

HB4927



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4927

Introduced 1/19/2006, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

405 ILCS 5/2-107

from Ch. 91 1/2, par. 2-107

Amends the Mental Health and Developmental Disabilities Code. Makes a technical change in a Section concerning refusal of services and informing of risks.

LRB094 17138 DRJ 52426 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 Section 2-107 as
6 follows:

7 (405 ILCS 5/2-107) (from Ch. 91 1/2, par. 2-107)

8 Sec. 2-107. Refusal of services; informing of risks.

9 (a) An adult recipient of services or the ~~the~~ recipient's
10 guardian, if the recipient is under guardianship, and the
11 recipient's substitute decision maker, if any, must be informed
12 of the recipient's right to refuse medication. The recipient
13 and the recipient's guardian or substitute decision maker shall
14 be given the opportunity to refuse generally accepted mental
15 health or developmental disability services, including but not
16 limited to medication. If such services are refused, they shall
17 not be given unless such services are necessary to prevent the
18 recipient from causing serious and imminent physical harm to
19 the recipient or others and no less restrictive alternative is
20 available. The facility director shall inform a recipient,
21 guardian, or substitute decision maker, if any, who refuses
22 such services of alternate services available and the risks of
23 such alternate services, as well as the possible consequences
24 to the recipient of refusal of such services.

25 (b) Authorized involuntary treatment may be given under
26 this Section for up to 24 hours only if the circumstances
27 leading up to the need for emergency treatment are set forth in
28 writing in the recipient's record.

29 (c) Authorized involuntary treatment may not be continued
30 unless the need for such treatment is redetermined at least
31 every 24 hours based upon a personal examination of the
32 recipient by a physician or a nurse under the supervision of a

1 physician and the circumstances demonstrating that need are set
2 forth in writing in the recipient's record.

3 (d) Authorized involuntary treatment may not be
4 administered under this Section for a period in excess of 72
5 hours, excluding Saturdays, Sundays, and holidays, unless a
6 petition is filed under Section 2-107.1 and the treatment
7 continues to be necessary under subsection (a) of this Section.
8 Once the petition has been filed, treatment may continue in
9 compliance with subsections (a), (b), and (c) of this Section
10 until the final outcome of the hearing on the petition.

11 (e) The Department shall issue rules designed to insure
12 that in State-operated mental health facilities authorized
13 involuntary treatment is administered in accordance with this
14 Section and only when appropriately authorized and monitored by
15 a physician or a nurse under the supervision of a physician in
16 accordance with accepted medical practice. The facility
17 director of each mental health facility not operated by the
18 State shall issue rules designed to insure that in that
19 facility authorized involuntary treatment is administered in
20 accordance with this Section and only when appropriately
21 authorized and monitored by a physician or a nurse under the
22 supervision of a physician in accordance with accepted medical
23 practice. Such rules shall be available for public inspection
24 and copying during normal business hours.

25 (f) The provisions of this Section with respect to the
26 emergency administration of authorized involuntary treatment
27 do not apply to facilities licensed under the Nursing Home Care
28 Act.

29 (g) Under no circumstances may long-acting psychotropic
30 medications be administered under this Section.

31 (Source: P.A. 90-538, eff. 12-1-97; 91-726, eff. 6-2-00.)