

1 AN ACT concerning mental health.

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

4 Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Ensuring a More Qualified, Competent, and Diverse Community
7 Behavioral Health Workforce Act. References in this Article to
8 "this Act" mean this Article.

9 Section 1-5. Findings. The General Assembly Finds that:

10 (1) The behavioral health workforce shortage, already
11 at dire levels before 2020, has been exacerbated by the
12 COVID-19 pandemic and is at a crisis point.

13 (2) Behavioral health workforce shortages,
14 particularly licensed clinical staff, staff turnover in
15 all positions, and workforce development are major
16 concerns in the behavioral health field.

17 (3) By 2026, unfilled mental healthcare jobs in
18 Illinois are expected to reach 8,353, according to
19 Mercer's 2021 External Healthcare Labor Market Analysis.

20 (4) Community based mental health agencies often serve
21 as training or supervision sites for interns and new
22 entrants to the workforce seeking supervision hours to

1 meet licensure requirements. These professionals are
2 mandated to complete up to 3000 hours of supervised
3 clinical experience. This places financial and
4 time-resource hardships on these already lean
5 organizations to provide the supervision.

6 (5) Many new mental health clinicians have to pay an
7 estimated \$10,000-\$30,000 in fees for supervision
8 according to Motivo. The amount is unaffordable for many
9 students, particularly lower-income students, who graduate
10 with tens of thousands of dollars in debt.

11 (6) Community mental health agencies frequently serve
12 the most complex and chronically ill behavioral health
13 clients, which can be a challenging population for new
14 entrants to the workforce. Many times, professionals leave
15 for better-paid opportunities with lower acuity patients
16 after completing their facility-sponsored supervision
17 requirements.

18 (7) The lack of compensation for serving as a training
19 or supervision site and staff turnover adversely impact
20 the ability of agencies to better prepare the workforce
21 and meet the needs of their behavioral health clients.

22 (8) Recognizing and providing financial support for
23 this function will help community-based agencies provide
24 more training or supervision opportunities and may also
25 assist with recruiting and retaining professionals at
26 these sites.

1 (9) Providing financial support for this role would
2 help to address reductions in standard clinical
3 productivity as a result of time spent supervising new
4 workers, enabling better absorption of the costs of high
5 turnover, or allowing for these settings to staff
6 appropriately to support training or supervision.

7 (10) For individuals seeking their licensure,
8 roadblocks to supervision include cost-prohibitive fees,
9 difficulty finding supervisors, and an even greater
10 supervisor shortage in rural areas.

11 (11) Beyond fulfilling the required hours to get
12 licensed, clinical supervision has a profound impact on
13 the trajectory of an individual's career and the lives of
14 their clients. Ultimately, effective clinical supervision
15 helps ensure that clients are competently served.

16 (12) At a time when behavioral health providers report
17 crisis level wait lists that force individuals seeking
18 care to wait for months before they receive care, now more
19 than ever, we need immediate solutions to help strengthen
20 our State's behavioral health workforce.

21 Section 1-10. Grant awards. To develop and enhance
22 professional development opportunities and diversity in the
23 behavioral health field, and increase access to quality care,
24 the Department of Human Services, Division of Mental Health,
25 shall award grants or contracts to community mental health

1 centers or behavioral health clinics licensed or certified by
2 the Department of Human Services or the Department of
3 Healthcare and Family Services to establish or enhance
4 training and supervision of interns and behavioral health
5 providers-in-training pursuing licensure as a licensed
6 clinical social worker, licensed clinical professional
7 counselor, and licensed marriage and family therapist.

8 Section 1-15. Use of funds. An eligible entity receiving a
9 grant or contract under this Act shall use funds received
10 through the grant or contract to establish new, or enhance
11 existing, training, and supervision of interns and behavioral
12 health providers-in-training pursuing licensure as a licensed
13 clinical social worker, licensed clinical professional
14 counselor, and licensed marriage and family therapist.

15 Section 1-20. Priority. In awarding grants and contracts
16 under this Act, the Department of Human Services, Division of
17 Mental Health, shall give priority to eligible entities in
18 underserved urban areas and rural areas of the State.

19 Section 1-25. Grant terms. A grant or contract awarded
20 under this Act shall be for a period of 3 years. Nothing in the
21 Act precludes grantees to reapply for additional rounds of
22 funding.

1 Section 1-30. Application submission. An entity seeking a
2 grant or contract under this Act shall submit an application
3 at such time, in such manner, and accompanied by such
4 information as the Department of Human Services, Division of
5 Mental Health, may require. Requirements by the Department of
6 Human Services, Division of Mental Health shall be done in a
7 way that ensures minimum additional administrative work.

8 Section 1-35. Reporting. Reporting requirements for the
9 grant agreement shall be set forth by the Department of Human
10 Services, Division of Mental Health.

11 Section 1-40. Funding. Funding for the grants or contracts
12 is subject to appropriation.

13 Article 3.

14 Section 3-1. Short title. This Article may be cited as the
15 Recovery and Mental Health Tax Credit Act. References in this
16 Article to "this Act" mean this Article.

