



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0438

Introduced 2/16/2005, by Sen. Wendell E. Jones

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 of the number of available beds in a State-operated facility; or (3) reduction in the number of staff at a State-operated facility. Provides for the appointment of a Funding Reinvestment Advisory Task Force to assist the Department of Human Services in implementing these provisions. Effective immediately.

LRB094 10565 DRJ 40862 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 available beds in any
20 such State-operated facility for the developmentally
21 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 (e) The purposes of redirecting this funding shall include,
26 but not be limited to, providing the following services and
27 supports for individuals with developmental disabilities and
28 mental health needs:

29 (1) Residence in the most integrated setting possible,
30 whether independent living in a private residence, a
31 Community Integrated Living Arrangement (CILA), a
32 supported residential program, an Intermediate Care
33 Facility for persons with Developmental Disabilities
34 (ICFDD), a supervised residential program, or supportive
35 housing, as appropriate.

36 (2) Rehabilitation and support services, including

1 assertive community treatment, case management, supportive
2 and supervised day treatment, and psychosocial
3 rehabilitation.

4 (3) Vocational or developmental training, as
5 appropriate, that contributes to the person's independence
6 and employment potential.

7 (4) Employment or supported employment, as
8 appropriate, free from discrimination pursuant to the
9 Constitution and laws of this State.

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

12 (6) Periodic reevaluation, as needed.

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

20 (405 ILCS 30/4.5 new)

21 Sec. 4.5. Funding Reinvestment Advisory Task Force.

22 (a) The Governor, in coordination with the Secretary of
23 Human Services, shall appoint a task force to assist the
24 Department of Human Services in implementing Section 4.4. The
25 task force shall consist of the following members:

26 (1) One Representative recommended by the Speaker of
27 the House of Representatives.

28 (2) One Representative recommended by the Minority
29 Leader of the House of Representatives.

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

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

34 (5) One representative from the Office of
35 Developmental Disabilities within the Department of Human

1 Services.

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

4 (7) One representative from the Office of
5 Rehabilitation Services within the Department of Human
6 Services.

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

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

11 (10) One community-based recreational provider for
12 individuals with developmental disabilities.

13 (11) One community-based provider for individuals with
14 mental health needs.

15 (12) One member representing entities that provide
16 funding for mental health services.

17 (13) Three members representing the advocate community
18 for the developmentally disabled.

19 (14) Three members representing the advocate community
20 for the mentally ill.

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

24 (1) Quantifying the amount of money appropriated by the
25 legislature for expenditures relating to care for a person
26 in a State-operated facility for persons with
27 developmental disabilities or a mental health facility.

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

31 (3) Identifying ways in which funding may be redirected
32 in total or in part to alternative services and supports an
33 individual transferring out of an institution may be
34 seeking.

35 (4) Identifying other state models and practices that
36 allow money to follow the individual throughout the system

1 of services and supports for individuals with
2 developmental disabilities and mental health needs.

3 (5) Identifying ways in which the Department can
4 maximize Medicaid funding and capture more federal
5 financial participation (FFP) for the purpose of expanding
6 developmental disability and mental health services and
7 supports.

8 (c) The task force shall be established no later than June
9 1, 2005 and shall submit a written report of its findings to
10 the General Assembly and the Office of the Governor no later
11 than January 1, 2006.

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