

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 4A as follows:

6 (15 ILCS 335/4A) (from Ch. 124, par. 24A)

7 Sec. 4A. (a) "Person with a disability" as used in this Act
8 means any person who is, and who is expected to indefinitely
9 continue to be, subject to any of the following five types of
10 disabilities:

11 Type One: Physical disability. A physical disability is a
12 physical impairment, disease, or loss, which is of a permanent
13 nature, and which substantially limits physical ability or
14 motor skills. The Secretary of State shall establish standards
15 not inconsistent with this provision necessary to determine
16 the presence of a physical disability.

17 Type Two: Developmental disability. Developmental
18 disability means "developmental disability" as defined in
19 Section 1-106 of the Mental Health and Developmental
20 Disabilities Code ~~a disability that is attributable to: (i) an~~
21 ~~intellectual disability, cerebral palsy, epilepsy, or autism~~
22 ~~or (ii) any other condition that results in impairment similar~~
23 ~~to that caused by an intellectual disability and requires~~

1 ~~services similar to those required by persons with~~
2 ~~intellectual disabilities. Such a disability must originate~~
3 ~~before the age of 18 years, be expected to continue~~
4 ~~indefinitely, and constitute a substantial disability.~~ The
5 Secretary of State shall establish standards not inconsistent
6 with this provision necessary to determine the presence of a
7 developmental disability.

8 Type Three: Visual disability. A visual disability is
9 blindness, and the term "blindness" means central vision
10 acuity of 20/200 or less in the better eye with the use of a
11 correcting lens. An eye that is accompanied by a limitation in
12 the fields of vision so that the widest diameter of the visual
13 field subtends an angle no greater than 20 degrees shall be
14 considered as having a central vision acuity of 20/200 or
15 less. The Secretary of State shall establish standards not
16 inconsistent with this Section necessary to determine the
17 presence of a visual disability.

18 Type Four: Hearing disability. A hearing disability is a
19 disability resulting in complete absence of hearing, or
20 hearing that with sound enhancing or magnifying equipment is
21 so impaired as to require the use of sensory input other than
22 hearing as the principal means of receiving spoken language.
23 The Secretary of State shall establish standards not
24 inconsistent with this Section necessary to determine the
25 presence of a hearing disability.

26 Type Five: Mental Disability. A mental disability is a

1 significant impairment of an individual's cognitive,
2 affective, or relational abilities that may require
3 intervention and may be a recognized, medically diagnosable
4 illness or disorder. The Secretary of State shall establish
5 standards not inconsistent with this provision necessary to
6 determine the presence of a mental disability.

7 (b) For purposes of this Act, a disability shall be
8 classified as follows: Class 1 disability: A Class 1
9 disability is any type disability which does not render a
10 person unable to engage in any substantial gainful activity or
11 which does not impair his ability to live independently or to
12 perform labor or services for which he is qualified. The
13 Secretary of State shall establish standards not inconsistent
14 with this Section necessary to determine the presence of a
15 Class 1 disability. Class 1A disability: A Class 1A disability
16 is a Class 1 disability which renders a person unable to walk
17 200 feet or more unassisted by another person or without the
18 aid of a walker, crutches, braces, prosthetic device or a
19 wheelchair or without great difficulty or discomfort due to
20 the following impairments: neurologic, orthopedic,
21 oncological, respiratory, cardiac, arthritic disorder,
22 blindness, or the loss of function or absence of a limb or
23 limbs. The Secretary of State shall establish standards not
24 inconsistent with this Section necessary to determine the
25 presence of a Class 1A disability. Class 2 disability: A Class
26 2 disability is any type disability which renders a person

1 unable to engage in any substantial gainful activity, which
2 substantially impairs his ability to live independently
3 without supervision or in-home support services, or which
4 substantially impairs his ability to perform labor or services
5 for which he is qualified or significantly restricts the labor
6 or services which he is able to perform. The Secretary of State
7 shall establish standards not inconsistent with this Section
8 necessary to determine the presence of a Class 2 disability.
9 Class 2A disability: A Class 2A disability is a Class 2
10 disability which renders a person unable to walk 200 feet or
11 more unassisted by another person or without the aid of a
12 walker, crutches, braces, prosthetic device or a wheelchair or
13 without great difficulty or discomfort due to the following
14 impairments: neurologic, orthopedic, oncological,
15 respiratory, cardiac, arthritic disorder, blindness, or the
16 loss of function or absence of a limb or limbs. The Secretary
17 of State shall establish standards not inconsistent with this
18 Section necessary to determine the presence of a Class 2A
19 disability.

20 (Source: P.A. 98-726, eff. 1-1-15; 99-143, eff. 7-27-15.)

21 Section 10. The Mental Health and Developmental
22 Disabilities Administrative Act is amended by changing Section
23 2 as follows:

24 (20 ILCS 1705/2) (from Ch. 91 1/2, par. 100-2)

1 Sec. 2. Definitions; administrative subdivisions.

2 (a) For the purposes of this Act, unless the context
3 otherwise requires:

4 "Department" means the Department of Human Services,
5 successor to the former Department of Mental Health and
6 Developmental Disabilities.

7 "Developmental disability" means "developmental
8 disability" as defined in Section 1-106 of the Mental Health
9 and Developmental Disabilities Code.

10 "Intellectual disability" means the "intellectual
11 disability" as defined in Section 1-116 of the Mental Health
12 and Developmental Disabilities Code.

13 "Secretary" means the Secretary of Human Services.

14 (b) Unless the context otherwise requires:

15 (1) References in this Act to the programs or
16 facilities of the Department shall be construed to refer
17 only to those programs or facilities of the Department
18 that pertain to mental health or developmental
19 disabilities.

20 (2) References in this Act to the Department's service
21 providers or service recipients shall be construed to
22 refer only to providers or recipients of services that
23 pertain to the Department's mental health and
24 developmental disabilities functions.

25 (3) References in this Act to employees of the
26 Department shall be construed to refer only to employees

1 whose duties pertain to the Department's mental health and
2 developmental disabilities functions.

