

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 Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 3-811 and
6 3-909 as follows:

7 (405 ILCS 5/3-811) (from Ch. 91 1/2, par. 3-811)

8 Sec. 3-811. Involuntary admission; alternative mental
9 health facilities.

10 (a) If any person is found subject to involuntary admission
11 on an inpatient basis, the court shall consider alternative
12 mental health facilities which are appropriate for and
13 available to the respondent, including but not limited to
14 hospitalization. The court may order the respondent to undergo
15 a program of hospitalization in a mental health facility
16 designated by the Department, in a licensed private hospital or
17 private mental health facility if it agrees, or in a facility
18 of the United States Veterans Administration if it agrees. If
19 any person is found subject to involuntary admission on an
20 outpatient basis, the court may order the respondent to undergo
21 a program of alternative treatment; or the court may place the
22 respondent in the care and custody of a relative or other
23 person willing and able to properly care for him or her. The

1 court shall order the least restrictive alternative for
2 treatment which is appropriate.

3 (b) Whenever a person is found subject to involuntary
4 admission on an inpatient or outpatient basis, notice shall be
5 provided to the petitioner, orally and in writing, of his or
6 her right to receive notice of the recipient's discharge
7 pursuant to Section 3-902(d).

8 (c) An order that a person is found subject to involuntary
9 admission on an inpatient basis does not eliminate any
10 obligations under the federal Emergency Medical Transport and
11 Active Labor Act (EMTALA) of the transferring facility toward
12 the receiving facility. Before implementing an order, the
13 transferring facility shall notify the receiving facility of
14 the recipient and obtain medical clearance for the recipient.

15 (Source: P.A. 96-570, eff. 1-1-10; 96-1399, eff. 7-29-10;
16 96-1453, eff. 8-20-10.)

17 (405 ILCS 5/3-909) (from Ch. 91 1/2, par. 3-909)

18 Sec. 3-909. Alternative treatment. Any recipient
19 hospitalized or admitted to alternative treatment or care and
20 custody under Article VIII of this Chapter may at any time
21 petition the court for transfer to a different facility or
22 program of alternative treatment, to care and custody, or to
23 the care and custody of a different person. His attorney,
24 guardian, custodian, or responsible relative may file such a
25 petition on his behalf. If the recipient is in a private

1 facility, the facility may also petition for transfer.
2 Recipients in private facilities or United States Veterans
3 Administration facilities may petition for transfer to a mental
4 health facility designated by the Department. Recipients may
5 petition for transfer to a program of alternative treatment, or
6 to care and custody. Recipients in private facilities may also
7 petition for transfer to United States Veterans Administration
8 facilities. Recipients in United States Veterans
9 Administration facilities may also petition for transfer to
10 private facilities. Recipients in Department facilities may
11 petition for transfer to a private mental health facility, a
12 United States Veterans Administration facility, a program of
13 alternative treatment, or to care and custody. Admission to a
14 United States Veterans Administration facility shall be
15 governed by Article X of this Chapter 3. No transfers between
16 Department facilities or between units of the same facility may
17 be ordered under this Section. An order for hospitalization
18 shall not be entered under this Section if the original order
19 did not authorize hospitalization unless a hearing is held
20 pursuant to Article VIII of this Chapter. An order of transfer
21 entered under this Section does not eliminate any obligations
22 under the federal Emergency Medical Transport and Active Labor
23 Act (EMTALA) of the transferring facility toward the receiving
24 facility. Before implementing an order of transfer, the
25 transferring facility shall notify the receiving facility of
26 the recipient and obtain medical clearance for the recipient.

1 (Source: P.A. 91-726, eff. 6-2-00.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.