



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3607

Introduced 2/22/2021, by Rep. Mary E. Flowers

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 licenses for community mental health or developmental services agencies are valid for 2 years (rather than 3 years). Provides that if a community mental health or developmental services agency receives a compliance score as the result of a survey or audit from the Department of Human Services or the Bureau of Accreditation, Licensure and Certification that is less than acceptably compliant, the agency shall implement a plan of corrections to address the violations listed in the survey or audit and may be subject to additional sanctions based on the agency's compliance score, including, but not limited to, a freeze on admissions or revocation of the agency's license.

LRB102 03817 CPF 13831 b

FISCAL NOTE ACT
MAY APPLY

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

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

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

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

17 (g) (1) The Department may conduct site visits to an agency
18 licensed under this Act, or to any program or placement
19 certified by the agency, and inspect the records or premises,
20 or both, of such agency, program or placement as it deems
21 appropriate, for the purpose of determining compliance with
22 this Act, the Mental Health and Developmental Disabilities
23 Code, and applicable Department rules and regulations. The
24 Department shall conduct inspections of the records and
25 premises of each community-integrated living arrangement
26 certified under this Act at least once every 2 years.

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

12 (3) If an agency licensed under this Act receives a
13 compliance score as the result of a survey or audit from the
14 Department or the Bureau of Accreditation, Licensure and
15 Certification that is less than acceptably compliant, then the
16 agency shall implement a plan of corrections to address the
17 violations listed in the survey or audit and may be subject to
18 additional sanctions based on the agency's compliance score,
19 including, but not limited to, a freeze on admissions and
20 revocation of the agency's license.

21 (g-5) As determined by the Department, a disproportionate
22 number or percentage of licensure complaints; a
23 disproportionate number or percentage of substantiated cases
24 of abuse, neglect, or exploitation involving an agency; an
25 apparent unnatural death of an individual served by an agency;
26 any egregious or life-threatening abuse or neglect within an

1 agency; or any other significant event as determined by the
2 Department shall initiate a review of the agency's license by
3 the Department, as well as a review of its service agreement
4 for funding. The Department shall adopt rules to establish the
5 process by which the determination to initiate a review shall
6 be made and the timeframe to initiate a review upon the making
7 of such determination.

8 (h) Upon the expiration of any license issued under this
9 Act, a license renewal application shall be required of and a
10 license renewal fee in an amount established by the Department
11 shall be charged to a community mental health or developmental
12 services agency, provided that such fee shall not be more than
13 \$200.

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

18 (Source: P.A. 99-180, eff. 7-29-15; 100-58, eff. 8-11-17;
19 100-313, eff. 8-24-17; 100-863, eff. 8-14-18.)