3 (c) The Secretary shall establish such subdivisions of the
4 Department as shall be desirable and shall assign to the
5 various subdivisions the responsibilities and duties placed
6 upon the Department by the Laws of the State of Illinois.

7 (d) There is established a coordinator of services to deaf
8 and hearing impaired persons with mental disabilities. In
9 hiring this coordinator, every consideration shall be given to
10 qualified deaf or hearing impaired individuals.

11 (e) Whenever the administrative director of the
12 subdivision for mental health services is not a
13 board-certified psychiatrist, the Secretary shall appoint a
14 Chief for Clinical Services who shall be a board-certified
15 psychiatrist with both clinical and administrative experience.
16 The Chief for Clinical Services shall be responsible for all
17 clinical and medical decisions for mental health services.

18 (Source: P.A. 99-143, eff. 7-27-15.)

19 Section 15. The Disabilities Services Act of 2003 is
20 amended by changing Section 10 as follows:

21 (20 ILCS 2407/10)

22 Sec. 10. Application of Act; definitions.

23 (a) This Act applies to persons with disabilities. The
24 disabilities included are defined for purposes of this Act as

1 follows:

2 "Disability" means a disability as defined by the
3 Americans with Disabilities Act of 1990 that is attributable
4 to a developmental disability, a mental illness, or a physical
5 disability, or combination of those.

6 "Developmental disability" means "developmental
7 disability" as defined in Section 1-106 of the Mental Health
8 and Developmental Disabilities Code. ~~a disability that is~~
9 ~~attributable to an intellectual disability or a related~~
10 ~~condition. A related condition must meet all of the following~~
11 ~~conditions:~~

12 ~~(1) It must be attributable to cerebral palsy,~~
13 ~~epilepsy, or any other condition (other than mental~~
14 ~~illness) found to be closely related to an intellectual~~
15 ~~disability because that condition results in impairment of~~
16 ~~general intellectual functioning or adaptive behavior~~
17 ~~similar to that of individuals with an intellectual~~
18 ~~disability, and requires treatment or services similar to~~
19 ~~those required for those individuals. For purposes of this~~
20 ~~Section, autism is considered a related condition.~~

21 ~~(2) It must be manifested before the individual~~
22 ~~reaches age 22.~~

23 ~~(3) It must be likely to continue indefinitely.~~

24 ~~(4) It must result in substantial functional~~
25 ~~limitations in 3 or more of the following areas of major~~
26 ~~life activity: self care, language, learning, mobility,~~

1 ~~self-direction, and capacity for independent living.~~

2 "Mental Illness" means a mental or emotional disorder
3 verified by a diagnosis contained in the Diagnostic and
4 Statistical Manual of Mental Disorders-Fourth Edition,
5 published by the American Psychiatric Association (DSM-IV), or
6 its successor, or International Classification of Diseases,
7 9th Revision, Clinical Modification (ICD-9-CM), or its
8 successor, that substantially impairs a person's cognitive,
9 emotional, or behavioral functioning, or any combination of
10 those, excluding (i) conditions that may be the focus of
11 clinical attention but are not of sufficient duration or
12 severity to be categorized as a mental illness, such as
13 parent-child relational problems, partner-relational
14 problems, sexual abuse of a child, bereavement, academic
15 problems, phase-of-life problems, and occupational problems
16 (collectively, "V codes"), (ii) organic disorders such as
17 substance intoxication dementia, substance withdrawal
18 dementia, Alzheimer's disease, vascular dementia, dementia due
19 to HIV infection, and dementia due to Creutzfeldt-Jakob
20 disease and disorders associated with known or unknown
21 physical conditions such as hallucinosis, amnestic disorders
22 and delirium, and psychoactive substance-induced organic
23 disorders, and (iii) an intellectual disability or
24 psychoactive substance use disorders.

25 "Intellectual disability" means "intellectual disability"
26 as defined in Section 1-116 of the Mental Health and

1 Developmental Disabilities Code ~~significantly sub-average~~
2 ~~general intellectual functioning existing concurrently with~~
3 ~~deficits in adaptive behavior and manifested before the age of~~
4 ~~22 years.~~

5 "Physical disability" means a disability as defined by the
6 Americans with Disabilities Act of 1990 that meets the
7 following criteria:

8 (1) It is attributable to a physical impairment.

9 (2) It results in a substantial functional limitation
10 in any of the following areas of major life activity: (i)
11 self-care, (ii) receptive and expressive language, (iii)
12 learning, (iv) mobility, (v) self-direction, (vi) capacity
13 for independent living, and (vii) economic sufficiency.

14 (3) It reflects the person's need for a combination
15 and sequence of special, interdisciplinary, or general
16 care, treatment, or other services that are of lifelong or
17 of extended duration and must be individually planned and
18 coordinated.

19 (b) In this Act:

20 "Chronological age-appropriate services" means services,
21 activities, and strategies for persons with disabilities that
22 are representative of the lifestyle activities of nondisabled
23 peers of similar age in the community.

24 "Comprehensive evaluation" means procedures used by
25 qualified professionals selectively with an individual to
26 determine whether a person has a disability and the nature and

1 extent of the services that the person with a disability
2 needs.

3 "Department" means the Department on Aging, the Department
4 of Human Services, the Department of Public Health, the
5 Department of Public Aid (now Department Healthcare and Family
6 Services), the University of Illinois Division of Specialized
7 Care for Children, the Department of Children and Family
8 Services, and the Illinois State Board of Education, where
9 appropriate, as designated in the implementation plan
10 developed under Section 20.

11 "Family" means a natural, adoptive, or foster parent or
12 parents or other person or persons responsible for the care of
13 an individual with a disability in a family setting.

14 "Family or individual support" means those resources and
15 services that are necessary to maintain an individual with a
16 disability within the family home or his or her own home. These
17 services may include, but are not limited to, cash subsidy,
18 respite care, and counseling services.

