



Rep. Mary E. Flowers

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LRB101 04702 CPF 57894 a

1 AMENDMENT TO HOUSE BILL 178

2 AMENDMENT NO. _____. Amend House Bill 178 by replacing
3 everything after the enacting clause with the following:

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

1 limit the application of those Acts.

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

4 (1) ensuring that all recipients residing in
5 community-integrated living arrangements are receiving
6 appropriate community-based services, including treatment,
7 training and habilitation or rehabilitation;

8 (2) ensuring that recipients' rights are protected and
9 that all programs provided to and placements arranged for
10 recipients comply with this Act, the Mental Health and
11 Developmental Disabilities Code, and applicable Department
12 rules and regulations;

13 (3) maintaining the integrity of communities by
14 requiring regular monitoring and inspection of placements
15 and other services provided in community-integrated living
16 arrangements.

17 The licensure system shall be administered by a quality
18 assurance unit within the Department which shall be
19 administratively independent of units responsible for funding
20 of agencies or community services.

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

24 (1) all recipients residing in community-integrated
25 living arrangements are receiving appropriate
26 community-based services, including treatment, training

1 and habilitation or rehabilitation;

2 (2) all programs provided to and placements arranged
3 for recipients are supervised by the agency; and

4 (3) all programs provided to and placements arranged
5 for recipients comply with this Act, the Mental Health and
6 Developmental Disabilities Code, and applicable Department
7 rules and regulations.

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

14 (e) If an applicant meets the requirements established by
15 the Department to be licensed as a community mental health or
16 developmental services agency under this Act, after payment of
17 the licensing fee, the Department shall issue a license valid
18 for 2 ~~3~~ years from the date thereof unless suspended or revoked
19 by the Department or voluntarily surrendered by the agency.

20 (f) Upon application to the Department, the Department may
21 issue a temporary permit to an applicant for up to a 2-year
22 period to allow the holder of such permit reasonable time to
23 become eligible for a license under this Act.

24 (g) (1) The Department may conduct site visits to an agency
25 licensed under this Act, or to any program or placement
26 certified by the agency, and inspect the records or premises,

1 or both, of such agency, program or placement as it deems
2 appropriate, for the purpose of determining compliance with
3 this Act, the Mental Health and Developmental Disabilities
4 Code, and applicable Department rules and regulations. The
5 Department shall conduct inspections of the records and
6 premises of each community-integrated living arrangement
7 certified under this Act at least once every 2 years.

8 (2) If the Department determines that an agency licensed
9 under this Act is not in compliance with this Act or the rules
10 and regulations promulgated under this Act, the Department
11 shall serve a notice of violation upon the licensee. Each
12 notice of violation shall be prepared in writing and shall
13 specify the nature of the violation, the statutory provision or
14 rule alleged to have been violated, and that the licensee
15 submit a plan of correction to the Department if required. The
16 notice shall also inform the licensee of any other action which
17 the Department might take pursuant to this Act and of the right
18 to a hearing.

19 (3) If an agency licensed under this Act receives a
20 compliance score as the result of a survey or audit from the
21 Department or the Bureau of Accreditation, Licensure and
22 Certification that is less than acceptably compliant, then the
23 agency shall implement a plan of corrections to address the
24 violations listed in the survey or audit and may be subject to
25 additional sanctions based on the agency's compliance score,
26 including, but not limited to, a freeze on admissions and

1 revocation of the agency's license.

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

15 (h) Upon the expiration of any license issued under this
16 Act, a license renewal application shall be required of and a
17 license renewal fee in an amount established by the Department
18 shall be charged to a community mental health or developmental
19 services agency, provided that such fee shall not be more than
20 \$200.

21 (i) A public or private agency, association, partnership,
22 corporation, or organization that has had a license revoked
23 under subsection (b) of Section 6 of this Act may not apply for
24 or possess a license under a different name.

25 (Source: P.A. 99-180, eff. 7-29-15; 100-58, eff. 8-11-17;
26 100-313, eff. 8-24-17; 100-863, eff. 8-14-18.)".