



State Government Administration Committee

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1 AMENDMENT TO SENATE BILL 150

2 AMENDMENT NO. _____. Amend Senate Bill 150, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Community Expanded Mental Health Services Act.

7 Section 5. Purpose. The purpose of an Expanded Mental
8 Health Services Program and Governing Commission created under
9 the provisions of this Act by the voters of a territory within
10 a municipality with a population of more than 1,000,000 shall
11 be to expand the availability of mental health services to an
12 additional population of mentally ill residents, in keeping
13 with the model of community-based mental health care instituted
14 by the 1963 federal Community Mental Health Centers Act. The
15 Program is intended to expand and extend mental health services
16 to mentally ill residents who need the assistance of their

1 communities in overcoming or coping with mental or emotional
2 disorders, with a special focus on early intervention and
3 prevention of such disorders. The Expanded Mental Health
4 Services Program may also assist the severely mentally ill, but
5 shall not replace existing services currently mandated by law
6 for the severely mentally ill.

7 Section 10. Definitions. As used in this Act:

8 "Clinical psychologist" means a psychologist who is
9 licensed by the Illinois Department of Financial and
10 Professional Regulation and who: (i) has a doctoral degree from
11 a regionally accredited university, college, or professional
12 school, and has 2 years of supervised experience in health
13 services of which at least one year is postdoctoral and one
14 year is in an organized health service program; or (ii) has a
15 graduate degree in psychology from a regionally accredited
16 university or college, and has not less than 6 years of
17 experience as a psychologist with at least 2 years of
18 supervised experience in health services.

19 "Clinical social worker" means a person who is licensed as
20 a clinical social worker by the Illinois Department of
21 Financial and Professional Regulation and who: (i) has a
22 master's or doctoral degree in social work from an accredited
23 graduate school of social work; and (ii) has at least 2 years
24 of supervised post-master's clinical social work practice
25 which shall include the provision of mental health services for

1 the evaluation, treatment and prevention of mental and
2 emotional disorders.

3 "Community organization" means a not for profit
4 organization which has been registered with this State for at
5 least 5 years as a not for profit organization, which qualifies
6 for tax exempt status under Section 501(c)(3) of the United
7 States Internal Revenue Code of 1986, as now or hereafter
8 amended, which continuously maintains an office or business
9 location within the territory of an Expanded Mental Health
10 Services Program together with a current listed telephone
11 number, or a majority of whose members reside within the
12 territory of an Expanded Mental Health Services Program.

13 "Eligible person" means any person living within a
14 described territory who suffers from, or is at risk of
15 suffering from, a mental illness and such a person's immediate
16 family (including a spouse, child, and parent). Each eligible
17 person may receive described services within a territory, and
18 those services shall be free of charge after the person has
19 exhausted all available payment subsidies, including but not
20 limited to Medicare, Medicaid, and private insurance.

21 "Governing Commission" means the governing body of an
22 Expanded Mental Health Services Program created under this Act.

23 "Mental illness" means a mental or emotional disorder that
24 substantially impairs a person's thought, perception of
25 reality, emotional process, judgment, behavior, or ability to
26 cope with the ordinary demands of life, but does not include a

1 developmental disability, dementia, or Alzheimer's disease
2 absent psychosis, or an abnormality manifested only by repeated
3 criminal or otherwise antisocial conduct.

4 "Mental health professionals" include clinical social
5 workers, clinical psychologists, and psychiatrists as defined
6 by this Act.

7 "Program" means the Expanded Mental Health Services
8 Program governed by a specific Governing Commission.

9 "Program guidelines" means those policies, rules,
10 regulations, and bylaws established from time to time by the
11 Governing Commission to explain, clarify, or modify the Program
12 in order to fulfill its goals and objectives.

13 "Psychiatrist" means a physician who has successfully
14 completed a residency program in psychiatry accredited by
15 either the Accreditation Council for Graduate Medical
16 Education or the American Osteopathic Association.

