

# HB4154



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4154

by Rep. Charles Meier

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1705/15f

Amends the Mental Health and Developmental Disabilities Administrative Act. Provides after an individualized behavioral support plan is implemented, the individual participating in the Home and Community Based Services Program for Persons with Developmental Disabilities is entitled to obtain services that are a part of the plan. Effective immediately.

LRB100 15544 RLC 30607 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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 Administrative Act is amended by changing Section  
6 15f as follows:

7 (20 ILCS 1705/15f)

8 Sec. 15f. Individualized behavioral support plan.

9 (a) As used in this Section:

10 "Behavioral challenges" means episodes of significant  
11 property destruction, self-injurious behavior, assaultive  
12 behavior, or any other behavior that prevents a person from  
13 successful participation in a Home and Community Based Services  
14 Program for Persons with Developmental Disabilities, as  
15 determined by the community support team.

16 "Home and Community Based Services Program for Persons with  
17 Developmental Disabilities" means a program that is funded  
18 through a waiver authorized under Section 1915(c) of the  
19 federal Social Security Act and that is administered by the  
20 Department of Human Services' Division of Developmental  
21 Disabilities. Services under the Program include Community  
22 Integrated Living Arrangements, Community Living Facilities of  
23 16 or fewer individuals, home-based support services, day

1 programs, and therapies. The term also includes newly developed  
2 programs and settings that are funded through the Home and  
3 Community Based Services Program for Persons with  
4 Developmental Disabilities.

5 (b) Each individual participating in a Home and Community  
6 Based Services Program for Persons with Developmental  
7 Disabilities, regardless of whether the individual is eligible  
8 for federal financial participation for these services, who  
9 exhibits behavioral challenges shall have an individualized  
10 behavioral support plan. Each individualized support plan  
11 shall: (i) be designed to meet individual needs; (ii) be in the  
12 immediate and long-term best interests of the individual; (iii)  
13 be non-aversive; (iv) teach the individual new skills; (v)  
14 provide alternatives to behavioral challenges; (vi) offer  
15 opportunities for choice and social integration; and (vii)  
16 allow for environmental modifications. The plan must be based  
17 on a functional behavioral assessment conducted by a  
18 professional trained in its use. The plan shall be implemented  
19 by staff who have been trained in and are qualified to  
20 effectively apply positive non-aversive intervention. All  
21 behavioral supports required by the plan shall be applied in a  
22 humane and caring manner that respects the dignity of the  
23 individual and shall be implemented in a positive and socially  
24 supportive environment, including the home.

25 Interventions must not: (1) include electric shock; (2)  
26 withhold essential food and drink; (3) cause physical or

1 psychological pain; (4) use drugs as restraints; or (5) produce  
2 humiliation or discomfort.

3 Nothing in this subsection shall preclude, for therapeutic  
4 purposes, variant scheduling of food or drink or the  
5 application of safe and appropriate time-out procedures.

6 (c) The Department of Human Services shall be responsible  
7 for developing and promulgating rules to implement the  
8 provisions of this Section and to carry out the intent of this  
9 Section.

10 (c-5) After an individualized behavioral support plan is  
11 implemented, the individual participating in the Home and  
12 Community Based Services Program for Persons with  
13 Developmental Disabilities is entitled to obtain services that  
14 are a part of the plan.

15 (d) To the extent this Section conflicts with Article I of  
16 Chapter II of the Mental Health and Developmental Disabilities  
17 Code, that Article controls.

18 (Source: P.A. 94-812, eff. 5-26-06.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.