



Sen. George P. Shadid

**Filed: 3/1/2004**

FISCAL NOTE ACT  
MAY APPLY

09300HB0722sam001

LRB093 05824 DRJ 42531 a

1 AMENDMENT TO HOUSE BILL 722

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 722 by replacing the  
3 title with the following:

4 "AN ACT in relation to mental health."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Mental Health and Developmental  
8 Disabilities Code is amended by changing Sections 3-605 and  
9 3-819 as follows:

10 (405 ILCS 5/3-605) (from Ch. 91 1/2, par. 3-605)

11 Sec. 3-605. (a) In counties with a population of 3,000,000  
12 or more, upon receipt of a petition and certificate prepared  
13 pursuant to this Article, the county sheriff of the county in  
14 which a respondent is found shall take a respondent into  
15 custody and transport him to a mental health facility, or may  
16 make arrangements with another public or private entity  
17 including a licensed ambulance service to transport the  
18 respondent to the mental health facility. In the event it is  
19 determined by such facility that the respondent is in need of  
20 commitment or treatment at another mental health facility, the  
21 county sheriff shall transport the respondent to the  
22 appropriate mental health facility, or the county sheriff may

1 make arrangements with another public or private entity  
2 including a licensed ambulance service to transport the  
3 respondent to the mental health facility.

4 (b) The county sheriff may delegate his duties under  
5 subsection (a) hereunder to another law enforcement body within  
6 that county if that law enforcement body agrees.

7 (b-5) In counties with a population under 3,000,000, upon  
8 receipt of a petition and certificate prepared pursuant to this  
9 Article, the Department shall make arrangements to  
10 appropriately transport the respondent to a mental health  
11 facility. In the event it is determined by the facility that  
12 the respondent is in need of commitment or treatment at another  
13 mental health facility, the Department shall make arrangements  
14 to appropriately transport the respondent to another mental  
15 health facility. The making of such arrangements and agreements  
16 with public or private entities is independent of the  
17 Department's role as a provider of mental health services and  
18 does not indicate that the respondent is admitted to any  
19 Department facility. In making such arrangements and  
20 agreements with other public or private entities, the  
21 Department shall include provisions to ensure (i) the provision  
22 of trained personnel and the use of an appropriate vehicle for  
23 the safe transport of the respondent and (ii) that the  
24 respondent's insurance carrier as well as other programs, both  
25 public and private, that provide payment for such  
26 transportation services are fully utilized to the maximum  
27 extent possible.

28 The Department may not make arrangements with an existing  
29 hospital or grant-in-aid or fee-for-service community provider  
30 for transportation services under this Section unless the  
31 hospital or provider has voluntarily submitted a proposal for  
32 its transportation services. This requirement does not  
33 eliminate or reduce any responsibility on the part of a  
34 hospital or community provider to ensure transportation that

1 may arise independently through other State or federal law or  
2 regulation.

3 (c) The transporting authority acting in good faith and  
4 without negligence in connection with the transportation of  
5 respondents shall incur no liability, civil or criminal, by  
6 reason of such transportation.

7 (d) The respondent and the estate of that respondent are  
8 liable for the payment of transportation costs for transporting  
9 the respondent to a mental health facility. If the respondent  
10 is a beneficiary of a trust described in Section 15.1 of the  
11 Trusts and Trustees Act, the trust shall not be considered a  
12 part of the respondent's estate and shall not be subject to  
13 payment for transportation costs for transporting the  
14 respondent to a mental health facility under this Section  
15 except to the extent permitted under Section 15.1 of the Trusts  
16 and Trustees Act. If the respondent is unable to pay or if the  
17 estate of the respondent is insufficient, the responsible  
18 relatives are severally liable for the payment of those sums or  
19 for the balance due in case less than the amount owing has been  
20 paid. If the respondent is covered by insurance, the insurance  
21 carrier shall be liable for payment to the extent authorized by  
22 the respondent's insurance policy.

23 (Source: P.A. 87-1158.)

