

**SB0586**



**102ND GENERAL ASSEMBLY**

**State of Illinois**

**2021 and 2022**

**SB0586**

Introduced 2/24/2021, by Sen. Julie A. Morrison

**SYNOPSIS AS INTRODUCED:**

405 ILCS 5/1-114  
405 ILCS 5/2-200

from Ch. 91 1/2, par. 1-114  
from Ch. 91 1/2, par. 2-200

Amends the Mental Health and Developmental Disabilities Code. Provides that an otherwise qualifying facility shall not be considered to be a "mental health facility" for purposes relating to a person whose admission is solely for the purpose of receiving treatment for a condition other than a mental illness; provided any mental health treatment that is provided is limited to mental health treatment: (i) voluntarily agreed to by the person prior to the current facility admission; (ii) that is the receipt of medications ordered to treat or prevent complications or side effects of medical treatment, including the administration of anti-anxiety medications to surgical patients and patients on mechanical ventilation; or (iii) that is solely an evaluation of the psychological condition of the recipient. Effective immediately.

LRB102 04032 RLC 14048 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 Sections 1-114 and  
6 2-200 as follows:

7 (405 ILCS 5/1-114) (from Ch. 91 1/2, par. 1-114)

8 Sec. 1-114. "Mental health facility" means any licensed  
9 private hospital, institution, or facility or section thereof,  
10 and any facility, or section thereof, operated by the State or  
11 a political subdivision thereof for the treatment of persons  
12 with mental illness and includes all hospitals, institutions,  
13 clinics, evaluation facilities, and mental health centers  
14 which provide treatment for such persons. However, a facility  
15 shall not constitute a mental health facility for a person  
16 whose admission is solely for the purpose of receiving  
17 treatment for a condition other than a mental illness;  
18 provided any mental health treatment that is provided is  
19 limited to mental health treatment:

20 (i) voluntarily agreed to by the person prior to the  
21 current facility admission;

22 (ii) that is the receipt of medications ordered to treat  
23 or prevent complications or side effects of medical treatment,

1 including the administration of anti-anxiety medications to  
2 surgical patients and patients on mechanical ventilation; or  
3 (iii) that is solely an evaluation of the psychological  
4 condition of the recipient.

5 (Source: P.A. 88-380.)

6 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

7 Sec. 2-200. (a) Upon commencement of services, or as soon  
8 thereafter as the condition of the recipient permits, every  
9 adult recipient, as well as the recipient's guardian or  
10 substitute decision maker, and every recipient who is 12 years  
11 of age or older and the parent or guardian of a minor or person  
12 under guardianship shall be informed orally and in writing of  
13 the rights guaranteed by this Chapter which are relevant to  
14 the nature of the recipient's services program. Every facility  
15 shall also post conspicuously in public areas a summary of the  
16 rights which are relevant to the services delivered by that  
17 facility as well as contact information for the Guardianship  
18 and Advocacy Commission and the agency designated by the  
19 Governor under Section 1 of the Protection and Advocacy for  
20 Persons with Developmental Disabilities Act. The requirement  
21 that the information be posted does not apply to a facility, or  
22 section of a facility, in which the majority of the persons are  
23 not receiving mental health services.

24 (b) A recipient who is 12 years of age or older and the  
25 parent or guardian of a minor or person under guardianship at

1 any time may designate, and upon commencement of services  
2 shall be informed of the right to designate, a person or agency  
3 to receive notice under Section 2-201 or to direct that no  
4 information about the recipient be disclosed to any person or  
5 agency.

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

21 (d) Upon commencement of services, or as soon thereafter  
22 as the condition of the recipient permits, the facility shall  
23 advise the recipient as to the circumstances under which the  
24 law permits the use of emergency forced medication or  
25 electroconvulsive therapy under subsection (a) of Section  
26 2-107, restraint under Section 2-108, or seclusion under

1 Section 2-109. At the same time, the facility shall inquire of  
2 the recipient which form of intervention the recipient would  
3 prefer if any of these circumstances should arise. The  
4 recipient's preference shall be noted in the recipient's  
5 record and communicated by the facility to the recipient's  
6 guardian or substitute decision maker, if any, and any other  
7 individual designated by the recipient. If any such  
8 circumstances subsequently do arise, the facility shall give  
9 due consideration to the preferences of the recipient  
10 regarding which form of intervention to use as communicated to  
11 the facility by the recipient or as stated in the recipient's  
12 advance directive.

13 (Source: P.A. 100-915, eff. 1-1-19.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.