

1 AN ACT in relation to children.

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

4 Section 5. The Early Intervention Services System Act is
5 amended by changing Sections 3 and 5 as follows:

6 (325 ILCS 20/3) (from Ch. 23, par. 4153)

7 Sec. 3. Definitions. As used in this Act:

8 (a) "Eligible infants and toddlers" means infants and
9 toddlers under 36 months of age with any of the following
10 conditions:

11 (1) Developmental delays ~~as---defined---by--the~~
12 ~~Department-by-rule.~~

13 (2) A physical or mental condition which typically
14 results in developmental delay.

15 (3) Being at risk of having substantial
16 developmental delays based on informed clinical judgment.

17 (4) Either (A) having entered the program under any
18 of the circumstances listed in paragraphs (1) through (3)
19 of this subsection but no longer meeting the current
20 eligibility criteria under those paragraphs, and
21 continuing to have any measurable delay, or (B) not
22 having attained a level of development in each area,
23 including (i) cognitive, (ii) physical (including vision
24 and hearing), (iii) language, speech, and communication,
25 (iv) psycho-social, or (v) self-help skills, that is at
26 least at the mean of the child's age equivalent peers;
27 and, in addition to either item (A) or item (B), (C)
28 having been determined by the multidisciplinary
29 individualized family service plan team to require the
30 continuation of early intervention services in order to
31 support continuing developmental progress, pursuant to

1 the child's needs and provided in an appropriate
2 developmental manner. The type, frequency, and intensity
3 of services shall differ from the initial individualized
4 family services plan because of the child's developmental
5 progress, and may consist of only service coordination,
6 evaluation, and assessments.

7 (b) "Developmental delay" means a delay of 30% or more
8 below the mean in function in one or more of the following
9 areas of childhood development as measured by appropriate
10 diagnostic instruments and standard procedures: cognitive;
11 physical, including vision and hearing; language, speech and
12 communication; psycho-social; or self-help skills.

13 (c) "Physical or mental condition which typically
14 results in developmental delay" means:

15 (1) a diagnosed medical disorder bearing a
16 relatively well known expectancy for developmental
17 outcomes within varying ranges of developmental
18 disabilities; or

19 (2) a history of prenatal, perinatal, neonatal or
20 early developmental events suggestive of biological
21 insults to the developing central nervous system and
22 which either singly or collectively increase the
23 probability of developing a disability or delay based on
24 a medical history.

25 (d) "Informed clinical judgment" means both clinical
26 observations and parental participation to determine
27 eligibility by a consensus of a multidisciplinary team of 2
28 or more members based on their professional experience and
29 expertise.

30 (e) "Early intervention services" means services which:

31 (1) are designed to meet the developmental needs of
32 each child eligible under this Act and the needs of his
33 or her family;

34 (2) are selected in collaboration with the child's

1 family;

2 (3) are provided under public supervision;

3 (4) are provided at no cost except where a schedule
4 of sliding scale fees or other system of payments by
5 families has been adopted in accordance with State and
6 federal law;

7 (5) are designed to meet an infant's or toddler's
8 developmental needs in any of the following areas:

9 (A) physical development, including vision and
10 hearing,

11 (B) cognitive development,

12 (C) communication development,

13 (D) social or emotional development, or

14 (E) adaptive development;

15 (6) meet the standards of the State, including the
16 requirements of this Act;

17 (7) include one or more of the following:

18 (A) family training,

19 (B) social work services, including
20 counseling, and home visits,

21 (C) special instruction,

22 (D) speech, language pathology and audiology,

23 (E) occupational therapy,

24 (F) physical therapy,

25 (G) psychological services,

26 (H) service coordination services,

27 (I) medical services only for diagnostic or
28 evaluation purposes,

29 (J) early identification, screening, and
30 assessment services,

31 (K) health services specified by the lead
32 agency as necessary to enable the infant or toddler
33 to benefit from the other early intervention
34 services,

- 1 (L) vision services,
- 2 (M) transportation, and
- 3 (N) assistive technology devices and services;

4 (8) are provided by qualified personnel, including
5 but not limited to:

- 6 (A) child development specialists or special
- 7 educators,
- 8 (B) speech and language pathologists and
- 9 audiologists,
- 10 (C) occupational therapists,
- 11 (D) physical therapists,
- 12 (E) social workers,
- 13 (F) nurses,
- 14 (G) nutritionists,
- 15 (H) optometrists,
- 16 (I) psychologists, and
- 17 (J) physicians;

18 (9) are provided in conformity with an
19 Individualized Family Service Plan;

20 (10) are provided throughout the year; and

21 (11) are provided in natural environments,
22 including the home and community settings in which
23 infants and toddlers without disabilities would
24 participate to the extent determined by the
25 multidisciplinary Individualized Family Service Plan.

26 (f) "Individualized Family Service Plan" or "Plan" means
27 a written plan for providing early intervention services to a
28 child eligible under this Act and the child's family, as set
29 forth in Section 11.