17 Section 3-5. Findings.

18 (a) In the interest of reducing stigma and increasing the
19 available pool of potential employees, the General Assembly
20 finds and declares that those residents of Illinois diagnosed
21 with mental illness and substance use disorders should be

1 eligible for and encouraged to seek gainful employment.

2 (b) The General Assembly finds and declares that minority
3 communities in this State have been more negatively impacted
4 in employment opportunities for minority residents diagnosed
5 with mental illness and substance use disorders and should
6 receive additional employment opportunities and incentives for
7 employing minority residents diagnosed with mental illness or
8 substance use disorders.

9 (c) Due to the COVID-19 public health emergency, employers
10 in the State of Illinois have suffered negative economic
11 impacts, a loss in workforce, staffing difficulties, and have
12 found it difficult to recruit new workers.

13 (d) In the interest of providing additional employment
14 opportunities for those residents of Illinois diagnosed with
15 mental illness or substance use disorders and expanding the
16 pool of potential workers in this State, the General Assembly
17 finds and declares that certain qualified employers who employ
18 eligible individuals should be eligible for a tax credit.

19 Section 3-10. Definitions. As used in this Act:

20 "Department" means the Department of Human Services.

21 "Eligible individual" means an individual with a substance
22 use disorder, as that term is defined under Section 1-10 of the
23 Substance Use Disorder Act, or an individual with a mental
24 illness as that term is defined under Section 1-129 of the
25 Mental Health and Developmental Disabilities Code, who is in a

1 state of wellness and recovery where there is an abatement of
2 signs and symptoms that characterize active substance use
3 disorder or mental illness and has demonstrated to the
4 qualified employer's satisfaction, pursuant to rules adopted
5 by the Department, that he or she has completed a course of
6 treatment or is currently in receipt of treatment for such
7 substance use disorder or mental illness. A relapse in an
8 individual's state of wellness shall not make the individual
9 ineligible, so long as the individual shows a continued
10 commitment to recovery that aligns with an individual's
11 relapse prevention plan, discharge plan, or recovery plan.

12 "Qualified employer" means an employer operating within
13 the State that has received a certificate of tax credit from
14 the Department after the Department has determined that the
15 employer:

16 (1) provides a recovery supportive environment for
17 their employees evidenced by a formal working relationship
18 with a substance use disorder treatment provider or
19 facility or mental health provider or facility, each as
20 may be licensed or certified within the State of Illinois,
21 and providing reasonable accommodation to the employees to
22 address their substance use disorder or mental illness,
23 all at no cost or expense to the eligible individual; and

24 (2) satisfies all other criteria in this Section and
25 established by the Department to participate in the
26 recovery tax program created hereunder.

1 "Taxpayer" means any individual, corporation,
2 partnership, trust, or other entity subject to the Illinois
3 income tax. For the purposes of this Act, 2 individuals filing
4 a joint return shall be considered one taxpayer.

5 Section 3-15. Authorization of tax credit program for
6 individuals in recovery from substance use disorders or mental
7 illness.

8 (a) For taxable years beginning on or after January 1,
9 2023, the Department is authorized to and shall establish and
10 administer a recovery tax credit program to provide tax
11 incentives to qualified employers who employ eligible
12 individuals in recovery from a substance use disorder or
13 mental illness in part-time and full-time positions within
14 Illinois. The Department shall award the tax credit by
15 issuance of a certificate of tax credit to the qualified
16 employer, who will present the certificate of tax credit to
17 the Department of Revenue by attaching the certificate to its
18 tax return, as a credit against the qualified employer's
19 income tax liability in accordance with the Illinois Income
20 Tax Act. The Department shall maintain an electronic listing
21 of the certificates issued by which the Department of Revenue
22 may verify tax credit certificates issued.

23 (b) To be a qualified employer, an employer must apply
24 annually to the Department to claim a credit based upon
25 eligible individuals employed during the preceding calendar

1 year, using the forms prescribed by the Department. To be
2 approved for a credit under this Act, the employer must:

3 (1) agree to provide to the Department the information
4 necessary to demonstrate that the employer has satisfied
5 program eligibility requirements and provided all
6 information requested or needed by the Department,
7 including the number of hours worked by the eligible
8 individual and other information necessary for the
9 Department to calculate the amount of credit permitted;
10 and

11 (2) agree to provide names, employer identification
12 numbers, amounts that the employer may claim, and other
13 information necessary for the Department to calculate any
14 tax credit.

15 (c) To be an eligible individual, the individual must be
16 diagnosed with or have been diagnosed with a substance use
17 disorder or mental illness. Disclosure by the eligible
18 individual of his or her mental illness or substance use
19 disorder shall be completely voluntary and his or her health
20 information may not be shared or disclosed under this Act
21 without the eligible individual's express written consent. The
22 eligible individual must have been employed by the qualified
23 employer in this State for a minimum of 500 hours during the
24 applicable calendar year and the tax credit may only begin on
25 the date the eligible individual is hired by the qualified
26 employer and ending on December 31 of that calendar year or the

1 date that the eligible individual's employment with the
2 qualified employer ends, whichever occurs first. Only one tax
3 credit may be awarded for any eligible individual while
4 employed by the same or related qualified employer. The hours
5 of employment of 2 or more eligible individuals may not be
6 aggregated to reach the minimum number of hours. If an
7 eligible individual has worked in excess of 500 hours between
8 the date of hiring and December 31 of that year, a qualified
9 employer can elect to compute and claim a credit for such
10 eligible individual in that year based on the hours worked by
11 December 31. Alternatively, the qualified employer may elect
12 to include such individual in the computation of the credit in
13 the year immediately succeeding the year in which the eligible
14 individual was hired. In that case, the credit shall be
15 computed on the basis of all hours worked by the eligible
16 individual from the date of hire to the earlier of the last day
17 of employment or December 31 of the succeeding year.

