



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1032

Introduced 1/12/2023, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

210 ILCS 135/4

from Ch. 91 1/2, par. 1704

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that licenses for community mental health or developmental services agencies are valid for 2 years (rather than 3 years). Provides that if a community mental health or developmental services agency receives a compliance score as the result of a survey or audit from the Department of Human Services or the Bureau of Accreditation, Licensure and Certification that is less than acceptably compliant, the agency shall implement a plan of corrections to address the violations listed in the survey or audit and may be subject to additional sanctions based on the agency's compliance score, including, but not limited to, a freeze on admissions or revocation of the agency's license.

LRB103 04885 CPF 49895 b

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 Community-Integrated Living Arrangements
5 Licensure and Certification Act is amended by changing Section
6 4 as follows:

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 (Text of Section before amendment by P.A. 102-944)

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

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

21 (1) ensuring that all recipients residing in
22 community-integrated living arrangements are receiving
23 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.

2 (d) An applicant for licensure as a community mental
3 health or developmental services agency under this Act shall
4 submit an application pursuant to the application process
5 established by the Department by rule and shall pay an
6 application fee in an amount established by the Department,
7 which amount shall not be more than \$200.

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

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

18 (g) (1) The Department may conduct site visits to an agency
19 licensed under this Act, or to any program or placement
20 certified by the agency, and inspect the records or premises,
21 or both, of such agency, program or placement as it deems
22 appropriate, for the purpose of determining compliance with
23 this Act, the Mental Health and Developmental Disabilities
24 Code, and applicable Department rules and regulations. The
25 Department shall conduct inspections of the records and
26 premises of each community-integrated living arrangement

1 certified under this Act at least once every 2 years.

2 (2) If the Department determines that an agency licensed
3 under this Act is not in compliance with this Act or the rules
4 and regulations promulgated under this Act, the Department
5 shall serve a notice of violation upon the licensee. Each
6 notice of violation shall be prepared in writing and shall
7 specify the nature of the violation, the statutory provision
8 or rule alleged to have been violated, and that the licensee
9 submit a plan of correction to the Department if required. The
10 notice shall also inform the licensee of any other action
11 which the Department might take pursuant to this Act and of the
12 right to a hearing.

13 (g-5) As determined by the Department, a disproportionate
14 number or percentage of licensure complaints; a
15 disproportionate number or percentage of substantiated cases
16 of abuse, neglect, or exploitation involving an agency; an
17 apparent unnatural death of an individual served by an agency;
18 any egregious or life-threatening abuse or neglect within an
19 agency; or any other significant event as determined by the
20 Department shall initiate a review of the agency's license by
21 the Department, as well as a review of its service agreement
22 for funding. The Department shall adopt rules to establish the
23 process by which the determination to initiate a review shall
24 be made and the timeframe to initiate a review upon the making
25 of such determination.

26 (h) Upon the expiration of any license issued under this

1 Act, a license renewal application shall be required of and a
2 license renewal fee in an amount established by the Department
3 shall be charged to a community mental health or developmental
4 services agency, provided that such fee shall not be more than
5 \$200.

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

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

12 (Text of Section after amendment by P.A. 102-944)

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14 services agency who wishes to develop and support a variety of
15 community-integrated living arrangements may do so pursuant to
16 a license issued by the Department under this Act. However,
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18 Care Act of 1969, the Nursing Home Care Act, the Specialized
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21 remain subject thereto, and this Act shall not be construed to
22 limit the application of those Acts.

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

9 (3) maintaining the integrity of communities by
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14 assurance unit within the Department which shall be
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23 and habilitation or rehabilitation;

24 (2) all programs provided to and placements arranged
25 for recipients are supervised by the agency; and

26 (3) all programs provided to and placements arranged

1 for recipients comply with this Act, the Mental Health and
2 Developmental Disabilities Code, and applicable Department
3 rules and regulations.

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

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

18 (e) If an applicant meets the requirements established by
19 the Department to be licensed as a community mental health or
20 developmental services agency under this Act, after payment of
21 the licensing fee, the Department shall issue a license valid
22 for 2 ~~3~~ years from the date thereof unless suspended or revoked
23 by the Department or voluntarily surrendered by the agency.

24 (f) Upon application to the Department, the Department may
25 issue a temporary permit to an applicant for up to a 2-year
26 period to allow the holder of such permit reasonable time to

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2 (g) (1) The Department may conduct site visits to an agency
3 licensed under this Act, or to any program or placement
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5 or both, of such agency, program or placement as it deems
6 appropriate, for the purpose of determining compliance with
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10 premises of each community-integrated living arrangement
11 certified under this Act at least once every 2 years.

12 (2) If the Department determines that an agency licensed
13 under this Act is not in compliance with this Act or the rules
14 and regulations promulgated under this Act, the Department
15 shall serve a notice of violation upon the licensee. Each
16 notice of violation shall be prepared in writing and shall
17 specify the nature of the violation, the statutory provision
18 or rule alleged to have been violated, and that the licensee
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20 notice shall also inform the licensee of any other action
21 which the Department might take pursuant to this Act and of the
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23 (3) If an agency licensed under this Act receives a
24 compliance score as the result of a survey or audit from the
25 Department or the Bureau of Accreditation, Licensure and
26 Certification that is less than acceptably compliant, then the

1 agency shall implement a plan of corrections to address the
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3 additional sanctions based on the agency's compliance score,
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23 services agency, provided that such fee shall not be more than
24 \$200.

25 (i) A public or private agency, association, partnership,
26 corporation, or organization that has had a license revoked

1 under subsection (b) of Section 6 of this Act may not apply for
2 or possess a license under a different name.

3 (Source: P.A. 102-944, eff. 1-1-23.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.