19 "Independent service coordination" means a social service
20 that enables persons with developmental disabilities and their
21 families to locate, use, and coordinate resources and
22 opportunities in their communities on the basis of individual
23 need. Independent service coordination is independent of
24 providers of services and funding sources and is designed to
25 ensure accessibility, continuity of care, and accountability
26 and to maximize the potential of persons with developmental

1 disabilities for independence, productivity, and integration
2 into the community. Independent service coordination includes,
3 at a minimum: (i) outreach to identify eligible individuals;
4 (ii) assessment and periodic reassessment to determine each
5 individual's strengths, functional limitations, and need for
6 specific services; (iii) participation in the development of a
7 comprehensive individual service or treatment plan; (iv)
8 referral to and linkage with needed services and supports; (v)
9 monitoring to ensure the delivery of appropriate services and
10 to determine individual progress in meeting goals and
11 objectives; and (vi) advocacy to assist the person in
12 obtaining all services for which he or she is eligible or
13 entitled.

14 "Individual service or treatment plan" means a recorded
15 assessment of the needs of a person with a disability, a
16 description of the services recommended, the goals of each
17 type of element of service, an anticipated timetable for the
18 accomplishment of the goals, and a designation of the
19 qualified professionals responsible for the implementation of
20 the plan.

21 "Least restrictive environment" means an environment that
22 represents the least departure from the normal patterns of
23 living and that effectively meets the needs of the person
24 receiving the service.

25 (Source: P.A. 97-227, eff. 1-1-12; 98-756, eff. 7-16-14.)

1 Section 25. The School Code is amended by changing Section
2 2-3.83 as follows:

3 (105 ILCS 5/2-3.83) (from Ch. 122, par. 2-3.83)

4 Sec. 2-3.83. Individual transition plan model pilot
5 program.

6 (a) The General Assembly finds that transition services
7 for special education students in secondary schools are needed
8 for the increasing numbers of students exiting school
9 programs. Therefore, to ensure coordinated and timely delivery
10 of services, the State shall establish a model pilot program
11 to provide such services. Local school districts, using joint
12 agreements and regional service delivery systems for special
13 and vocational education selected by the Governor's Planning
14 Council on Developmental Disabilities, shall have the primary
15 responsibility to convene transition planning meetings for
16 these students who will require post-school adult services.

17 (b) For purposes of this Section:

18 (1) "Post-secondary Service Provider" means a provider
19 of services for adults who have any developmental
20 disability as defined in Section 1-106 of the Mental
21 Health and Developmental Disabilities Code or who are
22 persons with one or more disabilities as defined in the
23 Rehabilitation of Persons with Disabilities Act.

24 (2) "Individual Education Plan" means a written
25 statement for an exceptional child that provides at least

1 a statement of: the child's present levels of educational
2 performance, annual goals and short-term instructional
3 objectives; specific special education and related
4 services; the extent of participation in the regular
5 education program; the projected dates for initiation of
6 services; anticipated duration of services; appropriate
7 objective criteria and evaluation procedures; and a
8 schedule for annual determination of short-term
9 objectives.

10 (3) "Individual Transition Plan" (ITP) means a
11 multi-agency informal assessment of a student's needs for
12 post-secondary adult services including but not limited to
13 employment, post-secondary education or training and
14 residential independent living.

15 (4) "Developmental Disability" means "developmental
16 disability" as defined in Section 1-106 of the Mental
17 Health and Developmental Disabilities Code ~~a disability~~
18 ~~which is attributable to: (a) an intellectual disability,~~
19 ~~cerebral palsy, epilepsy or autism; or to (b) any other~~
20 ~~condition which results in impairment similar to that~~
21 ~~caused by an intellectual disability and which requires~~
22 ~~services similar to those required by persons with an~~
23 ~~intellectual disability. Such disability must originate~~
24 ~~before the age of 18 years, be expected to continue~~
25 ~~indefinitely, and constitute a substantial disability.~~

26 (5) "Exceptional Characteristic" means any disabling

1 or exceptional characteristic which interferes with a
2 student's education including, but not limited to, a
3 determination that the student has a severe or profound
4 mental disability, has mental disability but is trainable,
5 is deaf-blind, or has some other health impairment.

6 (c) The model pilot program required by this Section shall
7 be established and administered by the Governor's Planning
8 Council on Developmental Disabilities in conjunction with the
9 case coordination pilot projects established by the Department
10 of Human Services pursuant to Section 4.1 of the Community
11 Services Act, as amended.

12 (d) The model pilot program shall include the following
13 features:

14 (1) Written notice shall be sent to the student and,
15 when appropriate, his or her parent or guardian giving the
16 opportunity to consent to having the student's name and
17 relevant information shared with the local case
18 coordination unit and other appropriate State or local
19 agencies for purposes of inviting participants to the
20 individual transition plan meeting.

21 (2) Meetings to develop and modify, as needed, an
22 Individual Transition Plan shall be conducted annually for
23 all students with a developmental disability in the pilot
24 program area who are age 16 or older and who are receiving
25 special education services for 50% or more of their public
26 school program. These meetings shall be convened by the

1 local school district and conducted in conjunction with
2 any other regularly scheduled meetings such as the
3 student's annual individual educational plan meeting. The
4 Governor's Planning Council on Developmental Disabilities
5 shall cooperate with and may enter into any necessary
6 written agreements with the Department of Human Services
7 and the State Board of Education to identify the target
8 group of students for transition planning and the
9 appropriate case coordination unit to serve these
10 individuals.

