



Rep. Marcus C. Evans, Jr.

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LRB100 19805 KTG 38270 a

1 AMENDMENT TO HOUSE BILL 5347

2 AMENDMENT NO. _____. Amend House Bill 5347 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Early Intervention Services System Act is
5 amended by changing Sections 3 and 11 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 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 opinion.

16 (4) Either (A) having entered the program under any of

1 the circumstances listed in paragraphs (1) through (3) of
2 this subsection but no longer meeting the current
3 eligibility criteria under those paragraphs, and
4 continuing to have any measurable delay, or (B) not having
5 attained a level of development in each area, including (i)
6 cognitive, (ii) physical (including vision and hearing),
7 (iii) language, speech, and communication, (iv) social or
8 emotional, or (v) adaptive, that is at least at the mean of
9 the child's age equivalent peers; and, in addition to
10 either item (A) or item (B), (C) having been determined by
11 the multidisciplinary individualized family service plan
12 team to require the continuation of early intervention
13 services in order to support continuing developmental
14 progress, pursuant to the child's needs and provided in an
15 appropriate developmental manner. The type, frequency, and
16 intensity of services shall differ from the initial
17 individualized family services plan because of the child's
18 developmental progress, and may consist of only service
19 coordination, evaluation, and assessments.

20 "Eligible infants and toddlers" includes children who
21 receive early intervention services under this Act from the age
22 of 3 until the beginning of the school year following their
23 third birthday, if their parents or guardians elect this
24 option.

25 (b) "Developmental delay" means a delay in one or more of
26 the following areas of childhood development as measured by

1 appropriate diagnostic instruments and standard procedures:
2 cognitive; physical, including vision and hearing; language,
3 speech and communication; social or emotional; or adaptive. The
4 term means a delay of 30% or more below the mean in function in
5 one or more of those areas.

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

8 (1) a diagnosed medical disorder bearing a relatively
9 well known expectancy for developmental outcomes within
10 varying ranges of developmental disabilities; or

11 (2) a history of prenatal, perinatal, neonatal or early
12 developmental events suggestive of biological insults to
13 the developing central nervous system and which either
14 singly or collectively increase the probability of
15 developing a disability or delay based on a medical
16 history.

17 (d) "Informed clinical opinion" means both clinical
18 observations and parental participation to determine
19 eligibility by a consensus of a multidisciplinary team of 2 or
20 more members based on their professional experience and
21 expertise.

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

23 (1) are designed to meet the developmental needs of
24 each child eligible under this Act and the needs of his or
25 her family;

26 (2) are selected in collaboration with the child's

1 family;

2 (3) are provided under public supervision;

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

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

8 (A) physical development, including vision and
9 hearing,

10 (B) cognitive development,

11 (C) communication development,

12 (D) social or emotional development, or

13 (E) adaptive development;

14 (6) meet the standards of the State, including the
15 requirements of this Act;

16 (7) include one or more of the following:

17 (A) family training,

18 (B) social work services, including counseling,
19 and home visits,

20 (C) special instruction,

21 (D) speech, language pathology and audiology,

22 (E) occupational therapy,

23 (F) physical therapy,

24 (G) psychological services,

25 (H) service coordination services,

26 (I) medical services only for diagnostic or

1 evaluation purposes,

2 (J) early identification, screening, and
3 assessment services,

4 (K) health services specified by the lead agency as
5 necessary to enable the infant or toddler to benefit
6 from the other early intervention services,

7 (L) vision services,

8 (M) transportation,

9 (N) assistive technology devices and services,

10 (O) nursing services,

11 (P) nutrition services, and

12 (Q) sign language and cued language services;

13 (8) are provided by qualified personnel, including but
14 not limited to:

15 (A) child development specialists or special
16 educators, including teachers of children with hearing
17 impairments (including deafness) and teachers of
18 children with vision impairments (including
19 blindness),

20 (B) speech and language pathologists and
21 audiologists,

22 (C) occupational therapists,

23 (D) physical therapists,

24 (E) social workers,

25 (F) nurses,

26 (G) dietitian nutritionists,

1 (H) vision specialists, including ophthalmologists
2 and optometrists,

3 (I) psychologists, and

4 (J) physicians;

5 (9) are provided in conformity with an Individualized
6 Family Service Plan;

7 (10) are provided throughout the year; and

8 (11) are provided in natural environments, to the
9 maximum extent appropriate, which may include the home and
10 community settings, unless justification is provided
11 consistent with federal regulations adopted under Sections
12 1431 through 1444 of Title 20 of the United States Code.

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

17 (g) "Local interagency agreement" means an agreement
18 entered into by local community and State and regional agencies
19 receiving early intervention funds directly from the State and
20 made in accordance with State interagency agreements providing
21 for the delivery of early intervention services within a local
22 community area.

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

25 (i) "Lead agency" means the State agency responsible for
26 administering this Act and receiving and disbursing public

1 funds received in accordance with State and federal law and
2 rules.

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

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

7 (k) "Regional intake entity" means the lead agency's
8 designated entity responsible for implementation of the Early
9 Intervention Services System within its designated geographic
10 area.

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

15 (m) "Fully credentialed early intervention provider" means
16 an individual who has met the standards in the State applicable
17 to the relevant profession, and has met such other
18 qualifications as the lead agency has determined are suitable
19 for personnel providing early intervention services, including
20 pediatric experience, education, and continuing education. The
21 lead agency shall establish these qualifications by rule filed
22 no later than 180 days after the effective date of this
23 amendatory Act of the 92nd General Assembly.

