



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1481

by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-25013
405 ILCS 20/3e

from Ch. 34, par. 5-25013
from Ch. 91 1/2, par. 303e

Amends the Counties Code and the Community Mental Health Act. Provides that in a county (other than Cook County or a county contiguous with Cook County) that has both a county health department and a county community mental health board, the county board of health may appoint the administrator of the county community mental health services and facilities as the medical health officer or public health administrator of the county health department and the county community mental health board may appoint the medical health officer or public health administrator of the county health department as the administrator of the county community mental health services and facilities.

LRB097 03115 DRJ 43149 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 5-25013 as follows:

6 (55 ILCS 5/5-25013) (from Ch. 34, par. 5-25013)

7 Sec. 5-25013. Organization of board; powers and duties.

8 (A) The board of health of each county or multiple-county
9 health department shall, immediately after appointment, meet
10 and organize, by the election of one of its number as president
11 and one as secretary, and either from its number or otherwise,
12 a treasurer and such other officers as it may deem necessary. A
13 board of health may make and adopt such rules for its own
14 guidance and for the government of the health department as may
15 be deemed necessary to protect and improve public health not
16 inconsistent with this Division. It shall:

17 1. Hold a meeting prior to the end of each operating
18 fiscal year, at which meeting officers shall be elected for
19 the ensuing operating fiscal year;

20 2. Hold meetings at least quarterly;

21 3. Hold special meetings upon a written request signed
22 by two members and filed with the Secretary or on request
23 of the medical health officer or public health

1 administrator;

2 4. Provide, equip and maintain suitable offices,
3 facilities and appliances for the health department;

4 5. Publish annually, within 90 days after the end of
5 the county's operating fiscal year, in pamphlet form, for
6 free distribution, an annual report showing the condition
7 of its trust on the last day of the most recently completed
8 operating fiscal year, the sums of money received from all
9 sources, giving the name of any donor, how all moneys have
10 been expended and for what purpose, and such other
11 statistics and information in regard to the work of the
12 health department as it may deem of general interest;

13 6. Within its jurisdiction, and professional and
14 technical competence, enforce and observe all State laws
15 pertaining to the preservation of health, and all county
16 and municipal ordinances except as otherwise provided in
17 this Division;

18 7. Within its jurisdiction, and professional and
19 technical competence, investigate the existence of any
20 contagious or infectious disease and adopt measures, not
21 inconsistent with the regulations of the State Department
22 of Public Health, to arrest the progress of the same;

23 8. Within its jurisdiction, and professional and
24 technical competence, make all necessary sanitary and
25 health investigations and inspections;

26 9. Upon request, give professional advice and

1 information to all city, village, incorporated town and
2 school authorities, within its jurisdiction, in all
3 matters pertaining to sanitation and public health;

4 10. Appoint a medical health officer as the executive
5 officer for the department, who shall be a citizen of the
6 United States and shall possess such qualifications as may
7 be prescribed by the State Department of Public Health; or
8 appoint a public health administrator who shall possess
9 such qualifications as may be prescribed by the State
10 Department of Public Health as the executive officer for
11 the department, provided that the board of health shall
12 make available medical supervision which is considered
13 adequate by the Director of Public Health; in a county
14 (other than Cook County or a county contiguous with Cook
15 County) that has a county health department established
16 under this Division 5-25 and also has a community mental
17 health board appointed by the chairman of the county
18 governing body under the Community Mental Health Act, the
19 county board of health may appoint the administrator of the
20 county community mental health services and facilities as
21 the medical health officer or public health administrator;

22 10 1/2. Appoint such professional employees as may be
23 approved by the executive officer who meet the
24 qualification requirements of the State Department of
25 Public Health for their respective positions provided,
26 that in those health departments temporarily without a

1 medical health officer or public health administrator
2 approval by the State Department of Public Health shall
3 suffice;

4 11. Appoint such other officers and employees as may be
5 necessary;

6 12. Prescribe the powers and duties of all officers and
7 employees, fix their compensation, and authorize payment
8 of the same and all other department expenses from the
9 County Health Fund of the county or counties concerned;

10 13. Submit an annual budget to the county board or
11 boards;

12 14. Submit an annual report to the county board or
13 boards, explaining all of its activities and expenditures;

14 15. Establish and carry out programs and services in
15 mental health, including mental retardation and alcoholism
16 and substance abuse, not inconsistent with the regulations
17 of the Department of Human Services;

18 16. Consult with all other private and public health
19 agencies in the county in the development of local plans
20 for the most efficient delivery of health services.