11 (3) The ITP meetings shall be co-chaired by the
12 individual education plan coordinator and the case
13 coordinator. The ITP meeting shall include but not be
14 limited to discussion of the following: the student's
15 projected date of exit from the public schools; his
16 projected post-school goals in the areas of employment,
17 residential living arrangement and post-secondary
18 education or training; specific school or post-school
19 services needed during the following year to achieve the
20 student's goals, including but not limited to vocational
21 evaluation, vocational education, work experience or
22 vocational training, placement assistance, independent
23 living skills training, recreational or leisure training,
24 income support, medical needs and transportation; and
25 referrals and linkage to needed services, including a
26 proposed time frame for services and the responsible

1 agency or provider. The individual transition plan shall
2 be signed by participants in the ITP discussion, including
3 but not limited to the student's parents or guardian, the
4 student (where appropriate), multi-disciplinary team
5 representatives from the public schools, the case
6 coordinator and any other individuals who have
7 participated in the ITP meeting at the discretion of the
8 individual education plan coordinator, the developmental
9 disability case coordinator or the parents or guardian.

10 (4) At least 10 days prior to the ITP meeting, the
11 parents or guardian of the student shall be notified in
12 writing of the time and place of the meeting by the local
13 school district. The ITP discussion shall be documented by
14 the assigned case coordinator, and an individual student
15 file shall be maintained by each case coordination unit.
16 One year following a student's exit from public school the
17 case coordinator shall conduct a follow up interview with
18 the student.

19 (5) Determinations with respect to individual
20 transition plans made under this Section shall not be
21 subject to any due process requirements prescribed in
22 Section 14-8.02 of this Code.

23 (e) (Blank).

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 Section 30. The MC/DD Act is amended by changing Section

1 3-801.1 as follows:

2 (210 ILCS 46/3-801.1)

3 Sec. 3-801.1. Access to records of resident with
4 developmental disabilities. Notwithstanding the other
5 provisions of this Act to the contrary, the agency designated
6 by the Governor under Section 1 of "An Act in relation to the
7 protection and advocacy of the rights of persons with
8 developmental disabilities, and amending Acts therein named",
9 enacted by the 84th General Assembly, shall have access to the
10 records of a person with developmental disabilities who
11 resides in a facility, subject to the limitations of this Act.
12 The agency shall also have access for the purpose of
13 inspection and copying, to the records of a person with
14 developmental disabilities who resides in any such facility if
15 (1) a complaint is received by such agency from or on behalf of
16 the person with a developmental disability, and (2) such
17 person does not have a guardian or the State or the designee of
18 the State is the guardian of such person. The designated
19 agency shall provide written notice to the person with
20 developmental disabilities and the State guardian of the
21 nature of the complaint based upon which the designated agency
22 has gained access to the records. No record or the contents of
23 any record shall be redisclosed by the designated agency
24 unless the person with developmental disabilities and the
25 State guardian are provided 7 days' advance written notice,

1 except in emergency situations, of the designated agency's
2 intent to redisclose such record, during which time the person
3 with developmental disabilities or the State guardian may seek
4 to judicially enjoin the designated agency's redisclosure of
5 such record on the grounds that such redisclosure is contrary
6 to the interests of the person with developmental
7 disabilities. If a person with developmental disabilities
8 resides in such a facility and has a guardian other than the
9 State or the designee of the State, the facility director
10 shall disclose the guardian's name, address, and telephone
11 number to the designated agency at the agency's request.

12 Upon request, the designated agency shall be entitled to
13 inspect and copy any records or other materials which may
14 further the agency's investigation of problems affecting
15 numbers of persons with developmental disabilities. When
16 required by law any personally identifiable information of
17 persons with a developmental disability shall be removed from
18 the records. However, the designated agency may not inspect or
19 copy any records or other materials when the removal of
20 personally identifiable information imposes an unreasonable
21 burden on the facility. For the purposes of this Section,
22 "developmental disability" means "developmental disability" as
23 defined in Section 1-106 of the Mental Health and
24 Developmental Disabilities Code. ~~a severe, chronic disability~~
25 ~~of a person which:~~

26 ~~(A) is attributable to a mental or physical impairment~~

1 ~~or combination of mental and physical impairments;~~

2 ~~(B) is manifested before the person attains age 22;~~

3 ~~(C) is likely to continue indefinitely;~~

4 ~~(D) results in substantial functional limitations in 3~~
5 ~~or more of the following areas of major life activity: (i)~~
6 ~~self care, (ii) receptive and expressive language, (iii)~~
7 ~~learning, (iv) mobility, (v) self direction, (vi) capacity~~
8 ~~for independent living, and (vii) economic self~~
9 ~~sufficiency; and~~

10 ~~(E) reflects the person's need for combination and~~
11 ~~sequence of special, interdisciplinary or generic care,~~
12 ~~treatment or other services which are of lifelong or~~
13 ~~extended duration and are individually planned and~~
14 ~~coordinated.~~

15 (Source: P.A. 99-180, eff. 7-29-15.)

16 Section 35. The ID/DD Community Care Act is amended by
17 changing Section 3-801.1 as follows:

18 (210 ILCS 47/3-801.1)

19 Sec. 3-801.1. Access to records of resident with
20 developmental disabilities. Notwithstanding the other
21 provisions of this Act to the contrary, the agency designated
22 by the Governor under Section 1 of "An Act in relation to the
23 protection and advocacy of the rights of persons with
24 developmental disabilities, and amending Acts therein named",

1 enacted by the 84th General Assembly, shall have access to the
2 records of a person with developmental disabilities who
3 resides in a facility, subject to the limitations of this Act.
4 The agency shall also have access for the purpose of
5 inspection and copying, to the records of a person with
6 developmental disabilities who resides in any such facility if
7 (1) a complaint is received by such agency from or on behalf of
8 the person with a developmental disability, and (2) such
9 person does not have a guardian or the State or the designee of
10 the State is the guardian of such person. The designated
11 agency shall provide written notice to the person with
12 developmental disabilities and the State guardian of the
13 nature of the complaint based upon which the designated agency
14 has gained access to the records. No record or the contents of
15 any record shall be redisclosed by the designated agency
16 unless the person with developmental disabilities and the
17 State guardian are provided 7 days' advance written notice,
18 except in emergency situations, of the designated agency's
19 intent to redisclose such record, during which time the person
20 with developmental disabilities or the State guardian may seek
21 to judicially enjoin the designated agency's redisclosure of
22 such record on the grounds that such redisclosure is contrary
23 to the interests of the person with developmental
24 disabilities. If a person with developmental disabilities
25 resides in such a facility and has a guardian other than the
26 State or the designee of the State, the facility director

1 shall disclose the guardian's name, address, and telephone
2 number to the designated agency at the agency's request.

