



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0785

Introduced 2/7/2007, by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

405 ILCS 5/2-110.1
405 ILCS 5/2-110.2 new

Amends the Mental Health and Developmental Disabilities Code. Changes the content of the quarterly report that a mental hospital or facility administering electro-convulsive therapy must submit to include: (i) whether the patient gave informed consent or received therapy without informed consent, was confined as subject to involuntary admission, or received the therapy on an emergency basis; (ii) the type and charge dose of electro-convulsive treatments used; (iii) the identity of the treating hospital; (iv) if no patients have been treated using electro-convulsive therapy during that quarter, a written statement to that effect; and (v) for the first quarter report of each year, a copy of the informed consent used for electro-convulsive therapy, including any pamphlet or form information given to the patient on electro-convulsive therapy. Requires the Department of Human Services to include in its annual report the names of all facilities that have failed to comply with the listed reporting requirements during the calendar year covered by the annual report. Provide for the enforcement of the reporting requirements and civil penalties for failure to report. Effective immediately.

LRB095 03729 LCT 23756 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 2-110.1 and by
6 adding Section 2-110.2 as follows:

7 (405 ILCS 5/2-110.1)

8 Sec. 2-110.1. Reports.

9 (a) A mental hospital or facility at which
10 electro-convulsive therapy is administered shall submit to the
11 Department quarterly reports relating to the administration of
12 the therapy for the purposes of reducing morbidity or mortality
13 and improving patient care.

14 (b) A report shall provide the following information for
15 each patient that received electro-convulsive therapy, state
16 the following for each quarter:

17 (1) Whether the patient gave informed consent or
18 received therapy without informed consent pursuant to
19 Section 2-107 of this Code, was confined as subject to
20 involuntary admission, or received the therapy on an
21 emergency basis pursuant to subsection (d) of Section 2-107
22 of this Code. The number of persons who received the
23 therapy, including:

1 ~~(A) the number of persons who gave informed consent~~
2 ~~to the therapy;~~

3 ~~(B) the number of persons confined as subject to~~
4 ~~involuntary admission who gave informed consent to the~~
5 ~~therapy;~~

6 ~~(C) the number of persons who received the therapy~~
7 ~~without informed consent pursuant to Section 2-107.1;~~
8 ~~and~~

9 ~~(D) the number of persons who received the therapy~~
10 ~~on an emergency basis pursuant to subsection (d) of~~
11 ~~Section 2-107.1.~~

12 (2) The age, sex, and race of the patient recipients of
13 ~~the therapy.~~

14 (3) The source of the treatment payment.

15 (4) The ~~average~~ number, type (bilateral pulse,
16 unilateral pulse, and sine wave), and charge dose of
17 electro-convulsive treatments administered for each
18 complete series of treatments noting changes of type or
19 charge administered over course of treatment, but not
20 including maintenance treatments.

21 (5) The ~~average~~ number of maintenance
22 electro-convulsive treatments administered per month. The
23 maintenance treatments reports shall include the type,
24 charge dose, and number of treatments and shall indicate
25 whether it is the same as the original treatment type and
26 charge dose.

1 (6) Any significant adverse reactions to the treatment
2 as defined by rule.

3 (7) Autopsy findings if death followed within 14 days
4 after the date of the administration of the therapy.

5 (b-5) In addition to the reporting requirements set forth
6 in subsection (b):

7 (1) The identity of the treating hospital or facility
8 shall be disclosed in the quarterly and annual reports.

9 (2) If no patients have been treated with
10 electro-convulsive therapy during the reported quarter, a
11 written statement to that effect shall be filed as the
12 quarterly report.

13 (3) The report for the first quarter of each year shall
14 include a copy of the informed consent form used for
15 electro-convulsive therapy, including any pamphlet or form
16 information given to the patient on electro-convulsive
17 therapy.

18 (4) The quarterly report shall include any ~~(8) Any~~
19 other information required by the Department by rule.

20 (c) The Department shall prepare and publish an annual
21 written report summarizing the information received under this
22 Section. The Department shall include in the annual report the
23 names of all facilities that have failed to comply with the
24 reporting requirements of this Section during the calendar year
25 covered by the annual report. ~~The report shall not contain any~~
26 ~~information that identifies or tends to identify any facility,~~

1 ~~physician, health care provider, or patient.~~

2 (d) The Department may collect data referred to in this
3 Section electronically or in writing.

4 (Source: P.A. 90-538, eff. 12-1-97.)

5 (405 ILCS 5/2-110.2 new)

6 Sec. 2-110.2. Enforcement of reporting requirements. A
7 facility or physician that fails to submit the completed
8 reports containing the information provided by Section 2-110.1
9 of this Code within 15 days following the close of a quarter
10 shall be sent a written notice of noncompliance by the
11 Department. The facility or physician has 15 days following
12 receipt of the written notice to comply with the reporting
13 requirements. If a facility or physician fails to comply with
14 the reporting requirements within 15 days of receipt of the
15 notice, the Department may take any of the following actions:

16 (1) The Department may assign a specified time period
17 for the facility or physician to comply with the reporting
18 requirements.

19 (2) The facility's or physician's failure to comply may
20 be reported to the Department of Public Health and the
21 Department of Financial and Professional Regulation, which
22 may take appropriate disciplinary actions including, but
23 not limited to, suspension of the facility's or physician's
24 license.

25 (3) The Department may recommend revoking the

1 facility's approval to receive Medicaid reimbursements for
2 administration of electro-convulsive therapy.

3 (4) The Department may revoke any contract it has with
4 the facility to provide mental health services.

5 (5) The Department may seek injunctive relief to bar
6 administration of electro-convulsive therapy.

7 (6) The facility or the physician may be subject to a
8 \$1,000 civil penalty for each violation of the reporting
9 requirements if the facility or physician is found to have
10 knowingly or intentionally failed to comply with the
11 reporting requirements.

12 The State's Attorney or Attorney General may enforce the
13 provisions of this Section.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.