24 (Source: P.A. 97-902, eff. 8-6-12; 98-41, eff. 6-28-13.)

25 (325 ILCS 20/11) (from Ch. 23, par. 4161)

1 Sec. 11. Individualized Family Service Plans.

2 (a) Each eligible infant or toddler and that infant's or
3 toddler's family shall receive:

4 (1) timely, comprehensive, multidisciplinary
5 assessment of the unique strengths and needs of each
6 eligible infant and toddler, and assessment of the concerns
7 and priorities of the families to appropriately assist them
8 in meeting their needs and identify supports and services
9 to meet those needs; and

10 (2) a written Individualized Family Service Plan
11 developed by a multidisciplinary team which includes the
12 parent or guardian. The individualized family service plan
13 shall be based on the multidisciplinary team's assessment
14 of the resources, priorities, and concerns of the family
15 and its identification of the supports and services
16 necessary to enhance the family's capacity to meet the
17 developmental needs of the infant or toddler, and shall
18 include the identification of services appropriate to meet
19 those needs, including the frequency, intensity, and
20 method of delivering services. During and as part of the
21 initial development of the individualized family services
22 plan, and any periodic reviews of the plan, the
23 multidisciplinary team may seek consultation from the lead
24 agency's designated experts, if any, to help determine
25 appropriate services and the frequency and intensity of
26 those services. All services in the individualized family

1 services plan must be justified by the multidisciplinary
2 assessment of the unique strengths and needs of the infant
3 or toddler and must be appropriate to meet those needs. At
4 the periodic reviews, the team shall determine whether
5 modification or revision of the outcomes or services is
6 necessary.

7 (b) The Individualized Family Service Plan shall be
8 evaluated once a year and the family shall be provided a review
9 of the Plan at 6 month intervals or more often where
10 appropriate based on infant or toddler and family needs. The
11 lead agency shall create a quality review process regarding
12 Individualized Family Service Plan development and changes
13 thereto, to monitor and help assure that resources are being
14 used to provide appropriate early intervention services.

15 (c) The initial evaluation and initial assessment and
16 initial Plan meeting must be held within 45 days after the
17 initial contact with the early intervention services system.
18 The 45-day timeline does not apply for any period when the
19 child or parent is unavailable to complete the initial
20 evaluation, the initial assessments of the child and family, or
21 the initial Plan meeting, due to exceptional family
22 circumstances that are documented in the child's early
23 intervention records, or when the parent has not provided
24 consent for the initial evaluation or the initial assessment of
25 the child despite documented, repeated attempts to obtain
26 parental consent. As soon as exceptional family circumstances

1 no longer exist or parental consent has been obtained, the
2 initial evaluation, the initial assessment, and the initial
3 Plan meeting must be completed as soon as possible. With
4 parental consent, early intervention services may commence
5 before the completion of the comprehensive assessment and
6 development of the Plan.

7 (d) Parents must be informed that early intervention
8 services shall be provided to each eligible infant and toddler,
9 to the maximum extent appropriate, in the natural environment,
10 which may include the home or other community settings. Parents
11 shall make the final decision to accept or decline early
12 intervention services. A decision to decline such services
13 shall not be a basis for administrative determination of
14 parental fitness, or other findings or sanctions against the
15 parents. Parameters of the Plan shall be set forth in rules.

16 (e) The regional intake offices shall explain to each
17 family, orally and in writing, all of the following:

18 (1) That the early intervention program will pay for
19 all early intervention services set forth in the
20 individualized family service plan that are not covered or
21 paid under the family's public or private insurance plan or
22 policy and not eligible for payment through any other third
23 party payor.

24 (2) That services will not be delayed due to any rules
25 or restrictions under the family's insurance plan or
26 policy.

1 (3) That the family may request, with appropriate
2 documentation supporting the request, a determination of
3 an exemption from private insurance use under Section
4 13.25.

5 (4) That responsibility for co-payments or
6 co-insurance under a family's private insurance plan or
7 policy will be transferred to the lead agency's central
8 billing office.

9 (5) That families will be responsible for payments of
10 family fees, which will be based on a sliding scale
11 according to the State's definition of ability to pay which
12 is comparing household size and income to the sliding scale
13 and considering out-of-pocket medical or disaster
14 expenses, and that these fees are payable to the central
15 billing office. Families who fail to provide income
16 information shall be charged the maximum amount on the
17 sliding scale.

18 (f) The individualized family service plan must state
19 whether the family has private insurance coverage and, if the
20 family has such coverage, must have attached to it a copy of
21 the family's insurance identification card or otherwise
22 include all of the following information:

23 (1) The name, address, and telephone number of the
24 insurance carrier.

25 (2) The contract number and policy number of the
26 insurance plan.

1 (3) The name, address, and social security number of
2 the primary insured.

3 (4) The beginning date of the insurance benefit year.

4 (g) A copy of the individualized family service plan must
5 be provided to each enrolled provider who is providing early
6 intervention services to the child who is the subject of that
7 plan.

8 (h) Children receiving services under this Act shall
9 receive a smooth and effective transition by their third
10 birthday, or by the beginning of the school year following
11 their third birthday if their parents or guardians elect to
12 continue early intervention services, consistent with federal
13 regulations adopted pursuant to Sections 1431 through 1444 of
14 Title 20 of the United States Code.

15 (Source: P.A. 97-902, eff. 8-6-12; 98-41, eff. 6-28-13.)

16 Section 99. Effective date. This Act takes effect July 1,
17 2019."