychiatric stabilization of that consumer.

23 "Triage center" means a non-residential 23-hour center
24 that serves as an alternative to emergency room care,
25 hospitalization, or re-hospitalization for consumers in need
26 of short-term crisis stabilization. Consumers may access a

1 triage center from a number of referral sources, including
2 family, emergency rooms, hospitals, community behavioral
3 health providers, federally qualified health providers, or
4 schools, including colleges or universities. A triage center
5 may be located in a building separate from the licensed
6 location of a facility, but shall not be more than 1,000 feet
7 from the licensed location of the facility and must meet all of
8 the facility standards applicable to the licensed location. If
9 the triage center does operate in a separate building, safety
10 personnel shall be provided, on site, 24 hours per day and the
11 triage center shall meet all other staffing requirements
12 without counting any staff employed in the main facility
13 building.

14 (Source: P.A. 99-180, eff. 7-29-15; 100-201, eff. 8-18-17;
15 100-365, eff. 8-25-17.)

16 (210 ILCS 49/2-102.5 new)

17 Sec. 2-102.5. Psychiatric visits. For the purposes of this
18 Act, any required psychiatric visit to a consumer may be
19 conducted by an APRN or by a physician."