30 (g) "Local interagency agreement" means an agreement
31 entered into by local community and State and regional
32 agencies receiving early intervention funds directly from the
33 State and made in accordance with State interagency
34 agreements providing for the delivery of early intervention

1 services within a local community area.

2 (h) "Council" means the Illinois Interagency Council on
3 Early Intervention established under Section 4.

4 (i) "Lead agency" means the State agency responsible for
5 administering this Act and receiving and disbursing public
6 funds received in accordance with State and federal law and
7 rules.

8 (i-5) "Central billing office" means the central billing
9 office created by the lead agency under Section 13.

10 (j) "Child find" means a service which identifies
11 eligible infants and toddlers.

12 (k) "Regional intake entity" means the lead agency's
13 designated entity responsible for implementation of the Early
14 Intervention Services System within its designated geographic
15 area.

16 (l) "Early intervention provider" means an individual
17 who is qualified, as defined by the lead agency, to provide
18 one or more types of early intervention services, and who has
19 enrolled as a provider in the early intervention program.

20 (m) "Fully credentialed early intervention provider"
21 means an individual who has met the standards in the State
22 applicable to the relevant profession, and has met such other
23 qualifications as the lead agency has determined are suitable
24 for personnel providing early intervention services,
25 including pediatric experience, education, and continuing
26 education. The lead agency shall establish these
27 qualifications by rule filed no later than 180 days after the
28 effective date of this amendatory Act of the 92nd General
29 Assembly.

30 (Source: P.A. 91-538, eff. 8-13-99; 92-307, eff. 8-9-01.)

31 (325 ILCS 20/5) (from Ch. 23, par. 4155)

32 Sec. 5. Lead Agency. The Department of Human Services
33 is designated the lead agency and shall provide leadership in

1 establishing and implementing the coordinated, comprehensive,
2 interagency and interdisciplinary system of early
3 intervention services. The lead agency shall not have the
4 sole responsibility for providing these services. Each
5 participating State agency shall continue to coordinate those
6 early intervention services relating to health, social
7 service and education provided under this authority.

8 The lead agency is responsible for carrying out the
9 following:

10 (a) The general administration, supervision, and
11 monitoring of programs and activities receiving
12 assistance under Section 673 of the Individuals with
13 Disabilities Education Act (20 United States Code 1473).

14 (b) The identification and coordination of all
15 available resources within the State from federal, State,
16 local and private sources.

17 (c) The development of procedures to ensure that
18 services are provided to eligible infants and toddlers
19 and their families in a timely manner pending the
20 resolution of any disputes among public agencies or
21 service providers.

22 (d) The resolution of intra-agency and interagency
23 regulatory and procedural disputes.

24 (e) The development and implementation of formal
25 interagency agreements, and the entry into such
26 agreements, between the lead agency and (i) the
27 Department of Public Aid, (ii) the University of Illinois
28 Division of Specialized Care for Children, and (iii)
29 other relevant State agencies that:

30 (1) define the financial responsibility of
31 each agency for paying for early intervention
32 services (consistent with existing State and federal
33 law and rules, including the requirement that early
34 intervention funds be used as the payor of last

1 resort), a hierarchical order of payment as among
2 the agencies for early intervention services that
3 are covered under or may be paid by programs in
4 other agencies, and procedures for direct billing,
5 collecting reimbursements for payments made, and
6 resolving service and payment disputes; and

7 (1.5) ensure that all early intervention
8 services are considered to be covered medical
9 services for purposes of subsection (f) of Section
10 5-19 of the Illinois Public Aid Code, to the maximum
11 extent allowed by federal law, and ensure that
12 proper payment is made for all such services; and

13 (2) otherwise include all additional
14 components necessary to ensure meaningful
15 cooperation and coordination.

16 Interagency agreements under this paragraph (e) must
17 be reviewed and revised to implement the purposes of this
18 amendatory Act of the 92nd General Assembly no later than
19 60 days after the effective date of this amendatory Act
20 of the 92nd General Assembly.

21 (f) The maintenance of an early intervention
22 website. Within 30 days after the effective date of
23 this amendatory Act of the 92nd General Assembly, the
24 lead agency shall post and keep posted on this website
25 the following: (i) the current annual report required
26 under subdivision (b)(5) of Section 4 of this Act, and
27 the annual reports of the prior 3 years, (ii) the most
28 recent Illinois application for funds prepared under
29 Section 637 of the Individuals with Disabilities
30 Education Act filed with the United States Department of
31 Education, (iii) proposed modifications of the
32 application prepared for public comment, (iv) notice of
33 Council meetings, Council agendas, and minutes of its
34 proceedings for at least the previous year, (v) proposed

1 and final early intervention rules, (vi) requests for
2 proposals, and (vii) all reports created for
3 dissemination to the public that are related to the early
4 intervention program, including reports prepared at the
5 request of the Council, the General Assembly, and the
6 Legislative Advisory Committee established under Section
7 13.50 of this Act. Each such document shall be posted on
8 the website within 3 working days after the document's
9 completion.

10 (Source: P.A. 92-307, eff. 8-9-01.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.