



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB0100

Introduced 1/10/2013, by Rep. Jerry F. Costello, II

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1705/14

from Ch. 91 1/2, par. 100-14

Amends the Mental Health and Developmental Disabilities Administrative Act. Provides that the facility director of the Chester Mental Health Center may authorize the temporary use of transport devices on a civil recipient when necessary in the course of transport of the civil recipient outside the facility to maintain custody or security. Provides that the use of transport devices shall be reviewed and approved by a physician based upon a determination of the civil recipient's current functioning level, prior experience during similar transports, length, duration and purpose of trip, risk of unauthorized absence and risk of violence. Provides that staff transporting the individual shall be trained in the use of the transport devices and shall observe and monitor the individual while being transported. Provides that the facility shall keep a monthly record listing each instance in which transport devices are used, circumstances indicating the need for use of transport devices, and time of application of transport devices and time of release from those devices. Provides that the facility director shall allow the Illinois Guardianship and Advocacy Commission, the agency designated by the Governor under the Protection and Advocacy for Developmentally Disabled Persons Act, and the Department of Human Services to examine and copy the record upon request. Provides that this use of transport devices shall not be considered restraint as defined in the Mental Health and Developmental Disabilities Code. Effective immediately.

LRB098 00253 RLC 30257 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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 Administrative Act is amended by changing Section  
6 14 as follows:

7 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

8 Sec. 14. Chester Mental Health Center. To maintain and  
9 operate a facility for the care, custody, and treatment of  
10 persons with mental illness or habilitation of persons with  
11 developmental disabilities hereinafter designated, to be known  
12 as the Chester Mental Health Center.

13 Within the Chester Mental Health Center there shall be  
14 confined the following classes of persons, whose history, in  
15 the opinion of the Department, discloses dangerous or violent  
16 tendencies and who, upon examination under the direction of the  
17 Department, have been found a fit subject for confinement in  
18 that facility:

19 (a) Any male person who is charged with the commission  
20 of a crime but has been acquitted by reason of insanity as  
21 provided in Section 5-2-4 of the Unified Code of  
22 Corrections.

23 (b) Any male person who is charged with the commission

1 of a crime but has been found unfit under Article 104 of  
2 the Code of Criminal Procedure of 1963.

3 (c) Any male person with mental illness or  
4 developmental disabilities or person in need of mental  
5 treatment now confined under the supervision of the  
6 Department or hereafter admitted to any facility thereof or  
7 committed thereto by any court of competent jurisdiction.

8 If and when it shall appear to the facility director of the  
9 Chester Mental Health Center that it is necessary to confine  
10 persons in order to maintain security or provide for the  
11 protection and safety of recipients and staff, the Chester  
12 Mental Health Center may confine all persons on a unit to their  
13 rooms. This period of confinement shall not exceed 10 hours in  
14 a 24 hour period, including the recipient's scheduled hours of  
15 sleep, unless approved by the Secretary of the Department.  
16 During the period of confinement, the persons confined shall be  
17 observed at least every 15 minutes. A record shall be kept of  
18 the observations. This confinement shall not be considered  
19 seclusion as defined in the Mental Health and Developmental  
20 Disabilities Code.

21 The facility director of the Chester Mental Health Center  
22 may authorize the temporary use of handcuffs on a recipient for  
23 a period not to exceed 10 minutes when necessary in the course  
24 of transport of the recipient within the facility to maintain  
25 custody or security. Use of handcuffs is subject to the  
26 provisions of Section 2-108 of the Mental Health and

1 Developmental Disabilities Code. The facility shall keep a  
2 monthly record listing each instance in which handcuffs are  
3 used, circumstances indicating the need for use of handcuffs,  
4 and time of application of handcuffs and time of release  
5 therefrom. The facility director shall allow the Illinois  
6 Guardianship and Advocacy Commission, the agency designated by  
7 the Governor under Section 1 of the Protection and Advocacy for  
8 Developmentally Disabled Persons Act, and the Department to  
9 examine and copy such record upon request.

10 The facility director of the Chester Mental Health Center  
11 may authorize the temporary use of transport devices on a civil  
12 recipient when necessary in the course of transport of the  
13 civil recipient outside the facility to maintain custody or  
14 security. Use of transport devices shall be reviewed and  
15 approved by a physician based upon a determination of the civil  
16 recipient's current functioning level, prior experience during  
17 similar transports, length, duration and purpose of trip, risk  
18 of unauthorized absence and risk of violence. Staff  
19 transporting the individual shall be trained in the use of the  
20 transport devices and shall observe and monitor the individual  
21 while being transported. The facility shall keep a monthly  
22 record listing each instance in which transport devices are  
23 used, circumstances indicating the need for use of transport  
24 devices, and time of application of transport devices and time  
25 of release from those devices. The facility director shall  
26 allow the Illinois Guardianship and Advocacy Commission, the

1 agency designated by the Governor under Section 1 of the  
2 Protection and Advocacy for Developmentally Disabled Persons  
3 Act, and the Department to examine and copy the record upon  
4 request. This use of transport devices shall not be considered  
5 restraint as defined in the Mental Health and Developmental  
6 Disabilities Code.

7       If and when it shall appear to the satisfaction of the  
8 Department that any person confined in the Chester Mental  
9 Health Center is not or has ceased to be such a source of  
10 danger to the public as to require his subjection to the  
11 regimen of the center, the Department is hereby authorized to  
12 transfer such person to any State facility for treatment of  
13 persons with mental illness or habilitation of persons with  
14 developmental disabilities, as the nature of the individual  
15 case may require.

16       Subject to the provisions of this Section, the Department,  
17 except where otherwise provided by law, shall, with respect to  
18 the management, conduct and control of the Chester Mental  
19 Health Center and the discipline, custody and treatment of the  
20 persons confined therein, have and exercise the same rights and  
21 powers as are vested by law in the Department with respect to  
22 any and all of the State facilities for treatment of persons  
23 with mental illness or habilitation of persons with  
24 developmental disabilities, and the recipients thereof, and  
25 shall be subject to the same duties as are imposed by law upon  
26 the Department with respect to such facilities and the

1 recipients thereof.

2 (Source: P.A. 91-559, eff. 1-1-00.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.