3 Upon request, the designated agency shall be entitled to
4 inspect and copy any records or other materials which may
5 further the agency's investigation of problems affecting
6 numbers of persons with developmental disabilities. When
7 required by law any personally identifiable information of
8 persons with a developmental disability shall be removed from
9 the records. However, the designated agency may not inspect or
10 copy any records or other materials when the removal of
11 personally identifiable information imposes an unreasonable
12 burden on the facility. For the purposes of this Section,
13 "developmental disability" means "developmental disability" as
14 defined in Section 1-106 of the Mental Health and
15 Developmental Disabilities Code. ~~a severe, chronic disability~~
16 ~~of a person which:~~

17 ~~(A) is attributable to a mental or physical impairment~~
18 ~~or combination of mental and physical impairments;~~
19 ~~(B) is manifested before the person attains age 22;~~
20 ~~(C) is likely to continue indefinitely;~~
21 ~~(D) results in substantial functional limitations in 3~~
22 ~~or more of the following areas of major life activity: (i)~~
23 ~~self care, (ii) receptive and expressive language, (iii)~~
24 ~~learning, (iv) mobility, (v) self direction, (vi) capacity~~
25 ~~for independent living, and (vii) economic self~~
26 ~~sufficiency; and~~

1 ~~(E) reflects the person's need for combination and~~
2 ~~sequence of special, interdisciplinary or generic care,~~
3 ~~treatment or other services which are of lifelong or~~
4 ~~extended duration and are individually planned and~~
5 ~~coordinated.~~

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

7 Section 40. The Illinois Insurance Code is amended by
8 changing Section 356z.2 as follows:

9 (215 ILCS 5/356z.2)

10 Sec. 356z.2. Coverage for adjunctive services in dental
11 care.

12 (a) An individual or group policy of accident and health
13 insurance amended, delivered, issued, or renewed after January
14 1, 2003 (the effective date of Public Act 92-764) shall cover
15 charges incurred, and anesthetics provided, in conjunction
16 with dental care that is provided to a covered individual in a
17 hospital or an ambulatory surgical treatment center if any of
18 the following applies:

19 (1) the individual is a child age 6 or under;

20 (2) the individual has a medical condition that
21 requires hospitalization or general anesthesia for dental
22 care; or

23 (3) the individual is a person with a disability.

24 (a-5) An individual or group policy of accident and health

1 insurance amended, delivered, issued, or renewed after January
2 1, 2016 (the effective date of Public Act 99-141) shall cover
3 charges incurred, and anesthetics provided by a dentist with a
4 permit provided under Section 8.1 of the Illinois Dental
5 Practice Act, in conjunction with dental care that is provided
6 to a covered individual in a dental office, oral surgeon's
7 office, hospital, or ambulatory surgical treatment center if
8 the individual is under age 26 and has been diagnosed with an
9 autism spectrum disorder as defined in Section 10 of the
10 Autism Spectrum Disorders Reporting Act or a developmental
11 disability. A covered individual shall be required to make 2
12 visits to the dental care provider prior to accessing other
13 coverage under this subsection.

14 For purposes of this subsection, "developmental
15 disability" means "developmental disability" as defined in
16 Section 1-106 of the Mental Health and Developmental
17 Disabilities Code ~~a disability that is attributable to an~~
18 ~~intellectual disability or a related condition, if the related~~
19 ~~condition meets all of the following conditions:~~

20 ~~(1) it is attributable to cerebral palsy, epilepsy, or~~
21 ~~any other condition, other than mental illness, found to~~
22 ~~be closely related to an intellectual disability because~~
23 ~~that condition results in impairment of general~~
24 ~~intellectual functioning or adaptive behavior similar to~~
25 ~~that of individuals with an intellectual disability and~~
26 ~~requires treatment or services similar to those required~~

1 ~~for those individuals; for purposes of this definition,~~
2 ~~autism is considered a related condition;~~

3 ~~(2) it is manifested before the individual reaches age~~
4 ~~22;~~

5 ~~(3) it is likely to continue indefinitely; and~~

6 ~~(4) it results in substantial functional limitations~~
7 ~~in 3 or more of the following areas of major life activity:~~
8 ~~self care, language, learning, mobility, self direction,~~
9 ~~and capacity for independent living.~~

10 (b) For purposes of this Section, "ambulatory surgical
11 treatment center" has the meaning given to that term in
12 Section 3 of the Ambulatory Surgical Treatment Center Act.

13 For purposes of this Section, "person with a disability"
14 means a person, regardless of age, with a chronic disability
15 if the chronic disability meets all of the following
16 conditions:

17 (1) It is attributable to a mental or physical
18 impairment or combination of mental and physical
19 impairments.

20 (2) It is likely to continue.

21 (3) It results in substantial functional limitations
22 in one or more of the following areas of major life
23 activity:

24 (A) self-care;

25 (B) receptive and expressive language;

26 (C) learning;

- 1 (D) mobility;
- 2 (E) capacity for independent living; or
- 3 (F) economic self-sufficiency.

4 (c) The coverage required under this Section may be
5 subject to any limitations, exclusions, or cost-sharing
6 provisions that apply generally under the insurance policy.

7 (d) This Section does not apply to a policy that covers
8 only dental care.

9 (e) Nothing in this Section requires that the dental
10 services be covered.

11 (f) The provisions of this Section do not apply to
12 short-term travel, accident-only, limited, or specified
13 disease policies, nor to policies or contracts designed for
14 issuance to persons eligible for coverage under Title XVIII of
15 the Social Security Act, known as Medicare, or any other
16 similar coverage under State or federal governmental plans.

17 (Source: P.A. 101-525, eff. 1-1-20.)

