

1 AN ACT in relation to mental health.

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

4 Section 5. The Community Mental Health Act is amended by  
5 changing Section 3e as follows:

6 (405 ILCS 20/3e) (from Ch. 91 1/2, par. 303e)

7 Sec. 3e. Board's powers and duties.

8 (1) Every community mental health board shall,  
9 immediately after appointment, meet and organize, by the  
10 election of one of its number as president and one as  
11 secretary and such other officers as it may deem necessary.  
12 It shall make rules and regulations concerning the rendition  
13 or operation of services and facilities which it directs,  
14 supervises or funds, not inconsistent with the provisions of  
15 this Act or with the rules and regulations of the Department  
16 of Human Services. It shall:

17 (a) Hold a meeting prior to July 1 of each year at  
18 which officers shall be elected for the ensuing year  
19 beginning July 1;

20 (b) Hold meetings at least quarterly;

21 (c) Hold special meetings upon a written request  
22 signed by at least 2 members and filed with the  
23 secretary;

24 (d) Review and evaluate community mental health  
25 services and facilities, including services and  
26 facilities for the treatment of alcoholism, drug  
27 addiction, developmental disabilities and mental  
28 retardation;

29 (e) Submit to the appointing officer, the members  
30 of the governing body, the Department of Human Services,  
31 and the Health Systems Agency a written plan for a

1 program of community mental health services and  
2 facilities including programs for persons adjudicated  
3 delinquent minors under the Juvenile Court Act or the  
4 Juvenile Court Act of 1987 who are found to be persons  
5 with mental illness, for persons with a developmental  
6 disability and for the substance abuser. Such plan shall  
7 be for the ensuing 12 month period. In addition, a plan  
8 shall be developed for the ensuing 3 year period and such  
9 plan shall be reviewed at the end of every 12 month  
10 period and shall be modified as deemed advisable. The  
11 basic components of such plans shall be consistent with  
12 the regulations of the Department of Human Services.

13 (f) Within amounts appropriated therefor, execute  
14 such programs and maintain such services and facilities  
15 as may be authorized under such appropriations, including  
16 amounts appropriated under bond issues, if any;

17 (g) The board shall cause the publication of its  
18 annual budget and report within 60 days after the end of  
19 the fiscal year in a newspaper published within the  
20 jurisdiction of the board, or, if no newspaper is  
21 published within the jurisdiction of the board, then one  
22 published in the county, or, if no newspaper is published  
23 in the county, then in a newspaper having general  
24 circulation within the jurisdiction of the board. The  
25 report shall show the condition of its trust of that  
26 year, the sums of money received from all sources, giving  
27 the name of any donor, how all monies have been expended  
28 and for what purpose, and such other statistics and  
29 program information in regard to the work of the board as  
30 it may deem of general interest. A copy of the budget  
31 and the annual report shall also be sent to the  
32 Department of Human Services and to the regional Health  
33 Systems Agency and to members of the General Assembly  
34 whose districts include any part of the jurisdiction of

1 such board. The names of all employees, consultants, and  
2 other personnel shall be set forth along with the amounts  
3 of money received;

4 (h) Consult with other appropriate local private  
5 and public agencies and the Department of Human Services  
6 in the development of local plans for the most efficient  
7 delivery of mental health, alcoholism and substance abuse  
8 services. The Board is authorized to join and to  
9 participate in the activities of associations organized  
10 for the purpose of promoting more efficient and effective  
11 services and programs;

12 (i) Review and comment on all applications for  
13 grants by any person, corporation, or governmental unit  
14 providing services within the geographical area of the  
15 board which provides mental health facilities and  
16 services, when such facilities and services are included  
17 in the board's one-year and 3-year plans, including  
18 services for the person with a developmental disability  
19 and the substance abuser. Grant applicants shall send a  
20 copy of their grant application to the board at the time  
21 such application is submitted to the Department of Human  
22 Services or to any other local, State or federal funding  
23 source or governmental agency. Within 60 days of the  
24 receipt of any application, the board shall submit its  
25 review and comments to the Department of Human Services  
26 or to any other appropriate local, State or federal  
27 funding source or governmental agency. A copy of the  
28 review and comments shall be submitted both to the grant  
29 applicant and to the regional Health Systems Agency.  
30 Within 60 days thereafter, the Department of Human  
31 Services or any other appropriate local or State  
32 governmental agency shall issue a written response to the  
33 board, to the grant applicant and to the federal Health  
34 Systems Agency. The Department of Human Services shall

1 supply any community mental health board such information  
 2 about purchase-of-care funds, State facility utilization,  
 3 and costs in its geographical area as the board may  
 4 request provided that the information requested is for  
 5 the purpose of the Community Mental Health Board  
 6 complying with the requirements of Section 3e, subsection  
 7 (e) of this Act;

8 (j) Perform such other acts as may be necessary or  
 9 proper to carry out the purposes of this Act, if not  
 10 inconsistent with the regulations of the Department of  
 11 Human Services.

