

AN ACT concerning mental health.

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

Section 1. Short title. This Act may be cited as the Out-of-State Person Subject to Involuntary Admission on an Inpatient Basis Mental Health Treatment Act.

Section 5. Definitions. As used in this Act:

"Department" means the Department of Human Services.

"Eastern Iowa Mental Health Region" means the Iowa counties of Cedar, Clinton, Jackson, Muscatine, and Scott.

"Person subject to involuntary admission on an inpatient basis", "mental health facility", and "recipient" have the meanings ascribed to them in the Mental Health and Developmental Disabilities Code.

"Pilot project area" means the Eastern Iowa Mental Health Region and Rock Island County, Illinois.

"Receiving agency" means a mental health facility located in Rock Island, Illinois which accepts and provides treatment to a person from the sending state.

"Receiving state" means Illinois.

"Sending state" means Iowa.

Section 10. Pilot project reciprocal agreement. On or

before January 1, 2018, there is created a 2-year mental health pilot project for which the receiving agency may accept the admission of an Iowa resident from the Eastern Iowa Mental Health Region who is a person subject to involuntary admission on an inpatient basis under an order issued by an Iowa court for treatment at a receiving agency in this State for which the Iowa court shall have jurisdiction over the recipient while committed to a receiving agency in this State as provided under Section 331.910 of the Iowa Code. The pilot project shall also provide that a resident of Rock Island County, Illinois who is a person subject to involuntary admission on an inpatient basis under an order issued by a court of this State for treatment at a receiving agency in this State may receive inpatient treatment in the sending state. The sending state or receiving agency shall provide mental health services to the recipient for the duration of the court order and shall return the recipient to his or her state of legal residence upon discharge. If a recipient has to enter a State-operated facility, the recipient must be returned to his or her state of legal residence.

Section 15. Reciprocal agreement. For the purpose of the pilot project, the reciprocal agreement is limited to court orders issued by the courts in the Eastern Iowa Mental Health Region and in Rock Island County, Illinois. Court orders valid under the law of the sending state are granted recognition and

reciprocity in the receiving state's respective pilot project area to the extent that the court orders relate to commitment for inpatient treatment of a mental illness. The court orders are not subject to legal challenge in the courts of the receiving state. Persons who are detained, committed or placed under the law of a sending state and who are transferred to a receiving state under this Section continue to be in the legal custody of the authority responsible for them under the law of the sending state. Except in emergencies, those persons may not be transferred, removed, or furloughed from a facility of the receiving agency without the specific approval of the authority responsible for them under the law of the sending state. The receiving facility, whether public or private, must agree to the transfer from the sending state before a transfer takes place. Specifically excluded from this pilot project are those persons who are involved in criminal proceedings.

Section 20. Applicable law. While in the receiving state, a person shall be subject to all of the provisions of law, rules, and regulations applicable to persons detained, committed, or placed under the corresponding laws of the receiving state, except those laws, rules, and regulations of the receiving state relating to length of commitment, reexaminations, and extensions of commitment or recommitment and except as otherwise provided by this Act. Specifically, the laws of the receiving state on emergency use of psychotropic medication and

the procedures for involuntary forced psychotropic medications shall apply to the person while in the receiving state. The laws, rules, and regulations of the sending state relating to length of commitment, reexaminations, and extensions of commitment or recommitment shall apply.

Section 25. Records. Treatment records shall be managed in accordance with the laws of the receiving state.

Section 30. Receiving agency responsibility.

(a) The receiving agency shall secure a re-examination for a person and arrange any extension or recommitment of a person's period of commitment. The receiving agency shall arrange transportation of persons from the receiving facility.

(b) If a person receiving services under a contract under this Act escapes from the receiving agency and the person at the time of the escape is subject to involuntary admission under the law of the sending state, the receiving agency shall use all reasonable means to recapture the escapee. The receiving agency shall immediately report the escape to the sending state. The receiving state has the primary responsibility for, and may direct, the pursuit, retaking, and prosecution of escaped persons within its jurisdiction.

(c) The receiving agency shall seek reimbursement from public or private insurance or from the county of residence or the sending state.

Section 35. Residence not established. No person establishes legal residence in the state where the receiving agency is located while the person is receiving services under this Act.

Section 40. Report to the Department. The receiving agency shall submit to the Department demographic information on the number of persons served in this pilot project, lengths of stay, cost data, and any specific problems or concerns that were raised during their stay. The agency shall also provide information about the number of Illinois residents who were served during the same period and whether any Illinois residents were denied services due to this pilot project. The receiving agency shall also notify other providers, hospitals, courts, law enforcement organizations, and advocacy organizations in the pilot project area on or before July 1, 2019 of the report to the Department on the pilot project and ask them to supply any comments to the Department. The receiving agency shall provide the information on or before August 1, 2019.

Section 45. Repeal. This Act is repealed on January 1, 2020.

Section 99. Effective date. This Act takes effect July 1, 2017.