18 (d) If Department criteria and all other requirements are
19 met, a qualified employer shall be entitled to a tax credit
20 equal to the product of \$1 and the number of hours worked by
21 each eligible individual during the eligible individual's
22 period of employment with the qualified employer. The tax
23 credit awarded under this Act may not exceed \$2,000 per
24 eligible individual employed by the qualified employer in this
25 State. In determining the amount of tax credit that any
26 qualified employer may claim, the Department shall review all

1 claims submitted for credit by all employers and, to the
2 extent that the total amount claimed by employers exceeds the
3 amount allocated for this program in that calendar year, shall
4 issue tax credits on a pro rata basis corresponding to each
5 qualified employer's share of the total amount claimed.

6 (e) The aggregate amount of all credits the Department may
7 award under this Act in any calendar year may not exceed
8 \$2,000,000.

9 (f) A taxpayer who is a qualified employer who has
10 received a certificate of tax credit from the Department shall
11 be allowed a credit against the tax imposed equal to the amount
12 shown on such certificate of tax credit.

13 (g) The credit must be claimed in the taxable year in which
14 the tax credit certificate is issued. The credit cannot reduce
15 a taxpayer's liability to less than zero. If the amount of the
16 credit exceeds the tax liability for the year, the credit may
17 not be carried forward.

18 (h) If the taxpayer is a partnership or Subchapter S
19 corporation the credit shall be allowed to the partners or
20 shareholders in accordance with the determination of income
21 and distributive share of income under Sections 702 and 704
22 and subchapter S of the Internal Revenue Code.

23 (i) In carrying out this Act, no patient-specific
24 information shall be shared or disclosed. Any individual or
25 patient-specific information collected by the Department or
26 the Department of Revenue shall not be subject to public

1 disclosure or Freedom of Information Act requests.

2 (j) The credit under this Act is exempt from the
3 provisions of Section 250 of the Illinois Income Tax Act.

4 Section 3-20. Advisory Council on Mental Illness and
5 Substance Use Disorder Impacts on Employment Opportunities
6 within Minority Communities. The Secretary of the Department
7 shall appoint the Advisory Council on Mental Illness and
8 Substance Use Disorder Impacts on Employment Opportunities
9 within Minority Communities, to be composed of 15 members,
10 which shall include a balanced representation of recipients,
11 services providers, employers, local governmental units,
12 community and welfare advocacy groups, academia, and the
13 general public. The Advisory Council shall advise the
14 Department regarding all aspects of employment impacts
15 resulting from mental illnesses and substance use disorders
16 within minority communities, tax credits, outreach, marketing,
17 and education about the tax credit and employment
18 opportunities, and other areas as deemed appropriate by the
19 Secretary. In appointing the first Council, the Secretary
20 shall name 8 members to terms of 2 years and 7 members to serve
21 terms of 4 years, all of whom shall be appointed within 6
22 months of the effective date of this Act. All members
23 appointed thereafter shall serve terms of 4 years. Members
24 shall serve without compensation other than reimbursement of
25 expenses actually incurred in the performance of their

1 official duties. At its first meeting, the Advisory Council
2 shall select a chair from among its members. The Advisory
3 Council shall meet at least quarterly and at other times at the
4 call of the chair.

5 Section 3-25. Powers. The Department shall adopt rules for
6 the administration of this Act. The Department may enter into
7 an intergovernmental agreement with the Department of Revenue
8 for the administration of this Act.

9 Section 3-30. The Illinois Income Tax Act is amended by
10 adding Section 232 as follows:

11 (35 ILCS 5/232 new)

12 Sec. 232. Recovery and Mental Health Tax Credit Act. For
13 taxable years beginning on or after January 1, 2023, a
14 taxpayer who has been awarded a credit under the Recovery and
15 Mental Health Tax Credit Act is entitled to a credit against
16 the tax imposed by subsections (a) and (b) of Section 201 as
17 provided in that Act. This Section is exempt from the
18 provisions of Section 250.

19 Article 5.

20 Section 5-5. The Specialized Mental Health Rehabilitation
21 Act of 2013 is amended by changing Sections 1-102 and 2-102.5

1 as follows:

2 (210 ILCS 49/1-102)

3 Sec. 1-102. Definitions. For the purposes of this Act,
4 unless the context otherwise requires:

5 "Abuse" means any physical or mental injury or sexual
6 assault inflicted on a consumer other than by accidental means
7 in a facility.