17 "Severe mental illness" means the manifestation of all of
18 the following characteristics: (i) a primary diagnosis of one
19 of the major mental disorders in the current edition of the
20 Diagnostic and Statistical Manual of Mental Disorders listed as
21 follows: schizophrenia disorder; delusional disorder;
22 schizo-affective disorder; bipolar affective disorder;
23 atypical psychosis; major depression, recurrent; (ii)
24 substantial impairment of functioning in at least 2 of the
25 following areas: self-maintenance, social functioning,
26 activities of community living, and work skills; and (iii)

1 presence or expected presence of the disability for at least
2 one year.

3 A determination of severe mental illness shall be based
4 upon a comprehensive, documented assessment with an evaluation
5 by a licensed clinical psychologist or psychiatrist, and shall
6 not be based solely on behaviors relating to environmental,
7 cultural or economic differences.

8 "Territory" means a geographically contiguous area with a
9 population of 75,000 to 250,000 based on the most recent
10 decennial census.

11 "Treatment" means an effort to accomplish an improvement in
12 the mental condition or related behavior of a recipient.
13 "Treatment" includes, but is not limited to, examination,
14 diagnosis, evaluation, care, training, psychotherapy,
15 pharmaceuticals, outpatient services, and other services
16 provided for recipients by mental health facilities.

17 Section 15. Creation of Expanded Mental Health Services
18 Program and Governing Commission.

19 (a) Whenever in a municipality with more than 1,000,000
20 inhabitants, the question of creating an Expanded Mental Health
21 Services Program within a contiguous territory included
22 entirely within the municipality is initiated by resolution or
23 ordinance of the corporate authorities of the municipality or
24 by a petition signed by not less than 8% of the total votes
25 cast for candidates for Governor in the preceding gubernatorial

1 election by registered voters of the territory, the registered
2 voters of which are eligible to sign the petition, it shall be
3 the duty of the election authority having jurisdiction over
4 such municipality to submit the question of creating an
5 Expanded Mental Health Services Program to the electors of the
6 territory at the regular election specified in the resolution,
7 ordinance, or petition initiating the question. A petition
8 initiating a question described in this Section shall be filed
9 with the election authority having jurisdiction over the
10 municipality. The petition shall be filed and objections
11 thereto shall be made in the manner provided in the general
12 election law. A resolution, ordinance, or petition initiating a
13 question described in this Section shall specify the election
14 at which the question is to be submitted. The referendum on
15 such question shall be held in accordance with general election
16 law. Such question, and the resolution, ordinance, or petition
17 initiating the question, shall include a description of the
18 territory, the name of the proposed Expanded Mental Health
19 Services Program, and the maximum rate at which the Expanded
20 Mental Health Services Program shall be able to levy a property
21 tax. The question shall be in substantially the following form:

22 Shall there be established, to serve the territory commonly
23 described on this ballot or notice of this question, a
24 (fill in community name) Expanded Mental Health Services
25 Program, to provide direct free mental health services for any
26 resident of the territory who needs assistance in overcoming or

1 coping with mental or emotional disorders, where such program
2 will be funded through an increase of not more than (fill
3 in tax rate from .004 to .007) of the real estate property tax
4 bill of all parcels within the boundaries of the territory (for
5 example, \$..... (fill in tax rate figure) for every \$1,000 of
6 taxes you currently pay)?

7 All of that area within the geographic boundaries of the
8 territory described in such question shall be included in the
9 Program, and no area outside the geographic boundaries of the
10 territory described in such question shall be included in the
11 Program. If the election authority determines that the
12 description cannot be included within the space limitations of
13 the ballot, the election authority shall prepare large printed
14 copies of a notice of the question, which shall be prominently
15 displayed in the polling place of each precinct in which the
16 question is to be submitted.

17 (b) Whenever a majority of the voters on such public
18 question approve the creation of an Expanded Mental Health
19 Services Program as certified by the proper election
20 authorities, within 90 days of the passage of the referendum
21 the Governor shall appoint 5 members and the Mayor of the
22 municipality shall appoint 4 members, to be known as
23 commissioners, to serve as the governing body of the Expanded
24 Mental Health Services Program.

25 (c) Of the 5 commissioners appointed by the Governor, the
26 Governor shall choose 4 commissioners from a list of nominees

1 supplied by a community organization or community
2 organizations as defined in this Act; these 4 commissioners
3 shall reside in the territory of the Program. Of the
4 commissioners appointed by the Governor, one shall be a mental
5 health professional and one shall be a mental health consumer
6 residing in the territory of the Program.