12 (2) The community mental health board has the following  
 13 powers may:

14 (a) The board may enter into multiple-year  
 15 contracts for rendition or operation of services,  
 16 facilities and educational programs.;

17 (b) The board may arrange for the rendition of  
 18 services and operation of facilities by other agencies of  
 19 the governmental unit or county in which the governmental  
 20 unit is located with the approval of the governing body.;

21 (c) The board may employ such personnel, including  
 22 legal counsel, as may be necessary to carry out the  
 23 purposes of this Act and prescribe the duties of and  
 24 establish salaries and provide other compensation for  
 25 such personnel. The board may enter into multiple-year  
 26 employment contracts as may be necessary for the  
 27 recruitment and retention of personnel and the proper  
 28 functioning of the board.;

29 (d) The board may enter into multiple-year joint  
 30 agreements, which shall be written, with other contiguous  
 31 mental health boards and boards of health to provide  
 32 jointly agreed upon community mental health facilities  
 33 and services and to pool such funds as may be deemed  
 34 necessary and available for this purpose.

1           (e) The board may organize a not-for-profit  
2 corporation for the purpose of providing direct recipient  
3 services. Such corporations shall have, in addition to  
4 all other lawful powers, the power to contract with  
5 persons to furnish services for recipients of the  
6 corporation's facilities, including psychiatrists and  
7 other physicians licensed in this State to practice  
8 medicine in all of its branches. Such physicians shall  
9 be considered independent contractors, and liability for  
10 any malpractice shall not extend to such corporation, nor  
11 to the community mental health board, except for gross  
12 negligence in entering into such a contract.

13           (f) The board shall not operate any direct  
14 recipient services for more than a 2-year period when  
15 such services are being provided in the governmental  
16 unit, but shall encourage, by financial support, the  
17 development of private agencies to deliver such needed  
18 services, pursuant to regulations of the board.

19           (g) Where there are multiple boards within the same  
20 planning area, as established by the Department of Human  
21 Services, services may be purchased through a single  
22 delivery system. In such areas, a coordinating body with  
23 representation from each board shall be established to  
24 carry out the service functions of this Act. In the event  
25 any such coordinating body purchases or improves real  
26 property, such body shall first obtain the approval of  
27 the governing bodies of the governmental units in which  
28 the coordinating body is located.

29           (h) The board may enter into multiple-year joint  
30 agreements with other governmental units located within  
31 the geographical area of the board. Such agreements  
32 shall be written and shall provide for the rendition of  
33 services by the board to the residents of such  
34 governmental units. ~~Fer--this--purpose,--the--board--is~~

1 authorized--to--accept--local--tax--funds--and--funds--made  
 2 available--to--units--of--government--through--the--Federal,  
 3 State--and--Local--Fiscal--Assistance--Act--of--1972.

4 (i) The board may enter into multiple-year joint  
 5 agreements with the Department of Human Services whereby  
 6 the board will provide certain services, the costs of  
 7 which shall be negotiated between the Department and the  
 8 board. This provision shall not be construed to limit  
 9 the authority of the board to contract with other  
 10 federal, State and local agencies. All such joint  
 11 agreements must provide for the exchange of relevant  
 12 data. However, nothing in this Act shall be construed to  
 13 permit the abridgement of the confidentiality of patient  
 14 records.†

15 (j) The board may receive gifts from private  
 16 sources for purposes not inconsistent with the provisions  
 17 of this Act.†

18 (k) The board may receive Federal, State and local  
 19 funds for purposes not inconsistent with the provisions  
 20 of this Act.†

21 (l) The board may establish scholarship programs.  
 22 Such programs shall require equivalent service or  
 23 reimbursement pursuant to regulations of the board.

24 (m) The board may sell, rent, or lease real  
 25 property for purposes consistent with this Act.

26 (n) The board may: (i) own real property, lease  
 27 real property as lessee, or acquire real property by  
 28 purchase, construction, lease-purchase agreement, or  
 29 otherwise; (ii) take title to the property in the board's  
 30 name; (iii) borrow money and issue debt instruments,  
 31 mortgages, purchase-money mortgages, and other security  
 32 instruments with respect to the property; and (iv)  
 33 maintain, repair, remodel, or improve the property. All  
 34 of these activities must be for purposes consistent with

1       this Act as may be reasonably necessary for the housing  
 2       and proper functioning of the board. The board may use  
 3       moneys in the Community Mental Health Fund for these  
 4       purposes. Within-amounts-appropriated--by--the--governing  
 5       body--for-such-purpose, own-or-purchase-real-property-for  
 6       purposes-consistent-with-this-Act-and-borrow-money-not-to  
 7       exceed-the-real-value-of-the-property.

8               (o) The board may organize a not-for-profit  
 9       corporation (i) for the purpose of raising money to be  
 10       distributed by the board for providing community mental  
 11       health services and facilities for the treatment of  
 12       alcoholism, drug addiction, developmental disabilities,  
 13       and mental retardation or (ii) for other purposes not  
 14       inconsistent with this Act.

15       (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

16               Section 99. Effective date. This Act takes effect upon  
 17       becoming law.