8 "Accreditation" means any of the following:

9 (1) the Joint Commission;

10 (2) the Commission on Accreditation of Rehabilitation
11 Facilities;

12 (3) the Healthcare Facilities Accreditation Program;

13 or

14 (4) any other national standards of care as approved
15 by the Department.

16 "APRN" means an Advanced Practice Registered Nurse,
17 nationally certified as a mental health or psychiatric nurse
18 practitioner and licensed under the Nurse Practice Act.

19 "Applicant" means any person making application for a
20 license or a provisional license under this Act.

21 "Consumer" means a person, 18 years of age or older,
22 admitted to a mental health rehabilitation facility for
23 evaluation, observation, diagnosis, treatment, stabilization,
24 recovery, and rehabilitation.

25 "Consumer" does not mean any of the following:

- 1 (i) an individual requiring a locked setting;
- 2 (ii) an individual requiring psychiatric
3 hospitalization because of an acute psychiatric crisis;
- 4 (iii) an individual under 18 years of age;
- 5 (iv) an individual who is actively suicidal or violent
6 toward others;
- 7 (v) an individual who has been found unfit to stand
8 trial;
- 9 (vi) an individual who has been found not guilty by
10 reason of insanity based on committing a violent act, such
11 as sexual assault, assault with a deadly weapon, arson, or
12 murder;
- 13 (vii) an individual subject to temporary detention and
14 examination under Section 3-607 of the Mental Health and
15 Developmental Disabilities Code;
- 16 (viii) an individual deemed clinically appropriate for
17 inpatient admission in a State psychiatric hospital; and
- 18 (ix) an individual transferred by the Department of
19 Corrections pursuant to Section 3-8-5 of the Unified Code
20 of Corrections.

21 "Consumer record" means a record that organizes all
22 information on the care, treatment, and rehabilitation
23 services rendered to a consumer in a specialized mental health
24 rehabilitation facility.

25 "Controlled drugs" means those drugs covered under the
26 federal Comprehensive Drug Abuse Prevention Control Act of

1 1970, as amended, or the Illinois Controlled Substances Act.

2 "Department" means the Department of Public Health.

3 "Discharge" means the full release of any consumer from a
4 facility.

5 "Drug administration" means the act in which a single dose
6 of a prescribed drug or biological is given to a consumer. The
7 complete act of administration entails removing an individual
8 dose from a container, verifying the dose with the
9 prescriber's orders, giving the individual dose to the
10 consumer, and promptly recording the time and dose given.

11 "Drug dispensing" means the act entailing the following of
12 a prescription order for a drug or biological and proper
13 selection, measuring, packaging, labeling, and issuance of the
14 drug or biological to a consumer.

15 "Emergency" means a situation, physical condition, or one
16 or more practices, methods, or operations which present
17 imminent danger of death or serious physical or mental harm to
18 consumers of a facility.

19 "Facility" means a specialized mental health
20 rehabilitation facility that provides at least one of the
21 following services: (1) triage center; (2) crisis
22 stabilization; (3) recovery and rehabilitation supports; or
23 (4) transitional living units for 3 or more persons. The
24 facility shall provide a 24-hour program that provides
25 intensive support and recovery services designed to assist
26 persons, 18 years or older, with mental disorders to develop

1 the skills to become self-sufficient and capable of increasing
2 levels of independent functioning. It includes facilities that
3 meet the following criteria:

4 (1) 100% of the consumer population of the facility
5 has a diagnosis of serious mental illness;

6 (2) no more than 15% of the consumer population of the
7 facility is 65 years of age or older;

8 (3) none of the consumers are non-ambulatory;

9 (4) none of the consumers have a primary diagnosis of
10 moderate, severe, or profound intellectual disability; and

11 (5) the facility must have been licensed under the
12 Specialized Mental Health Rehabilitation Act or the
13 Nursing Home Care Act immediately preceding July 22, 2013
14 (the effective date of this Act) and qualifies as an
15 institute for mental disease under the federal definition
16 of the term.

17 "Facility" does not include the following:

18 (1) a home, institution, or place operated by the
19 federal government or agency thereof, or by the State of
20 Illinois;

21 (2) a hospital, sanitarium, or other institution whose
22 principal activity or business is the diagnosis, care, and
23 treatment of human illness through the maintenance and
24 operation as organized facilities therefor which is
25 required to be licensed under the Hospital Licensing Act;

26 (3) a facility for child care as defined in the Child

1 Care Act of 1969;

2 (4) a community living facility as defined in the
3 Community Living Facilities Licensing Act;

4 (5) a nursing home or sanatorium operated solely by
5 and for persons who rely exclusively upon treatment by
6 spiritual means through prayer, in accordance with the
7 creed or tenets of any well-recognized church or religious
8 denomination; however, such nursing home or sanatorium
9 shall comply with all local laws and rules relating to
10 sanitation and safety;

11 (6) a facility licensed by the Department of Human
12 Services as a community-integrated living arrangement as
13 defined in the Community-Integrated Living Arrangements
14 Licensure and Certification Act;

15 (7) a supportive residence licensed under the
16 Supportive Residences Licensing Act;