7 (d) Of the 4 commissioners appointed by the Mayor of the
8 municipality, the Mayor shall choose 3 commissioners from a
9 list of nominees supplied by a community organization or
10 community organizations as defined in this Act; these 3
11 commissioners shall reside in the territory of the Program. Of
12 the commissioners appointed by the Mayor, one shall be a mental
13 health professional and one shall be a mental health consumer
14 residing in the territory of the Program.

15 (e) A community organization may recommend up to 10
16 individuals to the Governor and up to 10 individuals to the
17 Mayor to serve on the Governing Commission.

18 (f) No fewer than 7 commissioners serving at one time shall
19 reside within the territory of the Program.

20 (g) Upon creation of a Governing Commission, the terms of
21 the initial commissioners shall be as follows: (i) of the
22 Governor's initial appointments, 2 shall be for 3 years, one
23 for 2 years, and 2 for one year; and (ii) of the Mayor's
24 initial appointments, one shall be for 3 years, 2 for 2 years,
25 and one for one year. All succeeding terms shall be for 3
26 years, or until a successor is appointed and qualified.

1 Commissioners shall serve without compensation except for
2 reimbursement for reasonable expenses incurred in the
3 performance of duties as a commissioner. A vacancy in the
4 office of a member of a Governing Commission shall be filled in
5 like manner as an original appointment.

6 (h) Any member of the Governing Commission may be removed
7 by a majority vote of all other commissioners for absenteeism,
8 neglect of duty, misconduct or malfeasance in the office, after
9 being given a written statement of the charges and an
10 opportunity to be heard thereon.

11 (i) All proceedings and meetings of the Governing
12 Commission shall be conducted in accordance with the provisions
13 of the Open Meetings Act.

14 Section 20. Duties and functions of Governing Commission.
15 The duties and functions of the Governing Commission of an
16 Expanded Mental Health Services Program shall include the
17 following:

18 (1) To, immediately after appointment, meet and organize,
19 by the election of one of its number as president and one as
20 secretary and such other officers as it may deem necessary. It
21 shall establish policies, rules, regulations, bylaws, and
22 procedures for both the Governing Commission and the Program
23 concerning the rendition or operation of services and
24 facilities which it directs, supervises, or funds, not
25 inconsistent with the provisions of this Act. No policies,

1 rules, regulations, or bylaws shall be adopted by the Governing
2 Commission without prior notice to the residents of the
3 territory of a Program and an opportunity for such residents to
4 be heard.

5 (2) To hold meetings at least quarterly, and to hold
6 special meetings upon a written request signed by at least 2
7 commissioners and filed with the secretary of the Governing
8 Commission.

9 (3) To provide annual status reports on the Program to the
10 Governor, the Mayor of the municipality, and the voters of the
11 territory within 120 days after the end of the fiscal year,
12 such report to show the condition of the expanded mental health
13 services fund for that year, the sums of money received from
14 all sources, how all monies have been expended and for what
15 purposes, how the Program has conformed with the mental health
16 needs assessment conducted in the territory, and such other
17 statistics and Program information in regard to the work of the
18 Governing Commission as it may deem of general interest.

19 (4) To manage, administer, and invest the financial
20 resources contained in the expanded mental health services
21 fund.

22 (5) To employ necessary personnel, acquire necessary
23 office space, enter into contractual relationships, and
24 disburse funds in accordance with the provisions of this Act.
25 In this regard, to the extent the Governing Commission chooses
26 to retain the services of another public or private agency with

1 respect to the provision of expanded mental health services
2 under this Act, such selection shall be based upon receipt of a
3 comprehensive plan addressing the following factors: the
4 conducting of a thorough mental health needs assessment for the
5 territory; the development of specific mental health programs
6 and services tailored to this assessment; and the percentage of
7 the proposed budget devoted to responding to these demonstrated
8 needs. Within 14 days of the selection of any individual or
9 organization, the Governing Commission shall provide a written
10 report of its decision, with specific reference to the factors
11 used in reaching its decision, to the Mayor of the
12 municipality, the Governor, and the voters of the territory.
13 Subsequent decisions by the Governing Commission to retain or
14 terminate the services of a provider shall be based upon the
15 provider's success in achieving its stated goals, especially
16 with regards to servicing the maximum number of residents of
17 the territory identified as needing mental health services in
18 the initial needs assessment and subsequent updates to it.