18 Section 45. The Mental Health and Developmental
19 Disabilities Code is amended by changing Sections 1-106 and
20 1-116 as follows:

21 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

22 Sec. 1-106. "Developmental disability" means a severe,
23 chronic disability, other than mental illness, found to be
24 closely related to an intellectual disability because this

1 condition results in impairment of general intellectual
2 functioning or adaptive behavior similar to that of persons
3 with ID, and requires services similar to those required for a
4 person with an intellectual disability. In addition, a
5 developmental disability: (1) is manifested before the
6 individual reaches 22 years of age; (2) is likely to continue
7 indefinitely; (3) results in substantial functional
8 limitations in three or more of the following areas of major
9 life activity: self-care, receptive and expressive language,
10 learning, mobility, self-direction, capacity for independent
11 living, or economic self-sufficiency; and (4) reflects the
12 individual's need for a combination and sequence of special
13 interdisciplinary or generic services, individualized
14 supports, or other forms of assistance that are of lifelong or
15 extended duration and are individually planned and coordinated
16 ~~a disability which is attributable to: (a) an intellectual~~
17 ~~disability, cerebral palsy, epilepsy or autism; or (b) any~~
18 ~~other condition which results in impairment similar to that~~
19 ~~caused by an intellectual disability and which requires~~
20 ~~services similar to those required by persons with an~~
21 ~~intellectual disability. Such disability must originate before~~
22 ~~the age of 18 years, be expected to continue indefinitely, and~~
23 ~~constitute a substantial disability.~~

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 (405 ILCS 5/1-116) (from Ch. 91 1/2, par. 1-116)

1 Sec. 1-116. Intellectual disability. "Intellectual
2 disability" means a disorder with onset during the
3 developmental period (before the individual reaches age 22),
4 that includes both intellectual and adaptive deficits in
5 conceptual, social and practical domains. The following 3
6 criteria must be met: (1) deficits in intellectual functions
7 such as reasoning, problem solving, planning, abstract
8 thinking, judgment, academic learning, and learning from
9 experience confirmed by both clinical assessment and
10 individualized, standardized intelligence testing (generally
11 indicated with an IQ score of about 70 or below), (2) deficits
12 in adaptive functioning that result in failure to meet
13 developmental and sociocultural standards for personal
14 independence and social responsibility. Without ongoing
15 support, the adaptive deficits limit functioning in one or
16 more activities of daily life, such as communication, social
17 participation, and independent living, across multiple
18 environments, such as home, school, work, and community, and
19 (3) onset of intellectual and adaptive deficits during the
20 developmental period ~~significantly subaverage general~~
21 ~~intellectual functioning which exists concurrently with~~
22 ~~impairment in adaptive behavior and which originates before~~
23 ~~the age of 18 years.~~

24 (Source: P.A. 97-227, eff. 1-1-12.)

25 Section 50. The Specialized Living Centers Act is amended

1 by changing Section 2.03 as follows:

2 (405 ILCS 25/2.03) (from Ch. 91 1/2, par. 602.03)

3 Sec. 2.03. "Person with a developmental disability" means
4 a person with a "developmental disability" as defined in
5 Section 1-116 of the Mental Health and Developmental
6 Disabilities Code ~~individuals whose disability is attributable~~
7 ~~to an intellectual disability, cerebral palsy, epilepsy or~~
8 ~~other neurological condition which generally originates before~~
9 ~~such individuals attain age 18 which had continued or can be~~
10 ~~expected to continue indefinitely and which constitutes a~~
11 ~~substantial disability to such individuals.~~

12 (Source: P.A. 99-143, eff. 7-27-15.)

13 Section 55. The Developmental Disability and Mental
14 Disability Services Act is amended by changing Section 2-3 as
15 follows:

16 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

17 Sec. 2-3. As used in this Article, unless the context
18 requires otherwise:

19 (a) "Agency" means an agency or entity licensed by the
20 Department pursuant to this Article or pursuant to the
21 Community Residential Alternatives Licensing Act.

22 (b) "Department" means the Department of Human Services,
23 as successor to the Department of Mental Health and

1 Developmental Disabilities.

2 (c) "Home-based services" means services provided to an
3 adult with a mental disability who lives in his or her own
4 home. These services include but are not limited to:

5 (1) home health services;

6 (2) case management;

7 (3) crisis management;

8 (4) training and assistance in self-care;

9 (5) personal care services;

10 (6) habilitation and rehabilitation services;

11 (7) employment-related services;

12 (8) respite care; and

13 (9) other skill training that enables a person to
14 become self-supporting.

15 (d) "Legal guardian" means a person appointed by a court
16 of competent jurisdiction to exercise certain powers on behalf
17 of an adult with a mental disability.

18 (e) "Adult with a mental disability" means a person over
19 the age of 18 years who lives in his or her own home; who needs
20 home-based services, but does not require 24-hour-a-day
21 supervision; and who has one of the following conditions:
22 severe autism, severe mental illness, a severe or profound
23 intellectual disability, or severe and multiple impairments.

24 (f) In one's "own home" means that an adult with a mental
25 disability lives alone; or that an adult with a mental
26 disability is in full-time residence with his or her parents,

1 legal guardian, or other relatives; or that an adult with a
2 mental disability is in full-time residence in a setting not
3 subject to licensure under the Nursing Home Care Act, the
4 Specialized Mental Health Rehabilitation Act of 2013, the
5 ID/DD Community Care Act, the MC/DD Act, or the Child Care Act
6 of 1969, as now or hereafter amended, with 3 or fewer other
7 adults unrelated to the adult with a mental disability who do
8 not provide home-based services to the adult with a mental
9 disability.

10 (g) "Parent" means the biological or adoptive parent of an
11 adult with a mental disability, or a person licensed as a
12 foster parent under the laws of this State who acts as a foster
13 parent to an adult with a mental disability.

