



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3350

Introduced 2/17/2023, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

405 ILCS 20/1	from Ch. 91 1/2, par. 301
405 ILCS 20/3e	from Ch. 91 1/2, par. 303e
405 ILCS 20/3h new	

Provides that this amendatory Act may be referred to as the Vera, Vivian, and Amilia Kisliak Law to Support Victims of Domestic Violence. Amends the Community Mental Health Act. Defines "domestic violence". Provides that the governing body of a governmental unit that has established a community mental health board may pass a resolution authorizing a proposition asking whether the community mental health board shall provide services for victims of domestic violence in addition to providing mental health facilities and services. Provides that the community mental health board may, if authorized, perform such acts as may be necessary to provide services for victims of domestic violence. Makes conforming changes. Effective immediately.

LRB103 26905 SPS 53269 b

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. This Act may be referred to as the Vera, Vivian,
5 and Amilia Kisliak Law to Support Victims of Domestic
6 Violence.

7 Section 5. The Community Mental Health Act is amended by
8 changing Sections 1 and 3e and by adding Section 3h as follows:

9 (405 ILCS 20/1) (from Ch. 91 1/2, par. 301)

10 Sec. 1. As used in this Act:

11 "Direct recipient services" means only those services
12 required to carry out a completed individualized treatment
13 plan that is signed by a service recipient or legal guardian.
14 Crisis assessment and stabilization services are excluded,
15 although these services may be anticipated in a treatment
16 plan.

17 "Domestic violence" has the meaning ascribed to that term
18 in the Illinois Domestic Violence Act of 1986.

19 "Governmental unit" means any county, city, village,
20 incorporated town, or township.

21 "Person with a developmental disability" means any person
22 or persons so diagnosed and as defined in the Mental Health and

1 Developmental Disabilities Code. Community mental health
2 boards operating under this Act may in their jurisdiction, by
3 a majority vote, add to the definition of "person with a
4 developmental disability".

5 "Mental illness" has the meaning ascribed to that term in
6 the Mental Health and Developmental Disabilities Code.
7 Community mental health boards operating under this Act may in
8 their jurisdiction, by a majority vote, add to the definition
9 of "mental illness".

10 "Substance use disorder" encompasses substance abuse,
11 dependence, and addiction, not inconsistent with federal or
12 State definitions.

13 (Source: P.A. 97-813, eff. 7-13-12.)

14 (405 ILCS 20/3e) (from Ch. 91 1/2, par. 303e)

15 Sec. 3e. Board's powers and duties.

16 (1) Every community mental health board shall, immediately
17 after appointment, meet and organize, by the election of one
18 of its number as president and one as secretary and such other
19 officers as it may deem necessary. It shall make rules and
20 regulations concerning the rendition or operation of services
21 and facilities which it directs, supervises or funds, not
22 inconsistent with the provisions of this Act. It shall:

23 (a) Hold a meeting prior to July 1 of each year at
24 which officers shall be elected for the ensuing year
25 beginning July 1;

1 (b) Hold meetings at least quarterly;

2 (c) Hold special meetings upon a written request
3 signed by at least 2 members and filed with the secretary;

4 (d) Review and evaluate community mental health
5 services and facilities, including services and facilities
6 for the treatment of alcoholism, drug addiction,
7 developmental disabilities, and intellectual
8 disabilities;

9 (e) Authorize the disbursement of money from the
10 community mental health fund for payment for the ordinary
11 and contingent expenses of the board;

12 (f) Submit to the appointing officer and the members
13 of the governing body a written plan for a program of
14 community mental health services and facilities for
15 persons with a mental illness, a developmental disability,
16 or a substance use disorder and, if authorized under
17 Section 3h, for a program of services for victims of
18 domestic violence. Such plan shall be for the ensuing 12
19 month period. In addition, a plan shall be developed for
20 the ensuing 3 year period and such plan shall be reviewed
21 at the end of every 12 month period and shall be modified
22 as deemed advisable.

