

# HB0778



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB0778**

Introduced 01/31/11, by Rep. Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

325 ILCS 20/3

from Ch. 23, par. 4153

Amends the Early Intervention Services System Act. Makes a technical change in a Section concerning definitions.

LRB097 03606 KTG 43643 b

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Early Intervention Services System Act is  
5 amended by changing Section 3 as follows:

6 (325 ILCS 20/3) (from Ch. 23, par. 4153)

7 Sec. 3. Definitions. As used in this Act:

8 (a) "Eligible infants and ~~and~~ toddlers" means infants and  
9 toddlers under 36 months of age with any of the following  
10 conditions:

11 (1) Developmental delays.

12 (2) A physical or mental condition which typically  
13 results in developmental delay.

14 (3) Being at risk of having substantial developmental  
15 delays based on informed clinical judgment.

16 (4) Either (A) having entered the program under any of  
17 the circumstances listed in paragraphs (1) through (3) of  
18 this subsection but no longer meeting the current  
19 eligibility criteria under those paragraphs, and  
20 continuing to have any measurable delay, or (B) not having  
21 attained a level of development in each area, including (i)  
22 cognitive, (ii) physical (including vision and hearing),  
23 (iii) language, speech, and communication, (iv)

1 psycho-social, or (v) self-help skills, that is at least at  
2 the mean of the child's age equivalent peers; and, in  
3 addition to either item (A) or item (B), (C) having been  
4 determined by the multidisciplinary individualized family  
5 service plan team to require the continuation of early  
6 intervention services in order to support continuing  
7 developmental progress, pursuant to the child's needs and  
8 provided in an appropriate developmental manner. The type,  
9 frequency, and intensity of services shall differ from the  
10 initial individualized family services plan because of the  
11 child's developmental progress, and may consist of only  
12 service coordination, evaluation, and assessments.

13 (b) "Developmental delay" means a delay in one or more of  
14 the following areas of childhood development as measured by  
15 appropriate diagnostic instruments and standard procedures:  
16 cognitive; physical, including vision and hearing; language,  
17 speech and communication; psycho-social; or self-help skills.  
18 The term means a delay of 30% or more below the mean in  
19 function in one or more of those areas.

20 (c) "Physical or mental condition which typically results  
21 in developmental delay" means:

22 (1) a diagnosed medical disorder bearing a relatively  
23 well known expectancy for developmental outcomes within  
24 varying ranges of developmental disabilities; or

25 (2) a history of prenatal, perinatal, neonatal or early  
26 developmental events suggestive of biological insults to

1 the developing central nervous system and which either  
2 singly or collectively increase the probability of  
3 developing a disability or delay based on a medical  
4 history.

5 (d) "Informed clinical judgment" means both clinical  
6 observations and parental participation to determine  
7 eligibility by a consensus of a multidisciplinary team of 2 or  
8 more members based on their professional experience and  
9 expertise.

10 (e) "Early intervention services" means services which:

11 (1) are designed to meet the developmental needs of  
12 each child eligible under this Act and the needs of his or  
13 her family;

14 (2) are selected in collaboration with the child's  
15 family;

16 (3) are provided under public supervision;

17 (4) are provided at no cost except where a schedule of  
18 sliding scale fees or other system of payments by families  
19 has been adopted in accordance with State and federal law;

20 (5) are designed to meet an infant's or toddler's  
21 developmental needs in any of the following areas:

22 (A) physical development, including vision and  
23 hearing,

24 (B) cognitive development,

25 (C) communication development,

26 (D) social or emotional development, or

- 1 (E) adaptive development;
- 2 (6) meet the standards of the State, including the  
3 requirements of this Act;
- 4 (7) include one or more of the following:
- 5 (A) family training,
- 6 (B) social work services, including counseling,  
7 and home visits,
- 8 (C) special instruction,
- 9 (D) speech, language pathology and audiology,
- 10 (E) occupational therapy,
- 11 (F) physical therapy,
- 12 (G) psychological services,
- 13 (H) service coordination services,
- 14 (I) medical services only for diagnostic or  
15 evaluation purposes,
- 16 (J) early identification, screening, and  
17 assessment services,
- 18 (K) health services specified by the lead agency as  
19 necessary to enable the infant or toddler to benefit  
20 from the other early intervention services,
- 21 (L) vision services,
- 22 (M) transportation, and
- 23 (N) assistive technology devices and services;
- 24 (8) are provided by qualified personnel, including but  
25 not limited to:
- 26 (A) child development specialists or special

1 educators,  
2 (B) speech and language pathologists and  
3 audiologists,  
4 (C) occupational therapists,  
5 (D) physical therapists,  
6 (E) social workers,  
7 (F) nurses,  
8 (G) nutritionists,  
9 (H) optometrists,  
10 (I) psychologists, and  
11 (J) physicians;

12 (9) are provided in conformity with an Individualized  
13 Family Service Plan;

14 (10) are provided throughout the year; and

15 (11) are provided in natural environments, including  
16 the home and community settings in which infants and  
17 toddlers without disabilities would participate to the  
18 extent determined by the multidisciplinary Individualized  
19 Family Service Plan.

20 (f) "Individualized Family Service Plan" or "Plan" means a  
21 written plan for providing early intervention services to a  
22 child eligible under this Act and the child's family, as set  
23 forth in Section 11.

24 (g) "Local interagency agreement" means an agreement  
25 entered into by local community and State and regional agencies  
26 receiving early intervention funds directly from the State and

1 made in accordance with State interagency agreements providing  
2 for the delivery of early intervention services within a local  
3 community area.

4 (h) "Council" means the Illinois Interagency Council on  
5 Early Intervention established under Section 4.

6 (i) "Lead agency" means the State agency responsible for  
7 administering this Act and receiving and disbursing public  
8 funds received in accordance with State and federal law and  
9 rules.

10 (i-5) "Central billing office" means the central billing  
11 office created by the lead agency under Section 13.

12 (j) "Child find" means a service which identifies eligible  
13 infants and toddlers.

14 (k) "Regional intake entity" means the lead agency's  
15 designated entity responsible for implementation of the Early  
16 Intervention Services System within its designated geographic  
17 area.

18 (l) "Early intervention provider" means an individual who  
19 is qualified, as defined by the lead agency, to provide one or  
20 more types of early intervention services, and who has enrolled  
21 as a provider in the early intervention program.

22 (m) "Fully credentialed early intervention provider" means  
23 an individual who has met the standards in the State applicable  
24 to the relevant profession, and has met such other  
25 qualifications as the lead agency has determined are suitable  
26 for personnel providing early intervention services, including

1 pediatric experience, education, and continuing education. The  
2 lead agency shall establish these qualifications by rule filed  
3 no later than 180 days after the effective date of this  
4 amendatory Act of the 92nd General Assembly.

5 (Source: P.A. 92-307, 8-9-01; 93-124, eff. 7-10-03.)