14 (h) "Relative" means any of the following relationships by
15 blood, marriage or adoption: parent, son, daughter, brother,
16 sister, grandparent, uncle, aunt, nephew, niece, great
17 grandparent, great uncle, great aunt, stepbrother, stepsister,
18 stepson, stepdaughter, stepparent or first cousin.

19 (i) "Severe autism" means a lifelong developmental
20 disability which is typically manifested before 30 months of
21 age and is characterized by severe disturbances in reciprocal
22 social interactions; verbal and nonverbal communication and
23 imaginative activity; and repertoire of activities and
24 interests. A person shall be determined severely autistic, for
25 purposes of this Article, if both of the following are
26 present:

1 (1) Diagnosis consistent with the criteria for
2 autistic disorder in the current edition of the Diagnostic
3 and Statistical Manual of Mental Disorders.

4 (2) Severe disturbances in reciprocal social
5 interactions; verbal and nonverbal communication and
6 imaginative activity; repertoire of activities and
7 interests. A determination of severe autism shall be based
8 upon a comprehensive, documented assessment with an
9 evaluation by a licensed clinical psychologist or
10 psychiatrist. A determination of severe autism shall not
11 be based solely on behaviors relating to environmental,
12 cultural or economic differences.

13 (j) "Severe mental illness" means the manifestation of all
14 of the following characteristics:

15 (1) A primary diagnosis of one of the major mental
16 disorders in the current edition of the Diagnostic and
17 Statistical Manual of Mental Disorders listed below:

- 18 (A) Schizophrenia disorder.
19 (B) Delusional disorder.
20 (C) Schizo-affective disorder.
21 (D) Bipolar affective disorder.
22 (E) Atypical psychosis.
23 (F) Major depression, recurrent.

24 (2) The individual's mental illness must substantially
25 impair his or her functioning in at least 2 of the
26 following areas:

- 1 (A) Self-maintenance.
- 2 (B) Social functioning.
- 3 (C) Activities of community living.
- 4 (D) Work skills.

5 (3) Disability must be present or expected to be
6 present for at least one year.

7 A determination of severe mental illness shall be based
8 upon a comprehensive, documented assessment with an evaluation
9 by a licensed clinical psychologist or psychiatrist, and shall
10 not be based solely on behaviors relating to environmental,
11 cultural or economic differences.

12 (k) "Severe or profound intellectual disability" means a
13 manifestation of all of the following characteristics:

14 (1) A diagnosis which meets Classification in Mental
15 Retardation or criteria in the current edition of the
16 Diagnostic and Statistical Manual of Mental Disorders for
17 severe or profound mental retardation (an IQ of 40 or
18 below). This must be measured by a standardized instrument
19 for general intellectual functioning.

20 (2) A severe or profound level of disturbed adaptive
21 behavior. This must be measured by a standardized adaptive
22 behavior scale or informal appraisal by the professional
23 in keeping with illustrations in Classification in Mental
24 Retardation, 1983.

25 (3) Disability diagnosed before age of 18.

26 A determination of a severe or profound intellectual

1 disability shall be based upon a comprehensive, documented
2 assessment with an evaluation by a licensed clinical
3 psychologist or certified school psychologist or a
4 psychiatrist, and shall not be based solely on behaviors
5 relating to environmental, cultural or economic differences.

6 (1) "Severe and multiple impairments" means the
7 manifestation of all of the following characteristics:

8 (1) The evaluation determines the presence of a
9 developmental disability which is expected to continue
10 indefinitely, constitutes a substantial disability and is
11 attributable to any of the following:

12 (A) Intellectual disability as defined in Section
13 1-116 of the Mental Health and Developmental
14 Disabilities Code ~~, which is defined as general~~
15 ~~intellectual functioning that is 2 or more standard~~
16 ~~deviations below the mean concurrent with impairment~~
17 ~~of adaptive behavior which is 2 or more standard~~
18 ~~deviations below the mean. Assessment of the~~
19 ~~individual's intellectual functioning must be measured~~
20 ~~by a standardized instrument for general intellectual~~
21 ~~functioning.~~

22 (B) Cerebral palsy.

23 (C) Epilepsy.

24 (D) Autism.

25 (E) Any other condition which results in
26 impairment similar to that caused by an intellectual

1 disability and which requires services similar to
2 those required by persons with intellectual
3 disabilities.

4 (2) The evaluation determines multiple disabilities in
5 physical, sensory, behavioral or cognitive functioning
6 which constitute a severe or profound impairment
7 attributable to one or more of the following:

8 (A) Physical functioning, which severely impairs
9 the individual's motor performance that may be due to:

10 (i) Neurological, psychological or physical
11 involvement resulting in a variety of disabling
12 conditions such as hemiplegia, quadriplegia or
13 ataxia,

14 (ii) Severe organ systems involvement such as
15 congenital heart defect,

16 (iii) Physical abnormalities resulting in the
17 individual being non-mobile and non-ambulatory or
18 confined to bed and receiving assistance in
19 transferring, or

20 (iv) The need for regular medical or nursing
21 supervision such as gastrostomy care and feeding.

22 Assessment of physical functioning must be based
23 on clinical medical assessment by a physician licensed
24 to practice medicine in all its branches, using the
25 appropriate instruments, techniques and standards of
26 measurement required by the professional.

1 (B) Sensory, which involves severe restriction due
2 to hearing or visual impairment limiting the
3 individual's movement and creating dependence in
4 completing most daily activities. Hearing impairment
5 is defined as a loss of 70 decibels aided or speech
6 discrimination of less than 50% aided. Visual
7 impairment is defined as 20/200 corrected in the
8 better eye or a visual field of 20 degrees or less.
9 Sensory functioning must be based on clinical medical
10 assessment by a physician licensed to practice
11 medicine in all its branches using the appropriate
12 instruments, techniques and standards of measurement
13 required by the professional.

14 (C) Behavioral, which involves behavior that is
15 maladaptive and presents a danger to self or others,
16 is destructive to property by deliberately breaking,
17 destroying or defacing objects, is disruptive by
18 fighting, or has other socially offensive behaviors in
19 sufficient frequency or severity to seriously limit
20 social integration. Assessment of behavioral
21 functioning may be measured by a standardized scale or
22 informal appraisal by a clinical psychologist or
23 psychiatrist.

