

SB3860



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3860

Introduced 1/21/2022, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

210 ILCS 47/3-213

210 ILCS 135/4

from Ch. 91 1/2, par. 1704

Amends the ID/DD Community Care Act. Provides that the Department of Public Health shall require licensees to submit an annual report to the Department that includes specified data. Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that, as a condition of being licensed by the Department of Human Services as a community mental health or developmental services agency under the Act, the agency shall certify to the Department that all funds legislatively or administratively earmarked for employee wage increase are passed through in their entirety to workers pursuant to legislative or administrative directives. Provides that the Department shall require licensees to submit an annual report to the Department that includes specified data. Makes other changes.

LRB102 23774 CPF 32965 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The ID/DD Community Care Act is amended by
5 changing Section 3-213 as follows:

6 (210 ILCS 47/3-213)

7 Sec. 3-213. Periodic reports to Department.

8 (a) The Department shall require periodic reports and
9 shall have access to and may reproduce or photocopy at its cost
10 any books, records, and other documents maintained by the
11 facility to the extent necessary to carry out this Act and the
12 rules promulgated under this Act. The Department shall not
13 divulge or disclose the contents of a record under this
14 Section in violation of Section 2-206 or as otherwise
15 prohibited by this Act.

16 (b) The Department shall require licensees to submit an
17 annual report to the Department that includes the following
18 data:

19 (1) The lowest, median, and highest wage of direct
20 support personnel employed by the facility.

21 (2) The annual employee turnover rate.

22 (3) The race, gender, and ethnicity of frontline,
23 nonexecutive employees, including direct support

1 personnel, aides, qualified intellectual disability
2 professionals, licensed practical nurses, certified
3 nursing assistants, registered nurses, and frontline
4 support staff.

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

6 Section 10. The Community-Integrated Living Arrangements
7 Licensure and Certification Act is amended by changing Section
8 4 as follows:

9 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

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

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

22 (1) ensuring that all recipients residing in
23 community-integrated living arrangements are receiving
24 appropriate community-based services, including

1 treatment, training and habilitation or rehabilitation;

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

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

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

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

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

22 (2) all programs provided to and placements arranged
23 for recipients are supervised by the agency; ~~and~~

24 (3) all programs provided to and placements arranged
25 for recipients comply with this Act, the Mental Health and
26 Developmental Disabilities Code, and applicable Department

1 rules and regulations; ~~and-~~

2 (4) all funds legislatively or administratively
3 earmarked for employee wage increase are passed through in
4 their entirety to workers pursuant to legislative or
5 administrative directives.

6 (c-5) As a condition of being licensed by the Department
7 as a community mental health or developmental services agency
8 under this Act, the agency shall submit an annual report to the
9 department which includes the following data:

10 (1) The lowest, median, and highest wage of direct
11 support personnel employed by the facility.

12 (2) The annual employee turnover rate.

13 (3) The race, gender, and ethnicity of frontline,
14 nonexecutive employees, including direct support
15 personnel, aides, qualified intellectual disability
16 professionals, licensed practical nurses, certified
17 nursing assistants, registered nurses, and frontline
18 support staff.

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

25 (e) If an applicant meets the requirements established by
26 the Department to be licensed as a community mental health or

1 developmental services agency under this Act, after payment of
2 the licensing fee, the Department shall issue a license valid
3 for 3 years from the date thereof unless suspended or revoked
4 by the Department or voluntarily surrendered by the agency.

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

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

19 (2) If the Department determines that an agency licensed
20 under this Act is not in compliance with this Act or the rules
21 and regulations promulgated under this Act, the Department
22 shall serve a notice of violation upon the licensee. Each
23 notice of violation shall be prepared in writing and shall
24 specify the nature of the violation, the statutory provision
25 or rule alleged to have been violated, and that the licensee
26 submit a plan of correction to the Department if required. The

1 notice shall also inform the licensee of any other action
2 which the Department might take pursuant to this Act and of the
3 right to a hearing.

4 (g-5) As determined by the Department, a disproportionate
5 number or percentage of licensure complaints; a
6 disproportionate number or percentage of substantiated cases
7 of abuse, neglect, or exploitation involving an agency; an
8 apparent unnatural death of an individual served by an agency;
9 any egregious or life-threatening abuse or neglect within an
10 agency; any false certification of compliance with paragraph
11 (4) of subsection (c); or any other significant event as
12 determined by the Department shall initiate a review of the
13 agency's license by the Department, as well as a review of its
14 service agreement for funding. The Department shall adopt
15 rules to establish the process by which the determination to
16 initiate a review shall be made and the timeframe to initiate a
17 review upon the making of such determination.

18 (h) Upon the expiration of any license issued under this
19 Act, a license renewal application shall be required of and a
20 license renewal fee in an amount established by the Department
21 shall be charged to a community mental health or developmental
22 services agency, provided that such fee shall not be more than
23 \$200.

24 (i) A public or private agency, association, partnership,
25 corporation, or organization that has had a license revoked
26 under subsection (b) of Section 6 of this Act may not apply for

1 or possess a license under a different name.

2 (Source: P.A. 99-180, eff. 7-29-15; 100-58, eff. 8-11-17;

3 100-313, eff. 8-24-17; 100-863, eff. 8-14-18.)