

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 Mental Health and Developmental
5 Disabilities Administrative Act is amended by adding Section
6 8.1 as follows:

7 (20 ILCS 1705/8.1 new)

8 Sec. 8.1. Admission to State-operated facilities for
9 persons with developmental disabilities.

10 (a) For any individual or guardian, or both, if
11 applicable, seeking admission for the individual to a
12 State-operated facility for persons with developmental
13 disabilities the individual must meet the following criteria
14 in order to be approved for admission:

15 (1) the individual is at least 18 years of age;

16 (2) the individual and the individual's guardian, as
17 applicable, have received, attempted to receive, or
18 received education regarding community-based services and
19 supports;

20 (3) the individual meets the intermediate care
21 facility level of care definition; and

22 (4) the individual meets all clinical eligibility
23 requirements including having an intellectual disability

1 as defined in this Act.

2 (b) Upon admission to a State-operated facility for
3 persons with developmental disabilities, the facility shall
4 complete at least annual reviews of the individual's clinical
5 need for continued services in order to determine if these
6 needs are able to be met in a less restrictive setting.
7 Comprehensive and integrated assessments shall be used to
8 assist in determining the level of care and services most
9 appropriate to meet the individual's needs.

10 (c) All individuals shall have the right to know their
11 options for supports and shall be provided the opportunity to
12 learn about the full spectrum of care, including the range of
13 possible living environments available as provided by
14 entities, including, but not limited to, State-operated
15 facilities and case management agencies. If an individual
16 indicates that the individual would like to move to a less
17 restrictive environment, activities to explore and take steps
18 regarding the range of options shall be provided to the
19 individual and guardian, if applicable. The interdisciplinary
20 team shall assist the individual and guardian, if applicable,
21 to identify placements that are able to meet the individual's
22 needs, excluding when there are severe safety concerns
23 identified by the interdisciplinary team that cannot be easily
24 mitigated with interventions that are commonly used in the
25 community.

26 An individual's support plan shall include services to

1 address identified needs if the individual is clinically
2 determined to no longer meet the intermediate care facility
3 level of care, or be at risk of harm to the individual or
4 others. Thoughtful transition planning shall take place to
5 assist with finding a less restrictive environment of the
6 individual's choosing, and guardian's choosing, if applicable.

7 Section 10. The Mental Health and Developmental
8 Disabilities Code is amended by changing Section 4-302 and by
9 adding Article VIII to Chapter IV as follows:

10 (405 ILCS 5/Ch. IV Art. VIII heading new)

11 ARTICLE VIII. SERVICE PROVIDER SANCTIONS

12 (405 ILCS 5/4-302) (from Ch. 91 1/2, par. 4-302)

13 Sec. 4-302. A person with a developmental disability may
14 be administratively admitted to a facility upon application if
15 the facility director of the facility determines that the
16 person ~~he~~ is suitable for admission. A person 18 years of age
17 or older, if the person ~~he~~ has the capacity, or the person's
18 ~~his~~ guardian, if ~~he is~~ authorized by the guardianship order of
19 the Circuit Court, may execute an application for
20 administrative admission. Application may be executed for a
21 person under 18 years of age by the person's ~~his~~ parent,
22 guardian, or person in loco parentis pursuant to the
23 Intermediate Care for the Developmentally Disabled Facilities

1 Code authorized under the ID/DD Community Care Act.

2 (Source: P.A. 88-380.)

3 (405 ILCS 5/4-800 new)

4 Sec. 4-800. Provider sanctions and appeals. The Department
5 of Human Services Division of Developmental Disabilities may
6 impose progressive sanctions on providers that fail to comply
7 with conditions specified by rule, or contract agreement, as
8 determined by the Department. Sanctions include, but are not
9 limited to, payment suspension, loss of payment, enrollment
10 limitations, admission holds, removal of individuals currently
11 served, or other actions up to and including contract
12 termination, certification revocation, or licensure
13 revocation. In situations in which recipients of services are
14 placed at imminent risk of harm, steps to ensure the safety of
15 individuals and any provider sanctions shall be taken
16 expeditiously and not progressively. A service provider that
17 has received a sanction may appeal the sanction in writing to
18 the Department of Healthcare and Family Services within 30
19 days of receipt of the sanction. Steps to ensure the safety of
20 individuals may be taken regardless of a service provider
21 appeal. The Department shall adopt rules as necessary to
22 implement this Section.

23 (405 ILCS 5/4-801 new)

24 Sec. 4-801. Provider discharge reconsideration requests.

1 After an informal review of a discharge by the Department of
2 Human Services Division of Developmental Disabilities, a
3 provider may request a reconsideration of the decision, to the
4 Department of Human Services Division of Developmental
5 Disabilities. The reconsideration request must be received
6 within 10 working days after the provider receives the written
7 notification, following the informal review decision from the
8 Department of Human Services Division of Developmental
9 Disabilities. The Department of Human Services shall adopt
10 rules as necessary to implement this Section.