

# SB0222



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0222

Introduced 1/31/2023, by Sen. Tom Bennett

### SYNOPSIS AS INTRODUCED:

405 ILCS 5/2-200

from Ch. 91 1/2, par. 2-200

Amends the Mental Health and Developmental Disabilities Code. Provides that upon commencement of services, or as soon thereafter as the condition of the recipient permits, every adult recipient, as well as the recipient's guardian or substitute decision maker, and every recipient who is 12 years of age or older and the parent or guardian of a minor or person under guardianship shall be informed orally and in writing that physical assault by a recipient may be reported to law enforcement pursuant to the Health Care Violence Prevention Act.

LRB103 24805 RJT 51136 b

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. This Act may be referred to as the Rights  
5 Admonishment Amendment to the Mental Health and Developmental  
6 Disabilities Code.

7 Section 5. The Mental Health and Developmental  
8 Disabilities Code is amended by changing Section 2-200 as  
9 follows:

10 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

11 Sec. 2-200. (a) Upon commencement of services, or as soon  
12 thereafter as the condition of the recipient permits, every  
13 adult recipient, as well as the recipient's guardian or  
14 substitute decision maker, and every recipient who is 12 years  
15 of age or older and the parent or guardian of a minor or person  
16 under guardianship shall be informed orally and in writing of  
17 the rights guaranteed by this Chapter which are relevant to  
18 the nature of the recipient's services program. The notice  
19 shall include, if applicable, the recipient's right to request  
20 a transfer to a different Department facility under Section  
21 3-908. Every facility shall also post conspicuously in public  
22 areas a summary of the rights which are relevant to the

1 services delivered by that facility as well as contact  
2 information for the Guardianship and Advocacy Commission and  
3 the agency designated by the Governor under Section 1 of the  
4 Protection and Advocacy for Persons with Developmental  
5 Disabilities Act.

6 (b) A recipient who is 12 years of age or older and the  
7 parent or guardian of a minor or person under guardianship at  
8 any time may designate, and upon commencement of services  
9 shall be informed of the right to designate, a person or agency  
10 to receive notice under Section 2-201 or to direct that no  
11 information about the recipient be disclosed to any person or  
12 agency.

13 (c) Upon commencement of services, or as soon thereafter  
14 as the condition of the recipient permits, the facility shall  
15 ask the adult recipient or minor recipient admitted pursuant  
16 to Section 3-502 whether the recipient wants the facility to  
17 contact the recipient's spouse, parents, guardian, close  
18 relatives, friends, attorney, advocate from the Guardianship  
19 and Advocacy Commission or the agency designated by the  
20 Governor under Section 1 of the Protection and Advocacy for  
21 Persons with Developmental Disabilities Act, or others and  
22 inform them of the recipient's presence at the facility. The  
23 facility shall by phone or by mail contact at least two of  
24 those people designated by the recipient and shall inform them  
25 of the recipient's location. If the recipient so requests, the  
26 facility shall also inform them of how to contact the

1 recipient.

2 (d) Upon commencement of services, or as soon thereafter  
3 as the condition of the recipient permits, the facility shall  
4 advise the recipient as to the circumstances under which the  
5 law permits the use of emergency forced medication or  
6 electroconvulsive therapy under subsection (a) of Section  
7 2-107, restraint under Section 2-108, or seclusion under  
8 Section 2-109. At the same time, the facility shall inquire of  
9 the recipient which form of intervention the recipient would  
10 prefer if any of these circumstances should arise. The  
11 recipient's preference shall be noted in the recipient's  
12 record and communicated by the facility to the recipient's  
13 guardian or substitute decision maker, if any, and any other  
14 individual designated by the recipient. If any such  
15 circumstances subsequently do arise, the facility shall give  
16 due consideration to the preferences of the recipient  
17 regarding which form of intervention to use as communicated to  
18 the facility by the recipient or as stated in the recipient's  
19 advance directive.

20 (e) Upon commencement of services, or as soon thereafter  
21 as the condition of the recipient permits, every adult  
22 recipient, as well as the recipient's guardian or substitute  
23 decision maker, and every recipient who is 12 years of age or  
24 older and the parent or guardian of a minor or person under  
25 guardianship shall be informed orally and in writing that  
26 physical assault by a recipient may be reported to law

1 enforcement pursuant to the Health Care Violence Prevention  
2 Act.

3 (Source: P.A. 102-593, eff. 8-27-21.)