



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2910

Introduced 8/26/2021, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.935 new  
20 ILCS 1305/1-41 new

Amends the Department of Human Services Act. Creates the Mental Health and Substance Use Disorder Oversight Officer (Officer) within the Department of Human Services under the Secretary of Human Services. Provides that the Officer shall be appointed by the Governor with the advice and consent of the Senate. Permits the Officer to: (i) maintain a staff; (ii) make recommendations for policy, statute, and rule changes; (iii) collect data on the opioid crisis; (iv) ensure the coordination of efforts between various State agencies involved in treating mental health and substance use disorders within the State; and (v) encourage, promote, suggest, and report best practices for treating mental health and substance use disorders in Illinois. Prohibits the Officer from participating in the issuance of any licensing or certification of mental health or substance use disorder treatment services. Prohibits the Officer from participating in any adjudicative decision-making process involving licensing, certification, or licensee discipline. Permits the Officer to compile, collect, or otherwise gather data necessary for the administration of the amendatory Act and to carry out the Officer's duties relating to the recommendation of policy changes. Amends the State Finance Act. Creates the Mental Health and Substance Use Disorder Oversight Officer Fund. Provides that moneys in the fund shall be expended for the Officer, its staff, and its activities and for no other purpose. Effective immediately.

LRB102 19298 KTG 28064 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.935 as follows:

6 (30 ILCS 105/5.935 new)

7 Sec. 5.935. The Mental Health and Substance Use Disorder  
8 Oversight Officer Fund.

9 Section 10. The Department of Human Services Act is  
10 amended by adding Section 1-41 as follows:

11 (20 ILCS 1305/1-41 new)

12 Sec. 1-41. Mental Health and Substance Use Disorder  
13 Oversight Officer.

14 (a) The position of Mental Health and Substance Use  
15 Disorder Oversight Officer is created within the Department of  
16 Human Services under the Secretary of Human Services. The  
17 Mental Health and Substance Use Disorder Oversight Officer  
18 shall be appointed by the Governor with the advice and consent  
19 of the Senate. The term of office of the Officer shall expire  
20 on the third Monday of January in odd-numbered years provided  
21 that he or she shall hold office until a successor is appointed

1 and qualified. In case of vacancy in office during the recess  
2 of the Senate, the Governor shall make a temporary appointment  
3 until the next meeting of the Senate, when the Governor shall  
4 nominate some person to fill the office, and any person so  
5 nominated who is confirmed by the Senate shall hold office  
6 during the remainder of the term and until his or her successor  
7 is appointed and qualified.

8 (b) The Mental Health and Substance Use Disorder Oversight  
9 Officer may:

10 (1) maintain a staff;

11 (2) make recommendations for policy, statute, and rule  
12 changes;

13 (3) collect data both in Illinois and outside Illinois  
14 regarding the opioid crisis;

15 (4) ensure the coordination of efforts between various  
16 State agencies involved in treating mental health and  
17 substance use disorders within the State of Illinois; and

18 (5) encourage, promote, suggest, and report best  
19 practices for treating mental health and substance use  
20 disorders in Illinois.

21 (c) The Mental Health and Substance Use Disorder Oversight  
22 Officer shall not:

23 (1) participate in the issuance of any licensing or  
24 certification of mental health or substance use disorder  
25 treatment services; or

26 (2) participate in any adjudicative decision-making

1 process involving licensing, certification, or licensee  
2 discipline.

3 (d) Any funding required for the Mental Health and  
4 Substance Use Disorder Oversight Officer, its staff, or its  
5 activities shall be drawn from the Mental Health and Substance  
6 Use Disorder Oversight Officer Fund created in subsection (f).

7 (e) The Mental Health and Substance Use Disorder Oversight  
8 Officer may compile, collect, or otherwise gather data  
9 necessary for the administration of this Section and to carry  
10 out the Officer's duty relating to the recommendation of  
11 policy changes. The Mental Health and Substance Use Disorder  
12 Oversight Officer may direct the Department of Public Health  
13 and any other relevant State agency to assist in the  
14 compilation, collection, and data gathering authorized under  
15 this subsection. The Mental Health and Substance Use Disorder  
16 Oversight Officer shall compile all of the data into a single  
17 report and submit the report to the Governor and the General  
18 Assembly and publish the report on its website.

19 (f) The Mental Health and Substance Use Disorder Oversight  
20 Officer Fund is created as a special fund in the State  
21 treasury. The Fund shall consist of any moneys appropriated to  
22 the Department of Human Services for the Mental Health and  
23 Substance Use Disorder Oversight Officer, its staff, or its  
24 activities. Moneys shall be expended for the Mental Health and  
25 Substance Use Disorder Oversight Officer, its staff, and its  
26 activities and for no other purpose. All interest earned on

1 the moneys in the Fund shall be deposited into the Fund.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.