

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 a licensee to submit an
17 annual report to the Department certifying that all
18 legislatively or administratively mandated wage increases to
19 benefit workers are passed through in accordance with the
20 legislative or administrative mandate. Failure to report the
21 information required under this Section shall result in
22 appropriate enforcement action by the Department. The
23 Department shall determine the manner and form of the annual

1 report.

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

3 Section 10. The Community-Integrated Living Arrangements
4 Licensure and Certification Act is amended by changing Section
5 4 as follows:

6 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

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

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

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

23 (2) ensuring that recipients' rights are protected and
24 that all programs provided to and placements arranged for

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

4 (3) maintaining the integrity of communities by
5 requiring regular monitoring and inspection of placements
6 and other services provided in community-integrated living
7 arrangements.

8 The licensure system shall be administered by a quality
9 assurance unit within the Department which shall be
10 administratively independent of units responsible for funding
11 of agencies or community services.

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

15 (1) all recipients residing in community-integrated
16 living arrangements are receiving appropriate
17 community-based services, including treatment, training
18 and habilitation or rehabilitation;

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

21 (3) all programs provided to and placements arranged
22 for recipients comply with this Act, the Mental Health and
23 Developmental Disabilities Code, and applicable Department
24 rules and regulations.

25 (c-5) Each developmental services agency licensed under
26 this Act shall submit an annual report to the Department, as a

1 contractual requirement between the Department and the
2 developmental services agency, certifying that all
3 legislatively or administratively mandated wage increases to
4 benefit workers are passed through in accordance with the
5 legislative or administrative mandate. The Department shall
6 determine the manner and form of the annual report.

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

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

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

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

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

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

18 (g-5) As determined by the Department, a disproportionate
19 number or percentage of licensure complaints; a
20 disproportionate number or percentage of substantiated cases
21 of abuse, neglect, or exploitation involving an agency; an
22 apparent unnatural death of an individual served by an agency;
23 any egregious or life-threatening abuse or neglect within an
24 agency; or any other significant event as determined by the
25 Department shall initiate a review of the agency's license by
26 the Department, as well as a review of its service agreement

1 for funding. The Department shall adopt rules to establish the
2 process by which the determination to initiate a review shall
3 be made and the timeframe to initiate a review upon the making
4 of such determination.

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

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

15 (Source: P.A. 99-180, eff. 7-29-15; 100-58, eff. 8-11-17;
16 100-313, eff. 8-24-17; 100-863, eff. 8-14-18.)