24 (D) Cognitive, which involves intellectual
25 functioning at a measured IQ of 70 or below.
26 Assessment of cognitive functioning must be measured

1 by a standardized instrument for general intelligence.

2 (3) The evaluation determines that development is
3 substantially less than expected for the age in cognitive,
4 affective or psychomotor behavior as follows:

5 (A) Cognitive, which involves intellectual
6 functioning at a measured IQ of 70 or below.
7 Assessment of cognitive functioning must be measured
8 by a standardized instrument for general intelligence.

9 (B) Affective behavior, which involves over and
10 under responding to stimuli in the environment and may
11 be observed in mood, attention to awareness, or in
12 behaviors such as euphoria, anger or sadness that
13 seriously limit integration into society. Affective
14 behavior must be based on clinical assessment using
15 the appropriate instruments, techniques and standards
16 of measurement required by the professional.

17 (C) Psychomotor, which includes a severe
18 developmental delay in fine or gross motor skills so
19 that development in self-care, social interaction,
20 communication or physical activity will be greatly
21 delayed or restricted.

22 (4) A determination that the disability originated
23 before the age of 18 years.

24 A determination of severe and multiple impairments shall
25 be based upon a comprehensive, documented assessment with an
26 evaluation by a licensed clinical psychologist or

1 psychiatrist.

2 If the examiner is a licensed clinical psychologist,
3 ancillary evaluation of physical impairment, cerebral palsy or
4 epilepsy must be made by a physician licensed to practice
5 medicine in all its branches.

6 Regardless of the discipline of the examiner, ancillary
7 evaluation of visual impairment must be made by an
8 ophthalmologist or a licensed optometrist.

9 Regardless of the discipline of the examiner, ancillary
10 evaluation of hearing impairment must be made by an
11 otolaryngologist or an audiologist with a certificate of
12 clinical competency.

13 The only exception to the above is in the case of a person
14 with cerebral palsy or epilepsy who, according to the
15 eligibility criteria listed below, has multiple impairments
16 which are only physical and sensory. In such a case, a
17 physician licensed to practice medicine in all its branches
18 may serve as the examiner.

19 (m) "Twenty-four-hour-a-day supervision" means
20 24-hour-a-day care by a trained mental health or developmental
21 disability professional on an ongoing basis.

22 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
23 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

24 Section 60. The Developmental Disability Prevention Act is
25 amended by changing Section 2 as follows:

1 (410 ILCS 250/2) (from Ch. 111 1/2, par. 2102)

2 Sec. 2. As used in this Act:

3 (a) "perinatal" means the period of time between the
4 conception of an infant and the end of the first month of life;

5 (b) "congenital" means those intrauterine factors which
6 influence the growth, development and function of the fetus;

7 (c) "environmental" means those extrauterine factors which
8 influence the adaptation, well being or life of the newborn
9 and may lead to disability;

10 (d) "high risk" means an increased level of risk of harm or
11 mortality to the woman of childbearing age, fetus or newborn
12 from congenital and/or environmental factors;

13 (e) "perinatal center" means a referral facility intended
14 to care for the high risk patient before, during, or after
15 labor and delivery and characterized by sophistication and
16 availability of personnel, equipment, laboratory,
17 transportation techniques, consultation and other support
18 services;

19 (f) "developmental disability" means "developmental
20 disability" as defined in Section 1-106 of the Mental Health
21 and Developmental Disabilities Code ~~an intellectual~~
22 ~~disability, cerebral palsy, epilepsy, or other neurological~~
23 ~~disabling conditions of an individual found to be closely~~
24 ~~related to an intellectual disability or to require treatment~~
25 ~~similar to that required by individuals with an intellectual~~

1 ~~disability, and the disability originates before such~~
2 ~~individual attains age 18, and has continued, or can be~~
3 ~~expected to continue indefinitely, and constitutes a~~
4 ~~substantial disability of such individuals;~~

5 (g) "disability" means a condition characterized by
6 temporary or permanent, partial or complete impairment of
7 physical, mental or physiological function;

8 (h) "Department" means the Department of Public Health.
9 (Source: P.A. 99-143, eff. 7-27-15.)

10 Section 70. The Probate Act of 1975 is amended by changing
11 Section 11a-1 as follows:

12 (755 ILCS 5/11a-1) (from Ch. 110 1/2, par. 11a-1)

13 Sec. 11a-1. "Developmental disability", "intellectual
14 disability", and "related condition" defined.

15 "Developmental disability" means "developmental
16 disability" as defined in Section 1-116 of the Mental Health
17 and Developmental Disabilities Code ~~a disability that is~~
18 ~~attributable to an intellectual disability or a related~~
19 ~~condition.~~

20 "Intellectual disability" means "intellectual disability"
21 as defined in Section 1-116 of the Mental Health and
22 Developmental Disabilities Code ~~significantly subaverage~~
23 ~~general intellectual functioning existing concurrently with~~
24 ~~deficits in adaptive behavior and manifested before the age of~~

1 ~~22 years.~~

2 "Related condition" means a condition that:

3 (1) is attributable to cerebral palsy, epilepsy, or
4 any other condition, other than mental illness, found to
5 be closely related to an intellectual disability because
6 that condition results in impairment of general
7 intellectual functioning or adaptive behavior similar to
8 that of individuals with an intellectual disability, and
9 requires treatment or services similar to those required
10 for those individuals. For purposes of this Act, autism is
11 considered a related condition;

12 (2) is manifested before the individual reaches age
13 22;

14 (3) is likely to continue indefinitely; and

15 (4) results in substantial functional limitation in 3
16 or more of the following areas of major life activity:
17 self-care, language, learning, mobility, self-direction,
18 and capacity for independent living.

19 (Source: P.A. 102-72, eff. 1-1-22; 102-109, eff. 1-1-22.)