

# Appendix C



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**APPENDIX C]**

**TO:** Long Term Care Facilities [Institutions for Mental Disease (IMD) and Specialized Mental Health Rehabilitation Facilities (SMHRF)]

**DATE:** December XX, 2017

**SUBJECT:** Access to Williams Consent Decree Class Members

This notice informs facilities meeting the federal designation as an Institution for Mental Disease (“IMD”) and/or licensed as a Specialized Mental Health Rehabilitation Facility (“SMHRF”) of Williams Consent Decree requirements. All consent decrees that previously applied to IMDs shall continue to apply to these facilities as well as those licensed under the Specialized Mental Health Rehabilitation Act of 2013 (“Act”) [210 ILCS 49].

The Act requires that, “[a]ny employee or agent of a public agency, any representative of a community legal services program, or any other member of the general public shall be permitted access at reasonable hours to any individual consumer of any facility, unless the consumer is receiving care and treatment in triage centers” with the sole exception that an executive director may refuse access in instances when the visitor’s presence would be “injurious to the health and safety of a consumer or would threaten the security of the property of a consumer or the facility, or if the person seeks access to the facility for commercial purposes.” [210 ILCS 49/3-110]

Section 3-108 of the Act also requires the executive director to “ensure space for visits is available” because every consumer shall be “permitted unimpeded, private and uncensored communication of his or her choice by...visitation.” [210 ILCS 49/3-108]

In accordance with the Act, your facility must identify a reasonable location for Outreach workers, Ambassadors and Class Members to convene that will afford engagement opportunities without interfering with daily operations or privacy of other residents.