



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4541

Introduced 1/31/2024, by Rep. Suzanne M. Ness

SYNOPSIS AS INTRODUCED:

405 ILCS 20/3e

from Ch. 91 1/2, par. 303e

Amends the Community Mental Health Act. In provisions concerning the election of officers to a community mental health board, provides that, if the community mental health board has already held or scheduled an election to take place prior to July 1, an additional election is not required on the basis of the appointment or reappointment of a member to the community mental health board.

LRB103 36121 SPS 66212 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Community Mental Health Act is amended by
5 changing Section 3e as follows:

6 (405 ILCS 20/3e) (from Ch. 91 1/2, par. 303e)

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

8 (1) Every community mental health board shall, within 30
9 days after members are first appointed and within 30 days
10 after members are appointed or reappointed upon the expiration
11 of a member's term, meet and organize, by the election of one
12 of its number as president and one as secretary and such other
13 officers as it may deem necessary. It shall make rules and
14 regulations concerning the rendition or operation of services
15 and facilities which it directs, supervises or funds, not
16 inconsistent with the provisions of this Act. It shall:

17 (a) Hold a meeting prior to July 1 of each year at
18 which officers shall be elected for the ensuing year
19 beginning July 1. If the community mental health board has
20 already held or scheduled an election to take place prior
21 to July 1, an additional election is not required on the
22 basis of the appointment or reappointment of a member to
23 the community mental health board;

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. Such plan shall be for the
17 ensuing 12 month period. In addition, a plan shall be
18 developed for the ensuing 3 year period and such plan
19 shall be reviewed at the end of every 12 month period and
20 shall be modified as deemed advisable.

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

25 (h) Publish the annual budget and report within 120
26 days after the end of the fiscal year in a newspaper

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

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

26 (j) Have the authority to review and comment on all

1 applications for grants by any person, corporation, or
2 governmental unit providing services within the
3 geographical area of the board which provides mental
4 health facilities and services, including services for the
5 person with a mental illness, a developmental disability,
6 or a substance use disorder. The board may require funding
7 applicants to send a copy of their funding application to
8 the board at the time such application is submitted to the
9 Department of Human Services or to any other local, State
10 or federal funding source or governmental agency. Within
11 60 days of the receipt of any application, the board shall
12 submit its review and comments to the Department of Human
13 Services or to any other appropriate local, State or
14 federal funding source or governmental agency. A copy of
15 the review and comments shall be submitted to the funding
16 applicant. Within 60 days thereafter, the Department of
17 Human Services or any other appropriate local or State
18 governmental agency shall issue a written response to the
19 board and the funding applicant. The Department of Human
20 Services shall supply any community mental health board
21 such information about purchase-of-care funds, State
22 facility utilization, and costs in its geographical area
23 as the board may request provided that the information
24 requested is for the purpose of the Community Mental
25 Health Board complying with the requirements of Section
26 3f, subsection (f) of this Act;

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

3 (2) The community mental health board has the following
4 powers:

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

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

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

21 (d) The board may enter into multiple-year joint
22 agreements, which shall be written, with other mental
23 health boards and boards of health to provide jointly
24 agreed upon community mental health facilities and
25 services and to pool such funds as may be deemed necessary
26 and available for this purpose.

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

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

19 (g) Where there are multiple boards within the same
20 planning area, as established by the Department of Human
21 Services, services may be purchased through a single
22 delivery system. In such areas, a coordinating body with
23 representation from each board shall be established to
24 carry out the service functions of this Act. In the event
25 any such coordinating body purchases or improves real
26 property, such body shall first obtain the approval of the

1 governing bodies of the governmental units in which the
2 coordinating body is located.

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

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

15 (j) The board may receive gifts from private sources
16 for purposes not inconsistent with the provisions of this
17 Act.

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

21 (l) The board may establish scholarship programs. Such
22 programs shall require equivalent service or reimbursement
23 pursuant to regulations of the board.

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

26 (n) The board may: (i) own real property, lease real

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

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

19 (p) The board may fix a fiscal year for the board.

20 (q) The board has the responsibility to set, maintain,
21 and implement the budget.

22 Every board shall be subject to the requirements under the
23 Freedom of Information Act and the Open Meetings Act.

24 (Source: P.A. 103-274, eff. 1-1-24.)