17 (8) a supportive living facility in good standing with
18 the program established under Section 5-5.01a of the
19 Illinois Public Aid Code, except only for purposes of the
20 employment of persons in accordance with Section 3-206.01
21 of the Nursing Home Care Act;

22 (9) an assisted living or shared housing establishment
23 licensed under the Assisted Living and Shared Housing Act,
24 except only for purposes of the employment of persons in
25 accordance with Section 3-206.01 of the Nursing Home Care
26 Act;

1 (10) an Alzheimer's disease management center
2 alternative health care model licensed under the
3 Alternative Health Care Delivery Act;

4 (11) a home, institution, or other place operated by
5 or under the authority of the Illinois Department of
6 Veterans' Affairs;

7 (12) a facility licensed under the ID/DD Community
8 Care Act;

9 (13) a facility licensed under the Nursing Home Care
10 Act after July 22, 2013 (the effective date of this Act);
11 or

12 (14) a facility licensed under the MC/DD Act.

13 "Executive director" means a person who is charged with
14 the general administration and supervision of a facility
15 licensed under this Act and who is a licensed nursing home
16 administrator, licensed practitioner of the healing arts, or
17 qualified mental health professional.

18 "Guardian" means a person appointed as a guardian of the
19 person or guardian of the estate, or both, of a consumer under
20 the Probate Act of 1975.

21 "Identified offender" means a person who meets any of the
22 following criteria:

23 (1) Has been convicted of, found guilty of,
24 adjudicated delinquent for, found not guilty by reason of
25 insanity for, or found unfit to stand trial for, any
26 felony offense listed in Section 25 of the Health Care

1 Worker Background Check Act, except for the following:

2 (i) a felony offense described in Section 10-5 of
3 the Nurse Practice Act;

4 (ii) a felony offense described in Section 4, 5,
5 6, 8, or 17.02 of the Illinois Credit Card and Debit
6 Card Act;

7 (iii) a felony offense described in Section 5,
8 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

9 (iv) a felony offense described in Section 401,
10 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
11 Controlled Substances Act; and

12 (v) a felony offense described in the
13 Methamphetamine Control and Community Protection Act.

14 (2) Has been convicted of, adjudicated delinquent for,
15 found not guilty by reason of insanity for, or found unfit
16 to stand trial for, any sex offense as defined in
17 subsection (c) of Section 10 of the Sex Offender
18 Management Board Act.

19 "Transitional living units" are residential units within a
20 facility that have the purpose of assisting the consumer in
21 developing and reinforcing the necessary skills to live
22 independently outside of the facility. The duration of stay in
23 such a setting shall not exceed 120 days for each consumer.
24 Nothing in this definition shall be construed to be a
25 prerequisite for transitioning out of a facility.

26 "Licensee" means the person, persons, firm, partnership,

1 association, organization, company, corporation, or business
2 trust to which a license has been issued.

3 "Misappropriation of a consumer's property" means the
4 deliberate misplacement, exploitation, or wrongful temporary
5 or permanent use of a consumer's belongings or money without
6 the consent of a consumer or his or her guardian.

7 "Neglect" means a facility's failure to provide, or
8 willful withholding of, adequate medical care, mental health
9 treatment, psychiatric rehabilitation, personal care, or
10 assistance that is necessary to avoid physical harm and mental
11 anguish of a consumer.

12 "Personal care" means assistance with meals, dressing,
13 movement, bathing, or other personal needs, maintenance, or
14 general supervision and oversight of the physical and mental
15 well-being of an individual who is incapable of maintaining a
16 private, independent residence or who is incapable of managing
17 his or her person, whether or not a guardian has been appointed
18 for such individual. "Personal care" shall not be construed to
19 confine or otherwise constrain a facility's pursuit to develop
20 the skills and abilities of a consumer to become
21 self-sufficient and capable of increasing levels of
22 independent functioning.

23 "Recovery and rehabilitation supports" means a program
24 that facilitates a consumer's longer-term symptom management
25 and stabilization while preparing the consumer for
26 transitional living units by improving living skills and

1 community socialization. The duration of stay in such a
2 setting shall be established by the Department by rule.

3 "Restraint" means:

4 (i) a physical restraint that is any manual method or
5 physical or mechanical device, material, or equipment
6 attached or adjacent to a consumer's body that the
7 consumer cannot remove easily and restricts freedom of
8 movement or normal access to one's body; devices used for
9 positioning, including, but not limited to, bed rails,
10 gait belts, and cushions, shall not be considered to be
11 restraints for purposes of this Section; or

12 (ii) a chemical restraint that is any drug used for
13 discipline or convenience and not required to treat
14 medical symptoms; the Department shall, by rule, designate
15 certain devices as restraints, including at least all
16 those devices that have been determined to be restraints
17 by the United States Department of Health and Human
18 Services in interpretive guidelines issued for the
19 purposes of administering Titles XVIII and XIX of the
20 federal Social Security Act. For the purposes of this Act,
21 restraint shall be administered only after utilizing a
22 coercive free environment and culture.

23 "Self-administration of medication" means consumers shall
24 be responsible for the control, management, and use of their
25 own medication.

