



Rep. Lamont J. Robinson, Jr.

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10200HB4647ham001

LRB102 24753 CPF 37169 a

1 AMENDMENT TO HOUSE BILL 4647

2 AMENDMENT NO. _____. Amend House Bill 4647 by replacing
3 everything after the enacting clause with the following:

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

1 annual report to the Department that includes the following
2 data:

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

5 (2) The annual employee turnover rate.

6 (3) The race, gender, and ethnicity of frontline,
7 nonexecutive employees, including direct support
8 personnel, aides, qualified intellectual disability
9 professionals, licensed practical nurses, certified
10 nursing assistants, registered nurses, and frontline
11 support staff. Data collected under this paragraph shall
12 be reported in aggregate in a manner prescribed by the
13 Department.

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

15 Section 10. The Community-Integrated Living Arrangements
16 Licensure and Certification Act is amended by changing Section
17 4 as follows:

18 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

19 Sec. 4. (a) Any community mental health or developmental
20 services agency who wishes to develop and support a variety of
21 community-integrated living arrangements may do so pursuant to
22 a license issued by the Department under this Act. However,
23 programs established under or otherwise subject to the Child
24 Care Act of 1969, the Nursing Home Care Act, the Specialized

1 Mental Health Rehabilitation Act of 2013, the ID/DD Community
2 Care Act, or the MC/DD Act, as now or hereafter amended, shall
3 remain subject thereto, and this Act shall not be construed to
4 limit the application of those Acts.

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

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

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

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

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

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

1 (1) all recipients residing in community-integrated
2 living arrangements are receiving appropriate
3 community-based services, including treatment, training
4 and habilitation or rehabilitation;

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

7 (3) all programs provided to and placements arranged
8 for recipients comply with this Act, the Mental Health and
9 Developmental Disabilities Code, and applicable Department
10 rules and regulations; and-

11 (4) when legislative or administrative action directs
12 that funding should be passed through to employees, all
13 such funds are passed through in their entirety to
14 employees in accordance with the legislative or
15 administrative directive.

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

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
24 personnel, aides, qualified intellectual disability
25 professionals, licensed practical nurses, certified
26 nursing assistants, registered nurses, and frontline

1 support staff. Data collected under this paragraph shall
2 be reported in aggregate in a manner prescribed by the
3 Department.

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

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

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

20 (g) (1) The Department may conduct site visits to an agency
21 licensed under this Act, or to any program or placement
22 certified by the agency, and inspect the records or premises,
23 or both, of such agency, program or placement as it deems
24 appropriate, for the purpose of determining compliance with
25 this Act, the Mental Health and Developmental Disabilities
26 Code, and applicable Department rules and regulations. The

1 Department shall conduct inspections of the records and
2 premises of each community-integrated living arrangement
3 certified under this Act at least once every 2 years.

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

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

1 initiate a review shall be made and the timeframe to initiate a
2 review upon the making of such determination.

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

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

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