

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 ID/DD Community Care Act is amended by  
5 changing Section 3-213 as follows:

6 (210 ILCS 47/3-213)

7 Sec. 3-213. Periodic reports to Department.

8 (a) The Department shall require periodic reports and  
9 shall have access to and may reproduce or photocopy at its cost  
10 any books, records, and other documents maintained by the  
11 facility to the extent necessary to carry out this Act and the  
12 rules promulgated under this Act. The Department shall not  
13 divulge or disclose the contents of a record under this  
14 Section in violation of Section 2-206 or as otherwise  
15 prohibited by this Act.

16 (b) The Department shall require licensees to submit an  
17 annual report to the Department that includes the following  
18 data:

19 (1) The lowest, median, and highest wage of direct  
20 support personnel employed by the facility.

21 (2) The annual employee turnover rate.

22 (3) The race, gender, and ethnicity of frontline,  
23 nonexecutive employees, including direct support

1       personnel, aides, qualified intellectual disability  
2       professionals, licensed practical nurses, certified  
3       nursing assistants, registered nurses, and frontline  
4       support staff. Data collected under this paragraph shall  
5       be reported in aggregate in a manner prescribed by the  
6       Department.

7       (Source: P.A. 96-339, eff. 7-1-10.)

8           Section 10. The Community-Integrated Living Arrangements  
9       Licensure and Certification Act is amended by changing Section  
10       4 as follows:

11           (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

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

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

24           (1) ensuring that all recipients residing in

1 community-integrated living arrangements are receiving  
2 appropriate community-based services, including  
3 treatment, training and habilitation or rehabilitation;

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

9 (3) maintaining the integrity of communities by  
10 requiring regular monitoring and inspection of placements  
11 and other services provided in community-integrated living  
12 arrangements.

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

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

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

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

26 (3) all programs provided to and placements arranged

1 for recipients comply with this Act, the Mental Health and  
2 Developmental Disabilities Code, and applicable Department  
3 rules and regulations; and-

4 (4) when legislative or administrative action directs  
5 that funding should be passed through to employees, all  
6 such funds are passed through in their entirety to  
7 employees in accordance with the legislative or  
8 administrative directive.

9 (c-5) Each community mental health or developmental  
10 services agency licensed under this Act shall submit annually  
11 the following data to the Department:

12 (1) The lowest, median, and highest wage of direct  
13 support personnel employed by the facility.

14 (2) The annual employee turnover rate.

15 (3) The race, gender, and ethnicity of frontline,  
16 nonexecutive employees, including direct support  
17 personnel, aides, qualified intellectual disability  
18 professionals, licensed practical nurses, certified  
19 nursing assistants, registered nurses, and frontline  
20 support staff. Data collected under this paragraph shall  
21 be reported in aggregate in a manner prescribed by the  
22 Department.

23 (d) An applicant for licensure as a community mental  
24 health or developmental services agency under this Act shall  
25 submit an application pursuant to the application process  
26 established by the Department by rule and shall pay an

1 application fee in an amount established by the Department,  
2 which amount shall not be more than \$200.

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

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

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

23 (2) If the Department determines that an agency licensed  
24 under this Act is not in compliance with this Act or the rules  
25 and regulations promulgated under this Act, the Department  
26 shall serve a notice of violation upon the licensee. Each

1 notice of violation shall be prepared in writing and shall  
2 specify the nature of the violation, the statutory provision  
3 or rule alleged to have been violated, and that the licensee  
4 submit a plan of correction to the Department if required. The  
5 notice shall also inform the licensee of any other action  
6 which the Department might take pursuant to this Act and of the  
7 right to a hearing.

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

22 (h) Upon the expiration of any license issued under this  
23 Act, a license renewal application shall be required of and a  
24 license renewal fee in an amount established by the Department  
25 shall be charged to a community mental health or developmental  
26 services agency, provided that such fee shall not be more than

1 \$200.

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

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