26 "Crisis stabilization" means a secure and separate unit

1 that provides short-term behavioral, emotional, or psychiatric
2 crisis stabilization as an alternative to hospitalization or
3 re-hospitalization for consumers from residential or community
4 placement. The duration of stay in such a setting shall not
5 exceed 21 days for each consumer.

6 "Therapeutic separation" means the removal of a consumer
7 from the milieu to a room or area which is designed to aid in
8 the emotional or psychiatric stabilization of that consumer.

9 "Triage center" means a non-residential 23-hour center
10 that serves as an alternative to emergency room care,
11 hospitalization, or re-hospitalization for consumers in need
12 of short-term crisis stabilization. Consumers may access a
13 triage center from a number of referral sources, including
14 family, emergency rooms, hospitals, community behavioral
15 health providers, federally qualified health providers, or
16 schools, including colleges or universities. A triage center
17 may be located in a building separate from the licensed
18 location of a facility, but shall not be more than 1,000 feet
19 from the licensed location of the facility and must meet all of
20 the facility standards applicable to the licensed location. If
21 the triage center does operate in a separate building, safety
22 personnel shall be provided, on site, 24 hours per day and the
23 triage center shall meet all other staffing requirements
24 without counting any staff employed in the main facility
25 building.

26 (Source: P.A. 99-180, eff. 7-29-15; 100-201, eff. 8-18-17;

1 100-365, eff. 8-25-17.)

2 (210 ILCS 49/2-102.5 new)

3 Sec. 2-102.5. Psychiatric visits. For the purposes of this
4 Act, any required psychiatric visit to a consumer may be
5 conducted by an APRN or by a physician.

6 Section 5-10. The Clinical Psychologist Licensing Act is
7 amended by changing Section 13 as follows:

8 (225 ILCS 15/13) (from Ch. 111, par. 5363)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 13. License renewal; restoration.

11 (a) The expiration date and renewal period for each
12 license issued under this Act shall be set by rule. Every
13 holder of a license under this Act may renew such license
14 during the 90-day period immediately preceding the expiration
15 date thereof upon payment of the required renewal fees and
16 demonstrating compliance with any continuing education
17 requirements. The Department shall adopt rules establishing
18 minimum requirements of continuing education and means for
19 verification of the completion of the continuing education
20 requirements. The Department may, by rule, specify
21 circumstances under which the continuing education
22 requirements may be waived.

23 A clinical psychologist who has permitted his or her

1 license to expire or who has had his or her license on inactive
2 status may have his or her license restored by making
3 application to the Department and filing proof acceptable to
4 the Department, as defined by rule, of his or her fitness to
5 have his or her license restored, including evidence
6 certifying to active practice in another jurisdiction
7 satisfactory to the Department and by paying the required
8 restoration fee.

9 If the clinical psychologist has not maintained an active
10 practice in another jurisdiction satisfactory to the
11 Department, the Board shall determine, by an evaluation
12 program established by rule, his or her fitness to resume
13 active status and may require the clinical psychologist to
14 complete a period of supervised professional experience and
15 may require successful completion of an examination.

16 However, any clinical psychologist whose license expired
17 while he or she was (1) in Federal Service on active duty with
18 the Armed Forces of the United States, or the State Militia
19 called into service or training, or (2) in training or
20 education under the supervision of the United States
21 preliminary to induction into the military service, may have
22 his or her license renewed or restored without paying any
23 lapsed renewal fees if within 2 years after honorable
24 termination of such service, training or education he or she
25 furnishes the Department with satisfactory evidence to the
26 effect that he or she has been so engaged and that his or her

1 service, training or education has been so terminated.

2 (b) Notwithstanding any other provision of law, the
3 following requirements for restoration of an inactive or
4 expired license of less than 5 years as set forth in subsection
5 (a) are suspended for any licensed clinical psychologist who
6 has had no disciplinary action taken against his or her
7 license in this State or in any other jurisdiction during the
8 entire period of licensure: proof of fitness, certification of
9 active practice in another jurisdiction, and the payment of a
10 renewal fee. An individual may not restore his or her license
11 in accordance with this subsection more than once.

12 (Source: P.A. 96-1050, eff. 1-1-11.)

13 Section 5-15. The Clinical Social Work and Social Work
14 Practice Act is amended by changing Section 11 as follows:

15 (225 ILCS 20/11) (from Ch. 111, par. 6361)

16 (Section scheduled to be repealed on January 1, 2028)

17 Sec. 11. Licenses; renewal; restoration; person in
18 military service; inactive status.

19 (a) The expiration date and renewal period for each
20 license issued under this Act shall be set by rule. The
21 licensee may renew a license during the 60-day period
22 preceding its expiration date by paying the required fee and
23 by demonstrating compliance with any continuing education
24 requirements. The Department shall adopt rules establishing

1 minimum requirements of continuing education and means for
2 verification of the completion of the continuing education
3 requirements. The Department may, by rule, specify
4 circumstances under which the continuing education
5 requirements may be waived.

6 (b) Any person who has permitted a license to expire or who
7 has a license on inactive status may have it restored by
8 submitting an application to the Department and filing proof
9 of fitness, as defined by rule, to have the license restored,
10 including, if appropriate, evidence which is satisfactory to
11 the Department certifying the active practice of clinical
12 social work or social work in another jurisdiction and by
13 paying the required fee.

