



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1345

Introduced 02/09/05, by Rep. David E. Miller

#### SYNOPSIS AS INTRODUCED:

405 ILCS 30/4.4 new  
405 ILCS 30/4.5 new

Amends the Community Services Act. Provides that whenever any appropriation, or any portion of an appropriation, for any fiscal year relating to the funding of any State-operated facility operated by the Office of Developmental Disabilities within the Department of Human Services or any mental health facility operated by the Office of Mental Health within the Department is reduced because of any of the following reasons, those moneys must be directed toward providing other services and supports for persons with developmental disabilities or mental health needs: (1) closing of a State-operated facility; (2) reduction in the number of units or available beds in a State-operated facility; or (3) reduction in the number of staff at a State-operated facility. Provides that in determining whether any savings are realized from closure of a State-operated facility or a reduction in the number of units, available beds, or staff, sufficient moneys shall be made available to ensure that there is an appropriate level of staffing and that life, safety, and care concerns are addressed so as to provide for the remaining persons with developmental disabilities or mental illness at State-operated facilities. Provides that the plan for using any savings realized from such a closure or reduction must be shared and discussed with advocates, advocacy organizations, and advisory groups whose mission includes advocacy for persons with developmental disabilities or persons with mental illness. Effective immediately.

LRB094 03621 DRJ 33626 b

FISCAL NOTE ACT  
MAY APPLY

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 adding  
5 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 wishes  
14 to do so, is unlawful discrimination in violation of the  
15 Americans with Disabilities Act (ADA). The State of  
16 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 fulfill  
21 the State's obligations under the Olmstead decision by  
22 maximizing the level of funds for both developmental  
23 disability and mental health services and supports in order  
24 to maintain and create an array of residential and  
25 supportive services for people with mental health needs and  
26 developmental disabilities whenever they are transferred  
27 into another facility or a community-based setting.

28 (b) In this Section:

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

32 "Office of Mental Health" means the Office of Mental Health

1 within the Department of Human Services.

2 (c) On and after the effective date of this amendatory Act  
3 of the 94th General Assembly, every appropriation of State  
4 moneys relating to funding for the Office of Developmental  
5 Disabilities or the Office of Mental Health must comply with  
6 this Section.

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

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

19 (2) Reduction in the number of units or available beds  
20 in any such State-operated facility for the  
21 developmentally disabled or mental health facility.

22 (3) Reduction in the number of staff employed in any  
23 such State-operated facility for the developmentally  
24 disabled or mental health facility.

25 In determining whether any savings are realized from items  
26 (1) through (3), sufficient moneys shall be made available to  
27 ensure that there is an appropriate level of staffing and that  
28 life, safety, and care concerns are addressed so as to provide  
29 for the remaining persons with developmental disabilities or  
30 mental illness at any facility in the case of item (2) or (3)  
31 or, in the case of item (1), such remaining persons at the  
32 remaining State-operated facilities that will be expected to  
33 handle the individuals previously served at the closed  
34 facility.

35 (e) The purposes of redirecting this funding shall include,  
36 but not be limited to, providing the following services and

1 supports for individuals with developmental disabilities and  
2 mental health needs:

3 (1) Residence in the most integrated setting possible,  
4 whether independent living in a private residence, a  
5 Community Integrated Living Arrangement (CILA), a  
6 supported residential program, an Intermediate Care  
7 Facility for persons with Developmental Disabilities  
8 (ICFDD), a supervised residential program, or supportive  
9 housing, as appropriate.

10 (2) Residence in another State-operated facility.

11 (3) Rehabilitation and support services, including  
12 assertive community treatment, case management, supportive  
13 and supervised day treatment, and psychosocial  
14 rehabilitation.

15 (4) Vocational or developmental training, as  
16 appropriate, that contributes to the person's independence  
17 and employment potential.

18 (5) Employment or supported employment, as  
19 appropriate, free from discrimination pursuant to the  
20 Constitution and laws of this State.

21 (6) In-home family supports, such as respite services  
22 and client and family supports.

23 (7) Periodic reevaluation, as needed.

24 (f) An appropriation may not circumvent the purposes of  
25 this Section by transferring moneys within the funding system  
26 for services and supports for the developmentally disabled and  
27 mentally ill and then compensating for this transfer by  
28 redirecting other moneys away from these services to provide  
29 funding for some other governmental purpose or to relieve other  
30 State funding expenditures.

31 (405 ILCS 30/4.5 new)

32 Sec. 4.5. Consultation with advisory and advocacy groups.  
33 Whenever any appropriation, or any part of an appropriation,  
34 for any fiscal year relating to the funding of (i) a  
35 State-operated facility operated by the Office of

1 Developmental Disabilities within the Department of Human  
2 Services or (ii) a mental health facility operated by the  
3 Office of Mental Health within the Department of Human Services  
4 is reduced because of any of the reasons set forth in items (1)  
5 through (3) of subsection (d) of Section 4.4, the plan for  
6 using any savings realized from those items (1) through (3)  
7 shall be shared and discussed with advocates, advocacy  
8 organizations, and advisory groups whose mission includes  
9 advocacy for persons with developmental disabilities or  
10 persons with mental illness.

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