

1 AN ACT in relation to health.

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

4 Section 5. The Community Services Act is amended by  
5 adding Sections 4.4 and 4.5 as follows:

6 (405 ILCS 30/4.4 new)

7 Sec. 4.4. Funding reinvestment.

8 (a) The purposes of this Section are as follows:

9 (1) The General Assembly recognizes that the United  
10 States Supreme Court in Olmstead v. L.C. ex Rel. Zimring,  
11 119 S. Ct. 2176 (1999), affirmed that the unjustifiable  
12 institutionalization of a person with a disability who  
13 could live in the community with proper support, and  
14 wishes to do so, is unlawful discrimination in violation  
15 of the Americans with Disabilities Act (ADA). The State  
16 of Illinois, along with all other states, is required to  
17 provide appropriate residential and community-based  
18 support services to persons with disabilities who wish to  
19 live in a less restrictive setting.

20 (2) It is the purpose of this Section to help  
21 fulfill the State's obligations under the Olmstead  
22 decision by maximizing the level of funds for both  
23 developmental disability and mental health services and  
24 supports in order to maintain and create an array of  
25 residential and supportive services for people with  
26 mental health needs and developmental disabilities  
27 whenever they are transferred into another facility or a  
28 community-based setting.

29 (b) In this Section:

30 "Office of Developmental Disabilities" means the Office  
31 of Developmental Disabilities within the Department of Human

1 Services.

2 "Office of Mental Health" means the Office of Mental  
3 Health within the Department of Human Services.

4 (c) On and after the effective date of this amendatory  
5 Act of the 93rd General Assembly, every appropriation of  
6 State moneys relating to funding for the Office of  
7 Developmental Disabilities or the Office of Mental Health  
8 must comply with this Section.

9 (d) Whenever any appropriation, or any portion of an  
10 appropriation, for any fiscal year relating to the funding of  
11 any State-operated facility operated by the Office of  
12 Developmental Disabilities or any mental health facility  
13 operated by the Office of Mental Health is reduced because of  
14 any of the reasons set forth in the following items (1)  
15 through (3), to the extent that savings are realized from  
16 these items, those moneys must be directed toward providing  
17 other services and supports for persons with developmental  
18 disabilities or mental health needs:

19 (1) The closing of any such State-operated facility  
20 for the developmentally disabled or mental health  
21 facility.

22 (2) Reduction in the number of available beds in  
23 any such State-operated facility for the developmentally  
24 disabled or mental health facility.

25 (3) Reduction in the number of staff employed in  
26 any such State-operated facility for the developmentally  
27 disabled or mental health facility.

28 (e) The purposes of redirecting this funding shall  
29 include, but not be limited to, providing the following  
30 services and supports for individuals with developmental  
31 disabilities and mental health needs:

32 (1) Residence in the most integrated setting  
33 possible, whether independent living in a private  
34 residence, a Community Integrated Living Arrangement

1 (CILA), a supported residential program, an Intermediate  
2 Care Facility for persons with Developmental Disabilities  
3 (ICFDD), a supervised residential program, or supportive  
4 housing, as appropriate.

5 (2) Rehabilitation and support services, including  
6 assertive community treatment, case management,  
7 supportive and supervised day treatment, and psychosocial  
8 rehabilitation.

9 (3) Vocational or developmental training, as  
10 appropriate, that contributes to the person's  
11 independence and employment potential.

12 (4) Employment or supported employment, as  
13 appropriate, free from discrimination pursuant to the  
14 Constitution and laws of this State.

15 (5) In-home family supports, such as respite  
16 services and client and family supports.

17 (6) Periodic reevaluation, as needed.

18 (f) An appropriation may not circumvent the purposes of  
19 this Section by transferring moneys within the funding system  
20 for services and supports for the developmentally disabled  
21 and mentally ill and then compensating for this transfer by  
22 redirecting other moneys away from these services to provide  
23 funding for some other governmental purpose or to relieve  
24 other State funding expenditures.

25 (405 ILCS 30/4.5 new)

26 Sec. 4.5. Funding Reinvestment Advisory Task Force.

27 (a) The Governor, in coordination with the Secretary of  
28 Human Services, shall appoint a task force to assist the  
29 Department of Human Services in implementing Section 4.4. The  
30 task force shall consist of the following members:

31 (1) One Representative recommended by the Speaker  
32 of the House of Representatives.

33 (2) One Representative recommended by the Minority

1 Leader of the House of Representatives.

2 (3) One Senator recommended by the President of the  
3 Senate.

4 (4) One Senator recommended by the Minority Leader  
5 of the Senate.

6 (5) One representative from the Office of  
7 Developmental Disabilities within the Department of Human  
8 Services.

9 (6) One representative from the Office of Mental  
10 Health within the Department of Human Services.

11 (7) One representative from the Office of  
12 Rehabilitation Services within the Department of Human  
13 Services.

14 (8) One representative from the Department of  
15 Public Aid.

16 (9) One community-based provider for individuals  
17 with developmental disabilities.

18 (10) One community-based recreational provider for  
19 individuals with developmental disabilities.

20 (11) One community-based provider for individuals  
21 with mental health needs.

22 (12) One member representing entities that provide  
23 funding for mental health services.

24 (13) Three members representing the advocate  
25 community for the developmentally disabled.

26 (14) Three members representing the advocate  
27 community for the mentally ill.

28 (b) In addition to assisting the Department in  
29 implementing Section 4.4, the task force shall also assist  
30 in, but not be limited to, the following:

31 (1) Quantifying the amount of money appropriated by  
32 the legislature for expenditures relating to care for a  
33 person in a State-operated facility for persons with  
34 developmental disabilities or a mental health facility.

1           (2) Quantifying the amount of money appropriated by  
2 the legislature for expenditures relating to care for a  
3 person in a community-based setting.

4           (3) Identifying ways in which funding may be  
5 redirected in total or in part to alternative services  
6 and supports an individual transferring out of an  
7 institution may be seeking.

8           (4) Identifying other state models and practices  
9 that allow money to follow the individual throughout the  
10 system of services and supports for individuals with  
11 developmental disabilities and mental health needs.

12           (5) Identifying ways in which the Department can  
13 maximize Medicaid funding and capture more federal  
14 financial participation (FFP) for the purpose of  
15 expanding developmental disability and mental health  
16 services and supports.

17           (c) The task force shall be established no later than  
18 June 1, 2003 and shall submit a written report of its  
19 findings to the General Assembly and the Office of the  
20 Governor no later than January 1, 2004.

21           Section 99. Effective date. This Act takes effect upon  
22 becoming law.