



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3703

by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

New Act

Creates the Out-of State Person Subject to Involuntary Admission on an Inpatient Basis Mental Health Treatment Act. Provides that on or before January 1, 2018, there is created a 2-year mental health pilot project for which a mental health facility located in Rock Island County, Illinois 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 mental health facility in this State for which the Iowa court shall have jurisdiction over the recipient while committed to a mental health facility in this State. Provides that 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 mental health facility in this State may receive inpatient treatment in an Iowa mental health facility. Provides that the Iowa or Illinois mental health facility 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. Defines "Eastern Iowa Mental Health Region", "person subject to involuntary admission on an inpatient basis", "mental health facility", "Pilot project area", "receiving agency", "receiving state", and "sending state". Provides that the Act is repealed on January 1, 2020. Effective July 1, 2017.

LRB100 05515 RLC 15527 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning mental health.

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

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

7 Section 5. Definitions. As used in this Act:

8 "Department" means the Department of Human Services.

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

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

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

17 "Receiving agency" means the agency which accepts and
18 provides treatment to a person from a state other than the one
19 in which the agency is located.

20 "Receiving state" means the state where the receiving
21 agency is located.

22 "Sending state" means the state which sends a person to
23 another state for treatment.

1 Section 10. Pilot project reciprocal agreement. On or
2 before January 1, 2018, there is created a 2-year mental health
3 pilot project for which a mental health facility located in
4 Rock Island County, Illinois may accept the admission of an
5 Iowa resident from the Eastern Iowa Mental Health Region who is
6 a person subject to involuntary admission on an inpatient basis
7 under an order issued by an Iowa court for treatment at a
8 mental health facility in this State for which the Iowa court
9 shall have jurisdiction over the recipient while committed to a
10 mental health facility in this State as provided under Section
11 331.910 of the Iowa Code. The pilot project shall also provide
12 that a resident of Rock Island County, Illinois who is a person
13 subject to involuntary admission on an inpatient basis under an
14 order issued by a court of this State for treatment at a mental
15 health facility in this State may receive inpatient treatment
16 in an Iowa mental health facility. The Iowa or Illinois mental
17 health facility shall provide mental health services to the
18 recipient for the duration of the court order and shall return
19 the recipient to his or her state of legal residence upon
20 discharge. If a recipient has to enter a State-operated
21 facility, the recipient must be returned to his or her state of
22 legal residence.

23 Section 15. Reciprocal agreement. For the purpose of the
24 pilot project, the reciprocal agreement is limited to court

1 orders issued by the courts in the Eastern Iowa Mental Health
2 Region and in Rock Island County, Illinois. Court orders valid
3 under the law of the sending state are granted recognition and
4 reciprocity in the receiving state's respective pilot project
5 area to the extent that the court orders relate to commitment
6 for inpatient treatment of a mental illness. The court orders
7 are not subject to legal challenge in the courts of the
8 receiving state. Persons who are detained, committed or placed
9 under the law of a sending state and who are transferred to a
10 receiving state under this Section continue to be in the legal
11 custody of the authority responsible for them under the law of
12 the sending state. Except in emergencies, those persons may not
13 be transferred, removed, or furloughed from a facility of the
14 receiving agency without the specific approval of the authority
15 responsible for them under the law of the sending state. The
16 receiving facility, whether public or private, must agree to
17 the transfer from the sending state before a transfer takes
18 place. Specifically excluded from this pilot project are those
19 persons who are involved in criminal proceedings.

20 Section 20. Applicable law. While in the receiving state, a
21 person shall be subject to all of the provisions of law, rules,
22 and regulations applicable to persons detained, committed, or
23 placed under the corresponding laws of the receiving state,
24 except those laws, rules, and regulations of the receiving
25 state relating to length of commitment, reexaminations, and

1 extensions of commitment or recommitment and except as
2 otherwise provided by this Act. Specifically, the laws of the
3 receiving state on emergency use of psychotropic medication and
4 the procedures for involuntary forced psychotropic medications
5 shall apply to the person while in the receiving state. The
6 laws, rules, and regulations of the sending state relating to
7 length of commitment, reexaminations, and extensions of
8 commitment or recommitment shall apply.

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

11 Section 30. Receiving agency responsibility.

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

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

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

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

8 Section 40. Report to the General Assembly. The receiving
9 agency shall submit to the Department demographic information
10 on the number of persons served in this pilot project, lengths
11 of stay, cost data, any specific problems or concerns that were
12 raised during their stay. The agency shall also provide
13 information about the number of Illinois residents who were
14 served during the same period and whether any Illinois
15 residents were denied services due to this pilot project. The
16 receiving agency shall also notify other providers, hospitals,
17 courts, law enforcement organizations, and advocacy
18 organizations in the pilot project area on or before July 1,
19 2019 of the report to the General Assembly on the pilot project
20 and ask them to supply any comments to the Department. The
21 receiving agency shall provide the information on or before
22 August 1, 2019. The Department shall submit a report to the
23 General Assembly on or before October 31, 2019 that includes a
24 review of the program, including a cost analysis to the State

1 of Illinois during the pilot project, as well as
2 recommendations on whether the program should be extended or
3 become permanent. Mental health facilities in the pilot project
4 area shall supply the Department with any necessary data in
5 order to satisfy the report.

6 Section 45. Repeal. This Act is repealed on January 1,
7 2020.

8 Section 99. Effective date. This Act takes effect July 1,
9 2017.