

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. The decision whether to use any transport devices
15 shall be reviewed and approved on an individualized basis by a
16 physician based upon a determination of the civil recipient's:
17 (1) history of violence, (2) history of violence during
18 transports, (3) history of escapes and escape attempts, (4)
19 history of trauma, (5) history of incidents of restraint or
20 seclusion and use of involuntary medication, (6) current
21 functioning level and medical status, (7) prior experience
22 during similar transports, and (8) the length, duration, and
23 purpose of the transport. The least restrictive transport
24 device consistent with the individual's need shall be used.
25 Staff transporting the individual shall be trained in the use
26 of the transport devices, recognizing and responding to a

1 person in distress, and shall observe and monitor the
2 individual while being transported. The facility shall keep a
3 monthly record listing all transports, including those
4 transports for which use of transport devices were not sought,
5 those for which use of transport devices were sought but
6 denied, and each instance in which transport devices are used,
7 circumstances indicating the need for use of transport devices,
8 time of application of transport devices, time of release from
9 those devices, and any adverse events. The facility director
10 shall allow the Illinois Guardianship and Advocacy Commission,
11 the agency designated by the Governor under Section 1 of the
12 Protection and Advocacy for Developmentally Disabled Persons
13 Act, and the Department to examine and copy the record upon
14 request. This use of transport devices shall not be considered
15 restraint as defined in the Mental Health and Developmental
16 Disabilities Code. For the purpose of this Section "transport
17 device" means ankle cuffs, handcuffs, waist chains or
18 wrist-waist devices designed to restrict an individual's range
19 of motion while being transported. These devices must be
20 approved by the Division of Mental Health, used in accordance
21 with the manufacturer's instructions, and used only by
22 qualified staff members who have completed all training
23 required to be eligible to transport patients and all other
24 required training relating to the safe use and application of
25 transport devices, including recognizing and responding to
26 signs of distress in an individual whose movement is being

1 restricted by a transport device.

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

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

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.