



Sen. Cristina Castro

Filed: 4/5/2022

10200HB4647sam001

LRB102 24753 CPF 38747 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 a licensee to submit an

1 annual report to the Department certifying that all
2 legislatively or administratively mandated wage increases to
3 benefit workers are passed through in accordance with the
4 legislative or administrative mandate. Failure to report the
5 information required under this Section shall result in
6 appropriate enforcement action by the Department. The
7 Department shall determine the manner and form of the annual
8 report.

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

10 Section 10. The Community-Integrated Living Arrangements
11 Licensure and Certification Act is amended by changing Section
12 4 as follows:

13 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

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

24 (b) The system of licensure established under this Act

1 shall be for the purposes of:

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

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

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

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

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

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

26 (2) all programs provided to and placements arranged

1 for recipients are supervised by the agency; and

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

6 (c-5) Each developmental services agency licensed under
7 this Act shall submit an annual report to the Department, as a
8 contractual requirement between the Department and the
9 developmental services agency, certifying that all
10 legislatively or administratively mandated wage increases to
11 benefit workers are passed through in accordance with the
12 legislative or administrative mandate. The Department shall
13 determine the manner and form of the annual report.

14 (d) An applicant for licensure as a community mental
15 health or developmental services agency under this Act shall
16 submit an application pursuant to the application process
17 established by the Department by rule and shall pay an
18 application fee in an amount established by the Department,
19 which amount shall not be more than \$200.

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

26 (f) Upon application to the Department, the Department may

1 issue a temporary permit to an applicant for up to a 2-year
2 period to allow the holder of such permit reasonable time to
3 become eligible for a license under this Act.

4 (g) (1) The Department may conduct site visits to an agency
5 licensed under this Act, or to any program or placement
6 certified by the agency, and inspect the records or premises,
7 or both, of such agency, program or placement as it deems
8 appropriate, for the purpose of determining compliance with
9 this Act, the Mental Health and Developmental Disabilities
10 Code, and applicable Department rules and regulations. The
11 Department shall conduct inspections of the records and
12 premises of each community-integrated living arrangement
13 certified under this Act at least once every 2 years.

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

25 (g-5) As determined by the Department, a disproportionate
26 number or percentage of licensure complaints; a

1 disproportionate number or percentage of substantiated cases
2 of abuse, neglect, or exploitation involving an agency; an
3 apparent unnatural death of an individual served by an agency;
4 any egregious or life-threatening abuse or neglect within an
5 agency; or any other significant event as determined by the
6 Department shall initiate a review of the agency's license by
7 the Department, as well as a review of its service agreement
8 for funding. The Department shall adopt rules to establish the
9 process by which the determination to initiate a review shall
10 be made and the timeframe to initiate a review upon the making
11 of such determination.

12 (h) Upon the expiration of any license issued under this
13 Act, a license renewal application shall be required of and a
14 license renewal fee in an amount established by the Department
15 shall be charged to a community mental health or developmental
16 services agency, provided that such fee shall not be more than
17 \$200.

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

22 (Source: P.A. 99-180, eff. 7-29-15; 100-58, eff. 8-11-17;
23 100-313, eff. 8-24-17; 100-863, eff. 8-14-18.)".