23 (g) Within amounts appropriated therefor, execute such
24 programs and maintain such services and facilities as may
25 be authorized under such appropriations, including amounts
26 appropriated under bond issues, if any;

1 (h) Publish the annual budget and report within 120
2 days after the end of the fiscal year in a newspaper
3 distributed within the jurisdiction of the board, or, if
4 no newspaper is published within the jurisdiction of the
5 board, then one published in the county, or, if no
6 newspaper is published in the county, then in a newspaper
7 having general circulation within the jurisdiction of the
8 board. The report shall show the condition of its trust of
9 that year, the sums of money received from all sources,
10 giving the name of any donor, how all monies have been
11 expended and for what purpose, and such other statistics
12 and program information in regard to the work of the board
13 as it may deem of general interest. A copy of the budget
14 and the annual report shall be made available to the
15 Department of Human Services and to members of the General
16 Assembly whose districts include any part of the
17 jurisdiction of such board. The names of all employees,
18 consultants, and other personnel shall be set forth along
19 with the amounts of money received;

20 (i) Consult with other appropriate private and public
21 agencies in the development of local plans for the most
22 efficient delivery of mental health, developmental
23 disabilities, and substance use disorder services. The
24 Board is authorized to join and to participate in the
25 activities of associations organized for the purpose of
26 promoting more efficient and effective services and

1 programs;

2 (j) Have the authority to review and comment on all
3 applications for grants by any person, corporation, or
4 governmental unit providing services within the
5 geographical area of the board which provides mental
6 health facilities and services, including services for the
7 person with a mental illness, a developmental disability,
8 or a substance use disorder and, if authorized under
9 Section 3h, for victims of domestic violence. The board
10 may require funding applicants to send a copy of their
11 funding application to the board at the time such
12 application is submitted to the Department of Human
13 Services or to any other local, State or federal funding
14 source or governmental agency. Within 60 days of the
15 receipt of any application, the board shall submit its
16 review and comments to the Department of Human Services or
17 to any other appropriate local, State or federal funding
18 source or governmental agency. A copy of the review and
19 comments shall be submitted to the funding applicant.
20 Within 60 days thereafter, the Department of Human
21 Services or any other appropriate local or State
22 governmental agency shall issue a written response to the
23 board and the funding applicant. The Department of Human
24 Services shall supply any community mental health board
25 such information about purchase-of-care funds, State
26 facility utilization, and costs in its geographical area

1 as the board may request provided that the information
2 requested is for the purpose of the Community Mental
3 Health Board complying with the requirements of Section
4 3f, subsection (f) of this Act;

5 (k) Perform such other acts as may be necessary or
6 proper to carry out the purposes of this Act.

7 (2) The community mental health board has the following
8 powers:

9 (a) The board may enter into multiple-year contracts
10 for rendition or operation of services, facilities and
11 educational programs.

12 (b) The board may arrange through intergovernmental
13 agreements or intragovernmental agreements or both for the
14 rendition of services and operation of facilities by other
15 agencies or departments of the governmental unit or county
16 in which the governmental unit is located with the
17 approval of the governing body.

18 (c) To employ, establish compensation for, and set
19 policies for its personnel, including legal counsel, as
20 may be necessary to carry out the purposes of this Act and
21 prescribe the duties thereof. The board may enter into
22 multiple-year employment contracts as may be necessary for
23 the recruitment and retention of personnel and the proper
24 functioning of the board.

25 (d) The board may enter into multiple-year joint
26 agreements, which shall be written, with other mental

1 health boards and boards of health to provide jointly
2 agreed upon community mental health facilities and
3 services and to pool such funds as may be deemed necessary
4 and available for this purpose.

5 (e) The board may organize a not-for-profit
6 corporation for the purpose of providing direct recipient
7 services. Such corporations shall have, in addition to all
8 other lawful powers, the power to contract with persons to
9 furnish services for recipients of the corporation's
10 facilities, including psychiatrists and other physicians
11 licensed in this State to practice medicine in all of its
12 branches. Such physicians shall be considered independent
13 contractors, and liability for any malpractice shall not
14 extend to such corporation, nor to the community mental
15 health board, except for gross negligence in entering into
16 such a contract.

17 (f) The board shall not operate any direct recipient
18 services for more than a 2-year period when such services
19 are being provided in the governmental unit, but shall
20 encourage, by financial support, the development of
21 private agencies to deliver such needed services, pursuant
22 to regulations of the board.

