

HB2710



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2710

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

210 ILCS 135/4

from Ch. 91 1/2, par. 1704

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that as a condition of being licensed by the Department of Human Services as a community mental health or developmental services agency under the Act, the agency shall certify to the Department that all recipients are afforded specified procedural safeguards and due process rights as provided by applicable Department rules. Effective immediately.

LRB100 09173 MJP 19328 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Community-Integrated Living Arrangements
5 Licensure and Certification Act is amended by changing Section
6 4 as follows:

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community mental health or developmental
9 services agency who wishes to develop and support a variety of
10 community-integrated living arrangements may do so pursuant to
11 a license issued by the Department under this Act. However,
12 programs established under or otherwise subject to the Child
13 Care Act of 1969, the Nursing Home Care Act, the Specialized
14 Mental Health Rehabilitation Act of 2013, the ID/DD Community
15 Care Act, or the MC/DD Act, as now or hereafter amended, shall
16 remain subject thereto, and this Act shall not be construed to
17 limit the application of those Acts.

18 (b) The system of licensure established under this Act
19 shall be for the purposes of:

20 (1) Insuring that all recipients residing in
21 community-integrated living arrangements are receiving
22 appropriate community-based services, including treatment,
23 training and habilitation or rehabilitation;

1 (2) Insuring that recipients' rights are protected and
2 that all programs provided to and placements arranged for
3 recipients comply with this Act, the Mental Health and
4 Developmental Disabilities Code, and applicable Department
5 rules and regulations;

6 (3) Maintaining the integrity of communities by
7 requiring regular monitoring and inspection of placements
8 and other services provided in community-integrated living
9 arrangements.

10 The licensure system shall be administered by a quality
11 assurance unit within the Department which shall be
12 administratively independent of units responsible for funding
13 of agencies or community services.

14 (c) As a condition of being licensed by the Department as a
15 community mental health or developmental services agency under
16 this Act, the agency shall certify to the Department that:

17 (1) All recipients residing in community-integrated
18 living arrangements are receiving appropriate
19 community-based services, including treatment, training
20 and habilitation or rehabilitation;

21 (2) All programs provided to and placements arranged
22 for recipients are supervised by the agency; and

23 (3) All programs provided to and placements arranged
24 for recipients comply with this Act, the Mental Health and
25 Developmental Disabilities Code, and applicable Department
26 rules and regulations.

1 (4) All recipients are afforded procedural safeguards
2 and due process rights as provided by applicable Department
3 rules, including, but not limited to: (i) the right to
4 remain in a community-integrated living arrangement unless
5 the recipient voluntary withdraws or the Department
6 approves the termination of services in accordance with
7 criteria provided in applicable Department rules; (ii) the
8 right not to have services terminated due to absence except
9 as provided in applicable Department rules; (iii) the right
10 to confidentiality in accordance with applicable laws and
11 rules; (iv) the right to be free from abuse and neglect;
12 (v) the right to purchase and use the services of private
13 physicians and other mental health and developmental
14 disabilities professionals of their choice; (vi) the right
15 to contact the Department's Office of Inspector General,
16 the Department, the Guardianship and Advocacy Commission,
17 and the State's Protection and Advocacy organization and to
18 be provided contact information and assistance in
19 contacting these agencies; (vi) the right to present
20 grievances and to appeal adverse decisions of the agency
21 and other service providers up to and including the
22 authorized agency representative, and to seek review of the
23 decision of the authorized agency representative under the
24 Administrative Review Law; and (vii) the right not to be
25 denied, suspended, or terminated from services or to have
26 services reduced for exercising any of their rights under

1 this Section, other applicable laws, and applicable
2 Department rules.

3 (d) An applicant for licensure as a community mental health
4 or developmental services agency under this Act shall submit an
5 application pursuant to the application process established by
6 the Department by rule and shall pay an application fee in an
7 amount established by the Department, which amount shall not be
8 more than \$200.

9 (e) If an applicant meets the requirements established by
10 the Department to be licensed as a community mental health or
11 developmental services agency under this Act, after payment of
12 the licensing fee, the Department shall issue a license valid
13 for 3 years from the date thereof unless suspended or revoked
14 by the Department or voluntarily surrendered by the agency.

15 (f) Upon application to the Department, the Department may
16 issue a temporary permit to an applicant for a 6-month period
17 to allow the holder of such permit reasonable time to become
18 eligible for a license under this Act.

19 (g) (1) The Department may conduct site visits to an agency
20 licensed under this Act, or to any program or placement
21 certified by the agency, and inspect the records or premises,
22 or both, of such agency, program or placement as it deems
23 appropriate, for the purpose of determining compliance with
24 this Act, the Mental Health and Developmental Disabilities
25 Code, and applicable Department rules and regulations.

26 (2) If the Department determines that an agency licensed

1 under this Act is not in compliance with this Act or the rules
2 and regulations promulgated under this Act, the Department
3 shall serve a notice of violation upon the licensee. Each
4 notice of violation shall be prepared in writing and shall
5 specify the nature of the violation, the statutory provision or
6 rule alleged to have been violated, and that the licensee
7 submit a plan of correction to the Department if required. The
8 notice shall also inform the licensee of any other action which
9 the Department might take pursuant to this Act and of the right
10 to a hearing.

11 (g-5) As determined by the Department, a disproportionate
12 number or percentage of licensure complaints; a
13 disproportionate number or percentage of substantiated cases
14 of abuse, neglect, or exploitation involving an agency; an
15 apparent unnatural death of an individual served by an agency;
16 any egregious or life-threatening abuse or neglect within an
17 agency; or any other significant event as determined by the
18 Department shall initiate a review of the agency's license by
19 the Department, as well as a review of its service agreement
20 for funding. The Department shall adopt rules to establish the
21 process by which the determination to initiate a review shall
22 be made and the timeframe to initiate a review upon the making
23 of such determination.

24 (h) Upon the expiration of any license issued under this
25 Act, a license renewal application shall be required of and a
26 license renewal fee in an amount established by the Department

1 shall be charged to a community mental health or developmental
2 services agency, provided that such fee shall not be more than
3 \$200.

4 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.