14 (b-5) If the person has not maintained an active practice
15 in another jurisdiction which is satisfactory to the
16 Department, the Department shall determine the person's
17 fitness to resume active status. The Department may also
18 require the person to complete a specific period of evaluated
19 clinical social work or social work experience and may require
20 successful completion of an examination for clinical social
21 workers.

22 (b-7) Notwithstanding any other provision of this Act, any
23 person whose license expired while on active duty with the
24 armed forces of the United States, while called into service
25 or training with the State Militia or in training or education
26 under the supervision of the United States government prior to

1 induction into the military service may have his or her
2 license restored without paying any renewal fees if, within 2
3 years after the honorable termination of that service,
4 training or education, except under conditions other than
5 honorable, the Department is furnished with satisfactory
6 evidence that the person has been so engaged and that the
7 service, training or education has been so terminated.

8 (c) A license to practice shall not be denied any
9 applicant because of the applicant's race, religion, creed,
10 national origin, political beliefs or activities, age, sex,
11 sexual orientation, or physical impairment.

12 (d) (Blank).

13 (e) (Blank).

14 (f) (Blank).

15 (g) The Department shall indicate on each license the
16 academic degree of the licensee.

17 (h) Notwithstanding any other provision of law, the
18 following requirements for restoration of an inactive or
19 expired license of 5 years or less as set forth in subsections
20 (b) and (b-5) are suspended for any licensed clinical social
21 worker who has had no disciplinary action taken against his or
22 her license in this State or in any other jurisdiction during
23 the entire period of licensure: proof of fitness,
24 certification of active practice in another jurisdiction, and
25 the payment of a fee or renewal fee. An individual may not
26 restore his or her license in accordance with this subsection

1 more than once.

2 (Source: P.A. 102-326, eff. 1-1-22.)

3 Section 5-20. The Professional Counselor and Clinical
4 Professional Counselor Licensing and Practice Act is amended
5 by changing Section 50 as follows:

6 (225 ILCS 107/50)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 50. Licenses; renewal; restoration; person in
9 military service; inactive status.

10 (a) The expiration date and renewal period for each
11 license issued under this Act shall be set by rule. As a
12 condition for renewal of a license, the licensee shall be
13 required to complete continuing education in accordance with
14 rules established by the Department.

15 (b) Any person who has permitted a license to expire or who
16 has a license on inactive status may have it restored by
17 submitting an application to the Department and filing proof
18 of fitness acceptable to the Department, to have the license
19 restored, including, if appropriate, evidence which is
20 satisfactory to the Department certifying the active practice
21 of professional counseling or clinical professional counseling
22 in another jurisdiction and by paying the required fee.

23 (c) If the person has not maintained an active practice in
24 another jurisdiction which is satisfactory to the Department,

1 the Department shall determine, by an evaluation program
2 established by rule, the person's fitness to resume active
3 status and shall establish procedures and requirements for
4 restoration.

5 (d) However, any person whose license expired while he or
6 she was (i) in federal service on active duty with the armed
7 forces of the United States or the State Militia or (ii) in
8 training or education under the supervision of the United
9 States government prior to induction into the military service
10 may have his or her license restored without paying any lapsed
11 renewal fees if, within 2 years after the honorable
12 termination of such service, training, or education, the
13 Department is furnished with satisfactory evidence that the
14 person has been so engaged and that such service, training, or
15 education has been so terminated.

16 (e) A license to practice shall not be denied any
17 applicant because of the applicant's race, religion, creed,
18 national origin, political beliefs or activities, age, sex,
19 sexual orientation, or physical impairment.

20 (f) Any person requesting restoration from inactive status
21 shall (i) be required to pay the current renewal fee, (ii) meet
22 continuing education requirements, and (iii) be required to
23 restore his or her license as provided in this Act.

24 (g) Notwithstanding any other provision of law, the
25 following requirements for restoration of an inactive or
26 expired license of 5 years or less as set forth in subsections

1 (b), (c), and (f) are suspended for any licensed clinical
2 professional counselor who has had no disciplinary action
3 taken against his or her license in this State or in any other
4 jurisdiction during the entire period of licensure: proof of
5 fitness, certification of active practice in another
6 jurisdiction, and the payment of a renewal fee. An individual
7 may not restore his or her license in accordance with this
8 subsection more than once.

9 (Source: P.A. 97-706, eff. 6-25-12.)

10 Article 15.

11 Section 15-5. The Clinical Social Work and Social Work
12 Practice Act is amended by changing Section 12.5 as follows:

13 (225 ILCS 20/12.5)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 12.5. Endorsement. The Department may issue a license
16 as a clinical social worker or as a social worker, without the
17 required examination, to an applicant licensed under the laws
18 of another jurisdiction if the requirements for licensure in
19 that jurisdiction are, on the date of licensure, substantially
20 equivalent to the requirements of this Act or to any person
21 who, at the time of his or her licensure, possessed individual
22 qualifications that were substantially equivalent to the
23 requirements then in force in this State. An applicant under

1 this Section shall pay the required fees.

