

1 AN ACT concerning State government.

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 15f as follows:

7 (20 ILCS 1705/15f new)

8 Sec. 15f. Individualized behavioral support plan.

9 (a) As used in this Section:

10 "Behavioral challenges" means episodes of significant
11 property destruction, self-injurious behavior, assaultive
12 behavior, or any other behavior that prevents a person from
13 successful participation in a Home and Community Based Services
14 Program for Persons with Developmental Disabilities, as
15 determined by the community support team.

16 "Home and Community Based Services Program for Persons with
17 Developmental Disabilities" means a program that is funded
18 through a waiver authorized under Section 1915(c) of the
19 federal Social Security Act and that is administered by the
20 Department of Human Services' Division of Developmental
21 Disabilities. Services under the Program include Community
22 Integrated Living Arrangements, Community Living Facilities of
23 16 or fewer individuals, home-based support services, day
24 programs, and therapies. The term also includes newly developed
25 programs and settings that are funded through the Home and
26 Community Based Services Program for Persons with
27 Developmental Disabilities.

28 (b) Each individual participating in a Home and Community
29 Based Services Program for Persons with Developmental
30 Disabilities, regardless of whether the individual is eligible
31 for federal financial participation for these services, who
32 exhibits behavioral challenges shall have an individualized

1 behavioral support plan. Each individualized support plan
2 shall: (i) be designed to meet individual needs; (ii) be in the
3 immediate and long-term best interests of the individual; (iii)
4 be non-aversive; (iv) teach the individual new skills; (v)
5 provide alternatives to behavioral challenges; (vi) offer
6 opportunities for choice and social integration; and (vii)
7 allow for environmental modifications. The plan must be based
8 on a functional behavioral assessment conducted by a
9 professional trained in its use. The plan shall be implemented
10 by staff who have been trained in and are qualified to
11 effectively apply positive non-aversive intervention. All
12 behavioral supports required by the plan shall be applied in a
13 humane and caring manner that respects the dignity of the
14 individual and shall be implemented in a positive and socially
15 supportive environment, including the home.

16 Interventions must not: (1) include electric shock; (2)
17 withhold essential food and drink; (3) cause physical or
18 psychological pain; (4) use drugs as restraints; or (5) produce
19 humiliation or discomfort.

20 Nothing in this subsection shall preclude, for therapeutic
21 purposes, variant scheduling of food or drink or the
22 application of safe and appropriate time-out procedures.

23 (c) The Department of Human Services shall be responsible
24 for developing and promulgating rules to implement the
25 provisions of this Section and to carry out the intent of this
26 Section.

27 (d) To the extent this Section conflicts with Article I of
28 Chapter II of the Mental Health and Developmental Disabilities
29 Code, that Article controls.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.