19 (6) To disburse the funds collected annually from tax
20 revenue in such a way that no less than 85% of those funds are
21 expended on direct mental and emotional health services
22 provided by licensed mental health professionals or by mental
23 health interns or persons with a bachelor's degree in social
24 work supervised by those professionals.

25 (7) To establish criteria and standards necessary for
26 hiring the licensed mental health professionals to be employed

1 to provide the direct services of the Program.

2 (8) To identify the mental and emotional health needs
3 within the Program territory and determine the programs for
4 meeting those needs annually as well as the eligible persons
5 whom the Program may serve.

6 (9) To obtain errors and omissions insurance for all
7 commissioners in an amount of no less than \$1,000,000.

8 (10) To perform such other functions in connection with the
9 Program and the expanded mental health services fund as
10 required under this Act.

11 Section 25. Expanded mental health services fund.

12 (a) The Governing Commission shall maintain the expanded
13 mental health services fund for the purposes of paying the
14 costs of administering the Program and carrying out its duties
15 under this Act, subject to the limitations and procedures set
16 forth in this Act.

17 (b) The expanded mental health services fund shall be
18 raised by means of an annual tax levied on each property within
19 the territory of the Program. The rate of this tax may be
20 changed from year to year by majority vote of the Governing
21 Commission but in no case shall it exceed the ceiling rate
22 established by the voters in the territory of the Program in
23 the binding referendum to approve the creation of the Expanded
24 Mental Health Services Program. The ceiling rate must be set
25 within the range of .004 to .007 on each property in the

1 territory of the Program. A higher ceiling rate for a territory
2 may be established within that range only by the voters in a
3 binding referendum from time to time to be held in a manner as
4 set forth in this legislation. The commissioners shall cause
5 the amount to be raised by taxation in each year to be
6 certified to the county clerk in the manner provided by law,
7 and any tax so levied and certified shall be collected and
8 enforced in the same manner and by the same officers as those
9 taxes for the purposes of the county and city within which the
10 territory of the Governing Commission is located. Any such tax,
11 when collected, shall be paid over to the proper officer of the
12 Governing Commission who is authorized to receive and receipt
13 for such tax. The Governing Commission may issue tax
14 anticipation warrants against the taxes to be assessed for a
15 calendar year.

16 (c) The moneys deposited in the expanded mental health
17 services fund shall, as nearly as practicable, be fully and
18 continuously invested or reinvested by the Governing
19 Commission in investment obligations which shall be in such
20 amounts, and shall mature at such times, that the maturity or
21 date of redemption at the option of the holder of such
22 investment obligations shall coincide, as nearly as
23 practicable, with the times at which monies will be required
24 for the purposes of the Program. For the purposes of this
25 Section, "investment obligation" means direct general
26 municipal, state, or federal obligations which at the time are

1 legal investments under the laws of this State and the payment
2 of principal of and interest on which are unconditionally
3 guaranteed by the governing body issuing them.

4 (d) The fund shall be used solely and exclusively for the
5 purpose of providing expanded mental health services and no
6 more than 15% of the annual levy may be used for reasonable
7 salaries, expenses, bills, and fees incurred in administering
8 the Program.

9 (e) The fund shall be maintained, invested, and expended
10 exclusively by the Governing Commission of the Program for
11 whose purposes it was created. Under no circumstances shall the
12 fund be used by any person or persons, governmental body, or
13 public or private agency or concern other than the Governing
14 Commission of the Program for whose purposes it was created.
15 Under no circumstances shall the fund be commingled with other
16 funds or investments.

17 (f) No commissioner or family member of a commissioner, or
18 employee or family member of an employee, may receive any
19 financial benefit, either directly or indirectly, from the
20 fund. Nothing in this subsection shall be construed to prohibit
21 payment of expenses to a commissioner in accordance with
22 subsection (g) of Section 15.