24 (405 ILCS 5/3-819) (from Ch. 91 1/2, par. 3-819)

25 Sec. 3-819. (a) In counties with a population of 3,000,000  
26 or more, when a recipient is hospitalized upon court order, the  
27 order may authorize a relative or friend of the recipient to  
28 transport the recipient to the facility if such person is able  
29 to do so safely and humanely. When the Department indicates  
30 that it has transportation to the facility available, the order  
31 may authorize the Department to transport the recipient there.  
32 The court may order the sheriff of the county in which such  
33 proceedings are held to transport the recipient to the

1 facility. When a recipient is hospitalized upon court order,  
2 and the recipient has been transported to a mental health  
3 facility, other than a state-operated mental health facility,  
4 and it is determined by the facility that the recipient is in  
5 need of commitment or treatment at another mental health  
6 facility, the court shall determine whether a relative or  
7 friend of the recipient or the Department is authorized to  
8 transport the recipient between facilities, or whether the  
9 county sheriff is responsible for transporting the recipient  
10 between facilities. The sheriff may make arrangements with  
11 another public or private entity including a licensed ambulance  
12 service to transport the recipient to the facility. The  
13 transporting entity acting in good faith and without negligence  
14 in connection with the transportation of recipients shall incur  
15 no liability, civil or criminal, by reason of such  
16 transportation.

17 (a-5) In counties with a population under 3,000,000, when a  
18 recipient is hospitalized upon court order, the order may  
19 authorize a relative or friend of the recipient to transport  
20 the recipient to the facility if the person is able to do so  
21 safely and humanely. The court may order the Department to  
22 transport the recipient to the facility. When a recipient is  
23 hospitalized upon court order, and the recipient has been  
24 transported to a mental health facility other than a  
25 State-operated mental health facility, and it is determined by  
26 the facility that the recipient is in need of commitment or  
27 treatment at another mental health facility, the court shall  
28 determine whether a relative or friend of the recipient is  
29 authorized to transport the recipient between facilities, or  
30 whether the Department is responsible for transporting the  
31 recipient between facilities. If the court determines that the  
32 Department is responsible for the transportation, the  
33 Department shall make arrangements either directly or through  
34 agreements with another public or private entity, including a

1 licensed ambulance service, to appropriately transport the  
2 recipient to the facility. The making of such arrangements and  
3 agreements with public or private entities is independent of  
4 the Department's role as a provider of mental health services  
5 and does not indicate that the recipient is admitted to any  
6 Department facility. In making such arrangements and  
7 agreements with other public or private entities, the  
8 Department shall include provisions to ensure (i) the provision  
9 of trained personnel and the use of an appropriate vehicle for  
10 the safe transport of the recipient and (ii) that the  
11 recipient's insurance carrier as well as other programs, both  
12 public and private, that provide payment for such  
13 transportation services are fully utilized to the maximum  
14 extent possible.

15 The Department may not make arrangements with an existing  
16 hospital or grant-in-aid or fee-for-service community provider  
17 for transportation services under this Section unless the  
18 hospital or provider has voluntarily submitted a proposal for  
19 its transportation services. This requirement does not  
20 eliminate or reduce any responsibility on the part of a  
21 hospital or community provider to ensure transportation that  
22 may arise independently through other State or federal law or  
23 regulation.

24 A transporting entity acting in good faith and without  
25 negligence in connection with the transportation of a recipient  
26 incurs no liability, civil or criminal, by reason of that  
27 transportation.

28 (b) ~~The court may authorize the~~ transporting entity may ~~to~~  
29 bill the recipient, the estate of the recipient, legally  
30 responsible relatives, or insurance carrier for the cost of  
31 providing transportation of the recipient to a mental health  
32 facility. The recipient and the estate of the recipient are  
33 liable for the payment of transportation costs for transporting  
34 the recipient to a mental health facility. If the recipient is

1 a beneficiary of a trust described in Section 15.1 of the  
2 Trusts and Trustees Act, the trust shall not be considered a  
3 part of the recipient's estate and shall not be subject to  
4 payment for transportation costs for transporting the  
5 recipient to a mental health facility under this section,  
6 except to the extent permitted under Section 15.1 of the Trusts  
7 and Trustees Act. If the recipient is unable to pay or if the  
8 estate of the recipient is insufficient, the responsible  
9 relatives are severally liable for the payment of those sums or  
10 for the balance due in case less than the amount owing has been  
11 paid. If the recipient is covered by insurance, the insurance  
12 carrier shall be liable for payment to the extent authorized by  
13 the recipient's insurance policy.

14 (c) Upon the delivery of a recipient to a facility, in  
15 accordance with the procedure set forth in this Article, the  
16 facility director of the facility shall sign a receipt  
17 acknowledging custody of the recipient and for any personal  
18 property belonging to him, which receipt shall be filed with  
19 the clerk of the court entering the hospitalization order.

20 (Source: P.A. 87-1158; 88-380.)

21 Section 99. Effective date. This Act takes effect January  
22 1, 2005."