

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 Interstate Contracts for Mental Health Disorder Treatment Act.

Section 3. Purpose. The purpose of this Act is to enable Illinois and Wisconsin residents who are subject, by court order, to involuntary admission on an inpatient basis for the treatment of a mental health disorder to obtain appropriate treatment across state lines in qualified private hospitals and facilities that are closer to their homes than are facilities available in their home states.

Section 5. Definitions. As used in this Act:

"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.

"Receiving agency" means a mental health facility that provides substance use disorder or mental health treatment to a person from a state other than the state in which a facility is located.

"Receiving state" means the state in which the receiving

agency is located.

"Northern border county" means the Illinois counties of Boone, DeKalb, DuPage, Kane, Lake, McHenry, and Winnebago.

"Sending agency" means a mental health facility located in a state which sends a person to a receiving state for substance use disorder or mental health treatment.

"Sending state" means the state in which a sending agency is located.

"Wisconsin Southeast Region" means the Wisconsin counties of Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha.

Section 10. Purchase of services. A private mental health facility located in a northern border county may contract as provided under this Act with a county department located in the Wisconsin Southeast Region to secure mental health treatment for Illinois residents who are subject to involuntary admission on an inpatient basis under orders issued by courts of this State for treatment at the mental health facility or hospital, except that mental health treatment may not be secured for persons committed under Section 104-13 or 104-25 of the Code of Criminal Procedure of 1963 or under Section 5-2-4 of the Unified Code of Corrections.

Section 15. Provision of services. A private mental health

facility located in a northern border county may contract as provided under this Act with a county department located in the Wisconsin Southeast Region to provide mental health treatment to Wisconsin residents who are subject to involuntary admission on an inpatient basis under orders issued by Wisconsin courts which shall have jurisdiction over the Wisconsin residents while they are committed to the private mental health facility or private hospital for treatment as provided under Section 51.87 of the Wisconsin Statutes, except that mental health treatment may not be provided for Wisconsin residents who are involved in a criminal proceeding.

Section 20. Residence not established. No person establishes legal residence in the state where the receiving agency is located while the person is receiving services in accordance with a contract under this Act.

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

Section 30. Involuntary commitments. An individual who is detained, committed, or placed on an involuntary basis under Article VI or VII of the Mental Health and Developmental Disabilities Code may be confined and treated for a mental health disorder in a private hospital or mental health

facility located in the Wisconsin Southeast Region in accordance with a contract under this Act. An individual who is detained, committed, or placed under the civil laws of Wisconsin may be confined and treated in this State in accordance with a contract under this Act. Court orders valid under the law of the sending state are granted recognition and reciprocity in the receiving state for individuals covered by a contract under this Act to the extent that the court orders relate to confinement for treatment or care of a mental health disorder. Such 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 Act 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.

Section 35. Applicable laws. While in the receiving state in accordance with a contract under this Act, an individual shall be subject to all of the provisions of law, rules, and regulations applicable to persons detained, committed, or placed in accordance with the corresponding laws of the receiving state, except those laws, rules, and regulations of

the receiving state relating to length of confinement, reexaminations, and extensions of confinement and except as otherwise provided by this Act. The law, rules, and regulations of the sending state relating to length of confinement, reexaminations, and extensions of confinement shall apply. No person may be sent to another state in accordance with a contract under this Act until the receiving state has enacted a law recognizing the validity and applicability of this State's laws as provided in this Act.

Section 40. Transfers between facilities. An individual may be transferred between private facilities of the receiving state if transfers are permitted by the contract under this Act providing for the individual's care.

Section 50. Required contract provisions. All contracts under this Act shall do all of the following:

(1) Establish the responsibility for the costs of all services to be provided under the contract.

(2) Establish the responsibility for the transportation of clients to and from receiving facilities.

(3) Provide for reports by the receiving agency to the sending agency on the condition of each client covered by the contract.

(4) Provide for arbitration of disputes arising out of

the provisions of the contract which cannot be settled through discussion between the contracting parties and specify how arbitrators will be chosen.

(5) Include provisions ensuring the nondiscriminatory treatment, as required by law, of employees, clients, and applicants for employment and services.

(6) Establish the responsibility for providing legal representation for clients in legal proceedings involving the legality of confinement and the conditions of confinement.

(7) Establish the responsibility for providing legal representation for employees of the contracting parties in legal proceedings initiated by persons receiving treatment in accordance with the contract.

(8) Include provisions concerning the length of the contract and the means by which the contract can be terminated.

(9) Establish the right of qualified employees and representatives of the sending agency and sending state to inspect, at all reasonable times, the records of the receiving agency and its treatment facilities to determine if appropriate standards of care are met for clients receiving services under the contract.

(10) Require the sending agency to provide the receiving agency with copies of all relevant legal documents authorizing confinement of persons who are

confined in accordance with the law of the sending state and receiving services in accordance with a contract under this Act.

(11) Establish the responsibility for securing a reexamination for an individual and for extending an individual's period of confinement.

(12) Include provisions specifying when a receiving facility can refuse to admit or retain an individual.

(13) Specify the circumstances under which individuals will be permitted home visits and granted passes to leave the facility.

Section 55. Applicability. This Act does not apply to state-operated or public facilities or hospitals located in Wisconsin or Illinois.