



Sen. William Delgado

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LRB098 00253 RLC 45083 a

1 AMENDMENT TO HOUSE BILL 100

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 100 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing Section  
6 14 as follows:

7 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

8 Sec. 14. Chester Mental Health Center. To maintain and  
9 operate a facility for the care, custody, and treatment of  
10 persons with mental illness or habilitation of persons with  
11 developmental disabilities hereinafter designated, to be known  
12 as the Chester Mental Health Center.

13 Within the Chester Mental Health Center there shall be  
14 confined the following classes of persons, whose history, in  
15 the opinion of the Department, discloses dangerous or violent  
16 tendencies and who, upon examination under the direction of the

1 Department, have been found a fit subject for confinement in  
2 that facility:

3 (a) Any male person who is charged with the commission  
4 of a crime but has been acquitted by reason of insanity as  
5 provided in Section 5-2-4 of the Unified Code of  
6 Corrections.

7 (b) Any male person who is charged with the commission  
8 of a crime but has been found unfit under Article 104 of  
9 the Code of Criminal Procedure of 1963.

10 (c) Any male person with mental illness or  
11 developmental disabilities or person in need of mental  
12 treatment now confined under the supervision of the  
13 Department or hereafter admitted to any facility thereof or  
14 committed thereto by any court of competent jurisdiction.

15 If and when it shall appear to the facility director of the  
16 Chester Mental Health Center that it is necessary to confine  
17 persons in order to maintain security or provide for the  
18 protection and safety of recipients and staff, the Chester  
19 Mental Health Center may confine all persons on a unit to their  
20 rooms. This period of confinement shall not exceed 10 hours in  
21 a 24 hour period, including the recipient's scheduled hours of  
22 sleep, unless approved by the Secretary of the Department.  
23 During the period of confinement, the persons confined shall be  
24 observed at least every 15 minutes. A record shall be kept of  
25 the observations. This confinement shall not be considered  
26 seclusion as defined in the Mental Health and Developmental

1 Disabilities Code.

2 The facility director of the Chester Mental Health Center  
3 may authorize the temporary use of handcuffs on a recipient for  
4 a period not to exceed 10 minutes when necessary in the course  
5 of transport of the recipient within the facility to maintain  
6 custody or security. Use of handcuffs is subject to the  
7 provisions of Section 2-108 of the Mental Health and  
8 Developmental Disabilities Code. The facility shall keep a  
9 monthly record listing each instance in which handcuffs are  
10 used, circumstances indicating the need for use of handcuffs,  
11 and time of application of handcuffs and time of release  
12 therefrom. The facility director shall allow the Illinois  
13 Guardianship and Advocacy Commission, the agency designated by  
14 the Governor under Section 1 of the Protection and Advocacy for  
15 Developmentally Disabled Persons Act, and the Department to  
16 examine and copy such record upon request.

17 The facility director of the Chester Mental Health Center  
18 may authorize the temporary use of transport devices on a civil  
19 recipient when necessary in the course of transport of the  
20 civil recipient outside the facility to maintain custody or  
21 security. The decision whether to use any transport devices  
22 shall be reviewed and approved on an individualized basis by a  
23 physician based upon a determination of the civil recipient's:  
24 (1) history of violence, (2) history of violence during  
25 transports, (3) history of escapes and escape attempts, (4)  
26 history of trauma, (5) history of incidents of restraint or

1 seclusion and use of involuntary medication, (6) current  
2 functioning level, (7) prior experience during similar  
3 transports, and (8) the length, duration, and purpose of the  
4 transport. The least restrictive transport device consistent  
5 with the individual's need shall be used. Staff transporting  
6 the individual shall be trained in the use of the transport  
7 devices, recognizing and responding to a person in distress,  
8 and shall observe and monitor the individual while being  
9 transported. The facility shall keep a monthly record listing  
10 all transports, including those transports for which use of  
11 transport devices were not sought, those for which use of  
12 transport devices were sought but denied, and each instance in  
13 which transport devices are used, circumstances indicating the  
14 need for use of transport devices, time of application of  
15 transport devices, time of release from those devices, and any  
16 adverse events. The facility director shall allow the Illinois  
17 Guardianship and Advocacy Commission, the agency designated by  
18 the Governor under Section 1 of the Protection and Advocacy for  
19 Developmentally Disabled Persons Act, and the Department to  
20 examine and copy the record upon request. This use of transport  
21 devices shall not be considered restraint as defined in the  
22 Mental Health and Developmental Disabilities Code. For the  
23 purpose of this Section "transport device" means ankle cuffs,  
24 handcuffs, waist chains or wrist-waist devices designed to  
25 restrict an individual's range of motion while being  
26 transported. These devices must be approved by the Division of

1 Mental Health, used in accordance with the manufacturer's  
2 instructions, and used only by qualified staff members who have  
3 completed all training required to be eligible to transport  
4 patients and all other required training relating to the safe  
5 use and application of transport devices, including  
6 recognizing and responding to signs of distress in an  
7 individual whose movement is being restricted by a transport  
8 device.

9       If and when it shall appear to the satisfaction of the  
10 Department that any person confined in the Chester Mental  
11 Health Center is not or has ceased to be such a source of  
12 danger to the public as to require his subjection to the  
13 regimen of the center, the Department is hereby authorized to  
14 transfer such person to any State facility for treatment of  
15 persons with mental illness or habilitation of persons with  
16 developmental disabilities, as the nature of the individual  
17 case may require.

18       Subject to the provisions of this Section, the Department,  
19 except where otherwise provided by law, shall, with respect to  
20 the management, conduct and control of the Chester Mental  
21 Health Center and the discipline, custody and treatment of the  
22 persons confined therein, have and exercise the same rights and  
23 powers as are vested by law in the Department with respect to  
24 any and all of the State facilities for treatment of persons  
25 with mental illness or habilitation of persons with  
26 developmental disabilities, and the recipients thereof, and

1 shall be subject to the same duties as are imposed by law upon  
2 the Department with respect to such facilities and the  
3 recipients thereof.

4 (Source: P.A. 91-559, eff. 1-1-00.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".