

HB2409



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2409

by Rep. Avery Bourne

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-605

from Ch. 91 1/2, par. 3-605

Amends the Mental Health and Developmental Disabilities Code. Provides that a person subject to involuntary admission on an inpatient basis may be transported to a hospital nearest to his or her residence (rather than only a mental health facility). Provides that if a person subject to involuntary admission on an inpatient basis is transported to a hospital that is unable to provide treatment to persons subject to involuntary admission on an inpatient basis, the hospital shall arrange for transport of the respondent to a hospital that treats persons subject to involuntary admission on an inpatient basis or a mental health facility.

LRB101 07716 RLC 52764 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 3-605 as
6 follows:

7 (405 ILCS 5/3-605) (from Ch. 91 1/2, par. 3-605)

8 Sec. 3-605. (a) In counties with a population of 3,000,000
9 or more, upon receipt of a petition and certificate prepared
10 pursuant to this Article, the county sheriff of the county in
11 which a respondent is found shall take a respondent into
12 custody and transport him to the hospital nearest to his or her
13 residence or to a mental health facility, or may make
14 arrangements with another public or private entity including a
15 licensed ambulance service to transport the respondent to the
16 hospital nearest to his or her residence or to the mental
17 health facility. In the event it is determined by such facility
18 that the respondent is in need of commitment or treatment at
19 another hospital or mental health facility, the county sheriff
20 shall transport the respondent to the appropriate hospital or
21 to the mental health facility, or the county sheriff may make
22 arrangements with another public or private entity including a
23 licensed ambulance service to transport the respondent to the

1 hospital or mental health facility. If a person subject to
2 involuntary admission on an inpatient basis is transported to a
3 hospital that is unable to provide treatment to persons subject
4 to involuntary admission on an inpatient basis, the hospital
5 shall arrange for transport of the respondent to a hospital
6 that treats persons subject to involuntary admission on an
7 inpatient basis or a mental health facility.

8 (b) The county sheriff may delegate his duties under
9 subsection (a) to another law enforcement body within that
10 county if that law enforcement body agrees.

11 (b-5) In counties with a population under 3,000,000, upon
12 receipt of a petition and certificate prepared pursuant to this
13 Article, the Department shall make arrangements to
14 appropriately transport the respondent to a hospital nearest to
15 his or her residence or to a mental health facility. In the
16 event it is determined by the facility that the respondent is
17 in need of commitment or treatment at another mental health
18 facility or hospital, the Department shall make arrangements to
19 appropriately transport the respondent to another mental
20 health facility or hospital. If a person subject to involuntary
21 admission on an inpatient basis is transported to a hospital
22 that is unable to provide treatment to persons subject to
23 involuntary admission on an inpatient basis, the hospital shall
24 arrange for transport of the respondent to a hospital that
25 treats persons subject to involuntary admission on an inpatient
26 basis or a mental health facility. The making of such

1 arrangements and agreements with public or private entities is
2 independent of the Department's role as a provider of mental
3 health services and does not indicate that the respondent is
4 admitted to any Department facility. In making such
5 arrangements and agreements with other public or private
6 entities, the Department shall include provisions to ensure (i)
7 the provision of trained personnel and the use of an
8 appropriate vehicle for the safe transport of the respondent
9 and (ii) that the respondent's insurance carrier as well as
10 other programs, both public and private, that provide payment
11 for such transportation services are fully utilized to the
12 maximum extent possible.

13 The Department may not make arrangements with an existing
14 hospital or grant-in-aid or fee-for-service community provider
15 for transportation services under this Section unless the
16 hospital or provider has voluntarily submitted a proposal for
17 its transportation services. This requirement does not
18 eliminate or reduce any responsibility on the part of a
19 hospital or community provider to ensure transportation that
20 may arise independently through other State or federal law or
21 regulation.

22 (c) The transporting authority acting in good faith and
23 without negligence in connection with the transportation of
24 respondents shall incur no liability, civil or criminal, by
25 reason of such transportation.

26 (d) The respondent and the estate of that respondent are

1 liable for the payment of transportation costs for transporting
2 the respondent to a mental health facility or hospital. If the
3 respondent is a beneficiary of a trust described in Section
4 15.1 of the Trusts and Trustees Act, the trust shall not be
5 considered a part of the respondent's estate and shall not be
6 subject to payment for transportation costs for transporting
7 the respondent to a mental health facility or hospital under
8 this Section except to the extent permitted under Section 15.1
9 of the Trusts and Trustees Act. If the respondent is unable to
10 pay or if the estate of the respondent is insufficient, the
11 responsible relatives are severally liable for the payment of
12 those sums or for the balance due in case less than the amount
13 owing has been paid. If the respondent is covered by insurance,
14 the insurance carrier shall be liable for payment to the extent
15 authorized by the respondent's insurance policy.

16 (Source: P.A. 93-770, eff. 1-1-05.)