2 An individual applying for licensure as a clinical social
3 worker who has been licensed at the independent level in
4 another United States jurisdiction for 5 ~~10~~ consecutive years
5 without discipline is not required to submit proof of
6 completion of the education and supervised clinical
7 professional experience required in paragraph (3) of Section 9
8 ~~and proof of passage of the examination required in paragraph~~
9 ~~(4) of Section 9~~. Individuals with 5 ~~10~~ consecutive years of
10 experience must submit certified verification of licensure
11 from the jurisdiction in which the applicant practiced and
12 must comply with all other licensing requirements and pay all
13 required fees.

14 If the accuracy of any submitted documentation or the
15 relevance or sufficiency of the course work or experience is
16 questioned by the Department or the Board because of a lack of
17 information, discrepancies or conflicts in information given,
18 or a need for clarification, the applicant seeking licensure
19 may be required to provide additional information.

20 An applicant has 3 years from the date of application to
21 complete the application process. If the process has not been
22 completed within 3 years, the application shall be denied, the
23 fee shall be forfeited, and the applicant must reapply and
24 meet the requirements in effect at the time of reapplication.

25 (Source: P.A. 100-766, eff. 1-1-19.)

1 Section 15-10. The Marriage and Family Therapy Licensing
2 Act is amended by changing Section 65 as follows:

3 (225 ILCS 55/65) (from Ch. 111, par. 8351-65)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 65. Endorsement. The Department may issue a license
6 as a licensed marriage and family therapist, without the
7 required examination, to an applicant licensed under the laws
8 of another state if the requirements for licensure in that
9 state are, on the date of licensure, substantially equivalent
10 to the requirements of this Act or to a person who, at the time
11 of his or her application for licensure, possessed individual
12 qualifications that were substantially equivalent to the
13 requirements then in force in this State. An applicant under
14 this Section shall pay all of the required fees.

15 An individual applying for licensure as a licensed
16 marriage and family therapist who has been licensed at the
17 independent level in another United States jurisdiction for 5
18 ~~10~~ consecutive years without discipline is not required to
19 submit proof of completion of the education, professional
20 experience, and supervision required in Section 40.
21 Individuals with 5 ~~10~~ consecutive years of experience must
22 submit certified verification of licensure from the
23 jurisdiction in which the applicant practiced and must comply
24 with all other licensing requirements and pay all required
25 fees.

1 If the accuracy of any submitted documentation or the
2 relevance or sufficiency of the course work or experience is
3 questioned by the Department or the Board because of a lack of
4 information, discrepancies or conflicts in information given,
5 or a need for clarification, the applicant seeking licensure
6 may be required to provide additional information.

7 Applicants have 3 years from the date of application to
8 complete the application process. If the process has not been
9 completed within the 3 years, the application shall be denied,
10 the fee shall be forfeited, and the applicant must reapply and
11 meet the requirements in effect at the time of reapplication.

12 (Source: P.A. 100-372, eff. 8-25-17; 100-766, eff. 1-1-19.)

13 Section 15-20. The Professional Counselor and Clinical
14 Professional Counselor Licensing and Practice Act is amended
15 by changing Section 70 as follows:

16 (225 ILCS 107/70)

17 (Section scheduled to be repealed on January 1, 2023)

18 Sec. 70. Endorsement. The Department may issue a license
19 as a licensed professional counselor or licensed clinical
20 professional counselor, without the required examination, to
21 (i) an applicant licensed under the laws of another state or
22 United States jurisdiction whose standards in the opinion of
23 the Department, were substantially equivalent at the date of
24 his or her licensure in the other jurisdiction to the

1 requirements of this Act or (ii) any person who, at the time of
2 licensure, possessed individual qualifications which were
3 substantially equivalent to the requirements of this Act. Such
4 an applicant shall pay all of the required fees.

5 An individual applying for licensure as a clinical
6 professional counselor who has been licensed at the
7 independent level in another United States jurisdiction for 5
8 ~~10~~ consecutive years without discipline is not required to
9 submit proof of completion of the education, supervised
10 employment, or experience required in subsection (b) of
11 Section 45. Individuals with 5 ~~10~~ consecutive years of
12 experience must submit certified verification of licensure
13 from the jurisdiction in which the applicant practiced and
14 must comply with all other licensing requirements and pay all
15 required fees.

16 If the accuracy of any submitted documentation or the
17 relevance or sufficiency of the course work or experience is
18 questioned by the Department or the Board because of a lack of
19 information, discrepancies or conflicts in information given,
20 or a need for clarification, the applicant seeking licensure
21 may be required to provide additional information.

22 Applicants have 3 years from the date of application to
23 complete the application process. If the process has not been
24 completed within 3 years, the application shall be denied, the
25 fee forfeited, and the applicant must reapply and meet the
26 requirements in effect at the time of reapplication.

1 (Source: P.A. 100-766, eff. 1-1-19.)

2 Article 99.

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

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 100/5-45.21 new

5 35 ILCS 5/232 new

6 20 ILCS 2205/2205-40 new

7 225 ILCS 20/12.5

8 225 ILCS 55/65 from Ch. 111, par. 8351-65

9 225 ILCS 107/70