23 (g) Where there are multiple boards within the same
24 planning area, as established by the Department of Human
25 Services, services may be purchased through a single
26 delivery system. In such areas, a coordinating body with

1 representation from each board shall be established to
2 carry out the service functions of this Act. In the event
3 any such coordinating body purchases or improves real
4 property, such body shall first obtain the approval of the
5 governing bodies of the governmental units in which the
6 coordinating body is located.

7 (h) The board may enter into multiple-year joint
8 agreements with other governmental units located within
9 the geographical area of the board. Such agreements shall
10 be written and shall provide for the rendition of services
11 by the board to the residents of such governmental units.

12 (i) The board may enter into multiple-year joint
13 agreements with federal, State, and local governments,
14 including the Department of Human Services, whereby the
15 board will provide certain services. All such joint
16 agreements must provide for the exchange of relevant data.
17 However, nothing in this Act shall be construed to permit
18 the abridgement of the confidentiality of patient records.

19 (j) The board may receive gifts from private sources
20 for purposes not inconsistent with the provisions of this
21 Act.

22 (k) The board may receive Federal, State and local
23 funds for purposes not inconsistent with the provisions of
24 this Act.

25 (l) The board may establish scholarship programs. Such
26 programs shall require equivalent service or reimbursement

1 pursuant to regulations of the board.

2 (m) The board may sell, rent, or lease real property
3 for purposes consistent with this Act.

4 (n) The board may: (i) own real property, lease real
5 property as lessee, or acquire real property by purchase,
6 construction, lease-purchase agreement, or otherwise; (ii)
7 take title to the property in the board's name; (iii)
8 borrow money and issue debt instruments, mortgages,
9 purchase-money mortgages, and other security instruments
10 with respect to the property; and (iv) maintain, repair,
11 remodel, or improve the property. All of these activities
12 must be for purposes consistent with this Act as may be
13 reasonably necessary for the housing and proper
14 functioning of the board. The board may use moneys in the
15 Community Mental Health Fund for these purposes.

16 (o) The board may organize a not-for-profit
17 corporation (i) for the purpose of raising money to be
18 distributed by the board for providing community mental
19 health services and facilities for the treatment of
20 alcoholism, drug addiction, developmental disabilities,
21 and intellectual disabilities or (ii) for other purposes
22 not inconsistent with this Act.

23 (p) The board may, if authorized under Section 3h,
24 perform such acts as may be necessary to provide services
25 for victims of domestic violence as described in Section
26 3h.

1 (Source: P.A. 97-227, eff. 1-1-12.)

2 (405 ILCS 20/3h new)

3 Sec. 3h. Domestic Violence Proposition. The governing body
4 of a governmental unit that has established a community mental
5 health board pursuant to this Act may adopt a resolution
6 authorizing a proposition to be submitted to the voters asking
7 whether the community mental health board shall provide
8 services for victims of domestic violence in addition to
9 providing mental health facilities.

10 When a governing body adopts a resolution under this
11 Section and provides a copy of the resolution to the clerk of
12 the governmental unit, the clerk shall certify the proposition
13 to the proper election officials for submission at a regular
14 election under the general election law.

15 The proposition shall be in the following form:

16 Shall (governmental unit)'s community mental health
17 board provide services for victims of domestic violence in
18 addition to providing mental health facilities and
19 services?

20 The votes shall be recorded as a "Yes" or "No".

21 If a majority of all the votes cast upon the proposition
22 are in favor of the proposition, the community mental health
23 board shall, in addition to all other powers and duties
24 required under Section 3e of this Act, (i) provide a program of
25 services for victims of domestic violence in accordance with

1 subsection (f) of paragraph (1) of Section 3e, (ii) review and
2 evaluate community services for victims of domestic violence,
3 (iii) consult with other appropriate private and public
4 agencies in the development of local plans for the most
5 efficient delivery of services for victims of domestic
6 violence, and (iv) review and comment on all applications for
7 grants by any person, corporation, or governmental unit
8 providing services within the geographical area of the board
9 which provides services for victims of domestic violence in
10 accordance with subsection (j) of paragraph (1) of Section 3e.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.