

SB0155



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0155

Introduced 1/29/2019, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

325 ILCS 20/3

from Ch. 23, par. 4153

Amends the Early Intervention Services System Act. Redefines "physical or mental condition that typically results in developmental delay" to mean a diagnosed medical disorder bearing a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities, including elevated blood lead levels, as defined by the Department of Public Health by rule, confirmed by a venous blood test (rather than a diagnosed medical disorder bearing a relatively well known expectancy for developmental outcomes within varying ranges of developmental disabilities).

LRB101 07066 KTG 52103 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 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
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) social or

1 emotional, or (v) adaptive, that is at least at the mean of
2 the child's age equivalent peers; and, in addition to
3 either item (A) or item (B), (C) having been determined by
4 the multidisciplinary individualized family service plan
5 team to require the continuation of early intervention
6 services in order to support continuing developmental
7 progress, pursuant to the child's needs and provided in an
8 appropriate developmental manner. The type, frequency, and
9 intensity of services shall differ from the initial
10 individualized family services plan because of the child's
11 developmental progress, and may consist of only service
12 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; social or emotional; or adaptive. The
18 term means a delay of 30% or more below the mean in function in
19 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, including
25 elevated blood lead levels, as defined by the Department of
26 Public Health by rule, confirmed by a venous blood test; or

1 (2) a history of prenatal, perinatal, neonatal or early
2 developmental events suggestive of biological insults to
3 the developing central nervous system and which either
4 singly or collectively increase the probability of
5 developing a disability or delay based on a medical
6 history.

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

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

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

16 (2) are selected in collaboration with the child's
17 family;

18 (3) are provided under public supervision;

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

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

24 (A) physical development, including vision and
25 hearing,

26 (B) cognitive development,

- 1 (C) communication development,
2 (D) social or emotional development, or
3 (E) adaptive development;
- 4 (6) meet the standards of the State, including the
5 requirements of this Act;
- 6 (7) include one or more of the following:
- 7 (A) family training,
8 (B) social work services, including counseling,
9 and home visits,
10 (C) special instruction,
11 (D) speech, language pathology and audiology,
12 (E) occupational therapy,
13 (F) physical therapy,
14 (G) psychological services,
15 (H) service coordination services,
16 (I) medical services only for diagnostic or
17 evaluation purposes,
18 (J) early identification, screening, and
19 assessment services,
20 (K) health services specified by the lead agency as
21 necessary to enable the infant or toddler to benefit
22 from the other early intervention services,
23 (L) vision services,
24 (M) transportation,
25 (N) assistive technology devices and services,
26 (O) nursing services,

1 (P) nutrition services, and
2 (Q) sign language and cued language services;
3 (8) are provided by qualified personnel, including but
4 not limited to:

5 (A) child development specialists or special
6 educators, including teachers of children with hearing
7 impairments (including deafness) and teachers of
8 children with vision impairments (including
9 blindness),

10 (B) speech and language pathologists and
11 audiologists,

12 (C) occupational therapists,

13 (D) physical therapists,

14 (E) social workers,

15 (F) nurses,

16 (G) dietitian nutritionists,

17 (H) vision specialists, including ophthalmologists
18 and optometrists,

19 (I) psychologists, and

20 (J) physicians;

21 (9) are provided in conformity with an Individualized
22 Family Service Plan;

23 (10) are provided throughout the year; and

24 (11) are provided in natural environments, to the
25 maximum extent appropriate, which may include the home and
26 community settings, unless justification is provided

1 consistent with federal regulations adopted under Sections
2 1431 through 1444 of Title 20 of the United States Code.

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

7 (g) "Local interagency agreement" means an agreement
8 entered into by local community and State and regional agencies
9 receiving early intervention funds directly from the State and
10 made in accordance with State interagency agreements providing
11 for the delivery of early intervention services within a local
12 community area.

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

15 (i) "Lead agency" means the State agency responsible for
16 administering this Act and receiving and disbursing public
17 funds received in accordance with State and federal law and
18 rules.

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

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

23 (k) "Regional intake entity" means the lead agency's
24 designated entity responsible for implementation of the Early
25 Intervention Services System within its designated geographic
26 area.

1 (1) "Early intervention provider" means an individual who
2 is qualified, as defined by the lead agency, to provide one or
3 more types of early intervention services, and who has enrolled
4 as a provider in the early intervention program.

5 (m) "Fully credentialed early intervention provider" means
6 an individual who has met the standards in the State applicable
7 to the relevant profession, and has met such other
8 qualifications as the lead agency has determined are suitable
9 for personnel providing early intervention services, including
10 pediatric experience, education, and continuing education. The
11 lead agency shall establish these qualifications by rule filed
12 no later than 180 days after the effective date of this
13 amendatory Act of the 92nd General Assembly.

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