23 (g) Annually, the Governing Commission shall prepare for
24 informational purposes in the appropriations process: (1) an
25 annual budget showing the estimated receipts and intended
26 disbursements pursuant to this Act for the fiscal year

1 immediately following the date the budget is submitted, which
2 date must be at least 30 days prior to the start of the fiscal
3 year; and (2) an independent financial audit of the fund and
4 the management of the Program detailing the income received and
5 disbursements made pursuant to this Act during the fiscal year
6 just preceding the date the annual report is submitted, which
7 date must be within 90 days of the close of that fiscal year.
8 These reports shall be made available to the public through any
9 office of the Governing Commission or a public facility such as
10 a local public library located within the territory of the
11 Program. In addition, and in an effort to increase transparency
12 of public programming, the Governing Commission shall
13 effectively create and operate a publicly accessible website,
14 which shall publish results of all audits for a period of no
15 less than six months after the initial disclosure of the
16 results and findings of each audit.

17 Section 30. Termination of a Program. An Expanded Mental
18 Health Services Program may be terminated only by the
19 submission of and approval of the issue in the form of a public
20 question before the voters of the territory of the Program at a
21 regularly scheduled election in the same manner as the question
22 of the creation of the Program, as set forth in Section 15 of
23 this Act. If a majority of the voters voting upon the question
24 approve the termination of the Expanded Mental Health Services
25 Program, as certified by the proper election authorities, the

1 Program shall conclude its business and cease operations within
2 one year of the date on which the election containing the
3 public question was held.

4 Section 35. Immunity and indemnification. No commissioner,
5 officer, or employee, whether on salary, wage, or voluntary
6 basis, shall be personally liable and no cause of action may be
7 brought for damages resulting from the exercise of judgment or
8 discretion in connection with the performance of Program duties
9 or responsibilities, unless the act or omission involved
10 willful or wanton conduct.

11 A Program shall indemnify each commissioner, officer, and
12 employee, except for the mental health professionals who will
13 be expected to maintain malpractice insurance appropriate to
14 their professional positions, whether on salary, wage, or
15 voluntary basis against any and all losses, damages, judgments,
16 interest, settlements, fines, court costs and other reasonable
17 costs and expenses of legal proceedings including attorney
18 fees, and any other liabilities incurred by, imposed upon, or
19 suffered by such individual in connection with or resulting
20 from any claim, action, suit, or proceeding, actual or
21 threatened, arising out of or in connection with the
22 performance of Program duties. Any settlement of any claim must
23 be made with prior approval of the Governing Commission in
24 order for indemnification, as provided in this Section, to be
25 available.

1 The immunity and indemnification provided by a Program
2 under this Section shall not cover any acts or omissions which
3 involve willful or wanton conduct, breach of good faith,
4 intentional misconduct, knowing violation of the law, or for
5 any transaction from which such individual derives an improper
6 personal benefit.

7 Section 40. Legal actions. No lawsuit or any other type of
8 legal action brought under the terms of this Act shall be
9 sustainable in a court of law or equity unless all conditions,
10 stipulations, and provisions of the Program have been complied
11 with, and unless the suit is brought within 12 months after the
12 event which is the subject of the legal action.

13 Section 45. Penalty. Any person violating the provisions of
14 this Act or any procedure, regulation, or bylaw of a Governing
15 Commission and Program created under the provisions of this Act
16 shall, in addition to all other remedies provided by law, be
17 guilty of a petty offense and shall be fined not more than
18 \$1,000 for each offense.

19 Section 50. Home rule. The authority or duty to establish
20 or prohibit the establishment of Expanded Mental Health
21 Services Programs in any municipality with more than 1,000,000
22 inhabitants, including home rule units, and the determination
23 of the terms of such Programs are declared to be exclusive

1 powers and functions of the State which may not be exercised
2 concurrently by any such municipality. No municipality with
3 more than 1,000,000 inhabitants, including home rule units,
4 shall establish or maintain an Expanded Mental Health Services
5 Program other than as provided in this Act, and any such
6 municipality shall affirmatively establish and maintain an
7 Expanded Mental Health Services Program when required to do so
8 pursuant to this Act. This Section is a denial and limitation
9 of home rule powers and functions under subsection (h) of
10 Section 6 of Article VII of the Illinois Constitution."