21 (B) The board of health of each county or multiple-county
22 health department may:

23 1. Initiate and carry out programs and activities of
24 all kinds, not inconsistent with law, that may be deemed
25 necessary or desirable in the promotion and protection of
26 health and in the control of disease including

1 tuberculosis;

2 2. Receive contributions of real and personal
3 property;

4 3. Recommend to the county board or boards the adoption
5 of such ordinances and of such rules and regulations as may
6 be deemed necessary or desirable for the promotion and
7 protection of health and control of disease;

8 4. Appoint a medical and dental advisory committee and
9 a non-medical advisory committee to the health department;

10 5. Enter into contracts with the State,
11 municipalities, other political subdivisions and
12 non-official agencies for the purchase, sale or exchange of
13 health services;

14 6. Set fees it deems reasonable and necessary (i) to
15 provide services or perform regulatory activities, (ii)
16 when required by State or federal grant award conditions,
17 (iii) to support activities delegated to the board of
18 health by the Illinois Department of Public Health, or (iv)
19 when required by an agreement between the board of health
20 and other private or governmental organizations, unless
21 the fee has been established as a part of a regulatory
22 ordinance adopted by the county board, in which case the
23 board of health shall make recommendations to the county
24 board concerning those fees. Revenue generated under this
25 Section shall be deposited into the County Health Fund or
26 to the account of the multiple-county health department.

1 7. Enter into multiple year employment contracts with
2 the medical health officer or public health administrator
3 as may be necessary for the recruitment and retention of
4 personnel and the proper functioning of the health
5 department.

6 (C) The board of health of a multiple-county health
7 department may hire attorneys to represent and advise the
8 department concerning matters that are not within the exclusive
9 jurisdiction of the State's Attorney of one of the counties
10 that created the department.

11 (Source: P.A. 89-272, eff. 8-10-95; 89-507, eff. 7-1-97.)

12 Section 10. The Community Mental Health Act is amended by
13 changing Section 3e as follows:

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 of
18 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

1 beginning July 1;

2 (b) Hold meetings at least quarterly;

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

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

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 of
13 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 shall
19 be reviewed at the end of every 12 month period and shall
20 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 no
2 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 health
4 facilities and services, including services for the person
5 with a mental illness, a developmental disability, or a
6 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 60
11 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 as
23 the board may request provided that the information
24 requested is for the purpose of the Community Mental Health
25 Board complying with the requirements of Section 3f,
26 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 approval
13 of the governing body.

14 (c) To employ, establish compensation for, and set
15 policies for its personnel, including legal counsel, as may
16 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 (c-5) In a county (other than Cook County or a county
22 contiguous with Cook County) that has a community mental
23 health board appointed by the chairman of the county
24 governing body under this Act and also has a county health
25 department established under Division 5-25 of the Counties
26 Code, the community mental health board may employ the

1 county medical health officer or public health
2 administrator as the administrator of the county community
3 mental health services and facilities.

4 (d) The board may enter into multiple-year joint
5 agreements, which shall be written, with other mental
6 health boards and boards of health to provide jointly
7 agreed upon community mental health facilities and
8 services and to pool such funds as may be deemed necessary
9 and available for this purpose.

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

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

1 to regulations of the board.

2 (g) Where there are multiple boards within the same
3 planning area, as established by the Department of Human
4 Services, services may be purchased through a single
5 delivery system. In such areas, a coordinating body with
6 representation from each board shall be established to
7 carry out the service functions of this Act. In the event
8 any such coordinating body purchases or improves real
9 property, such body shall first obtain the approval of the
10 governing bodies of the governmental units in which the
11 coordinating body is located.

12 (h) The board may enter into multiple-year joint
13 agreements with other governmental units located within
14 the geographical area of the board. Such agreements shall
15 be written and shall provide for the rendition of services
16 by the board to the residents of such governmental units.

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

24 (j) The board may receive gifts from private sources
25 for purposes not inconsistent with the provisions of this
26 Act.

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

4 (l) The board may establish scholarship programs. Such
5 programs shall require equivalent service or reimbursement
6 pursuant to regulations of the board.

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

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

21 (o) The board may organize a not-for-profit
22 corporation (i) for the purpose of raising money to be
23 distributed by the board for providing community mental
24 health services and facilities for the treatment of
25 alcoholism, drug addiction, developmental disabilities,
26 and mental retardation or (ii) for other purposes not

1 inconsistent with this Act.

2 (Source: P.A. 95-336, eff. 8-21-07.)