

1 AN ACT concerning regulation.

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

4 Section 5. The Community-Integrated Living Arrangements  
5 Licensure and Certification Act is amended by changing Section  
6 4 as follows:

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community mental health or developmental  
9 services agency who wishes to develop and support a variety of  
10 community-integrated living arrangements may do so pursuant to  
11 a license issued by the Department under this Act. However,  
12 programs established under or otherwise subject to the Child  
13 Care Act of 1969 or the Nursing Home Care Act, as now or  
14 hereafter amended, shall remain subject thereto, and this Act  
15 shall not be construed to limit the application of those Acts.

16 (b) The system of licensure established under this Act  
17 shall be for the purposes of:

18 (1) Insuring that all recipients residing in  
19 community-integrated living arrangements are receiving  
20 appropriate community-based services, including treatment,  
21 training and habilitation or rehabilitation;

22 (2) Insuring that recipients' rights are protected and that  
23 all programs provided to and placements arranged for recipients

1 comply with this Act, the Mental Health and Developmental  
2 Disabilities Code, and applicable Department rules and  
3 regulations;

4 (3) Maintaining the integrity of communities by requiring  
5 regular monitoring and inspection of placements and other  
6 services provided in community-integrated living arrangements.

7 The licensure system shall be administered by a quality  
8 assurance unit within the Department which shall be  
9 administratively independent of units responsible for funding  
10 of agencies or community services.

11 (c) As a condition of being licensed by the Department as a  
12 community mental health or developmental services agency under  
13 this Act, the agency shall certify to the Department that:

14 (1) All recipients residing in community-integrated living  
15 arrangements are receiving appropriate community-based  
16 services, including treatment, training and habilitation or  
17 rehabilitation;

18 (2) All programs provided to and placements arranged for  
19 recipients are supervised by the agency; ~~and~~

20 (3) All programs provided to and placements arranged for  
21 recipients comply with this Act, the Mental Health and  
22 Developmental Disabilities Code, and applicable Department  
23 rules and regulations; and -

24 (4) The agency will be responsible for compliance with the  
25 Health Care Worker Background Check Act.

26 (d) An applicant for licensure as a community mental health

1 or developmental services agency under this Act shall submit an  
2 application pursuant to the application process established by  
3 the Department by rule and shall pay an application fee in an  
4 amount established by the Department, which amount shall not be  
5 more than \$200.

6 (e) If an applicant meets the requirements established by  
7 the Department to be licensed as a community mental health or  
8 developmental services agency under this Act, after payment of  
9 the licensing fee, the Department shall issue a license valid  
10 for 3 years from the date thereof unless suspended or revoked  
11 by the Department or voluntarily surrendered by the agency.

12 (f) Upon application to the Department, the Department may  
13 issue a temporary permit to an applicant for a 6-month period  
14 to allow the holder of such permit reasonable time to become  
15 eligible for a license under this Act.

16 (g) (1) The Department may conduct site visits to an agency  
17 licensed under this Act, or to any program or placement  
18 certified by the agency, and inspect the records or premises,  
19 or both, of such agency, program or placement as it deems  
20 appropriate, for the purpose of determining compliance with  
21 this Act, the Mental Health and Developmental Disabilities  
22 Code, and applicable Department rules and regulations.

23 (2) If the Department determines that an agency licensed  
24 under this Act is not in compliance with this Act or the rules  
25 and regulations promulgated under this Act, the Department  
26 shall serve a notice of violation upon the licensee. Each

1 notice of violation shall be prepared in writing and shall  
2 specify the nature of the violation, the statutory provision or  
3 rule alleged to have been violated, and that the licensee  
4 submit a plan of correction to the Department if required. The  
5 notice shall also inform the licensee of any other action which  
6 the Department might take pursuant to this Act and of the right  
7 to a hearing.

8 (h) Upon the expiration of any license issued under this  
9 Act, a license renewal application shall be required of and a  
10 license renewal fee in an amount established by the Department  
11 shall be charged to a community mental health or developmental  
12 services agency, provided that such fee shall not be more than  
13 \$200.

14 (i) Notwithstanding any other rulemaking authority that  
15 may exist, neither the Governor nor any agency or agency head  
16 under the jurisdiction of the Governor has any authority to  
17 make or promulgate rules to implement or enforce the provisions  
18 of this amendatory Act of the 95th General Assembly. If,  
19 however, the Governor believes that rules are necessary to  
20 implement or enforce the provisions of this amendatory Act of  
21 the 95th General Assembly, the Governor may suggest rules to  
22 the General Assembly by filing them with the Clerk of the House  
23 and Secretary of the Senate and by requesting that the General  
24 Assembly authorize such rulemaking by law, enact those  
25 suggested rules into law, or take any other appropriate action  
26 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be  
2 interpreted to grant rulemaking authority under any other  
3 Illinois statute where such authority is not otherwise  
4 explicitly given. For the purposes of this amendatory Act of  
5 the 95th General Assembly, "rules" is given the meaning  
6 contained in Section 1-70 of the Illinois Administrative  
7 Procedure Act, and "agency" and "agency head" are given the  
8 meanings contained in Sections 1-20 and 1-25 of the Illinois  
9 Administrative Procedure Act to the extent that such  
10 definitions apply to agencies or agency heads under the  
11 jurisdiction of the Governor.

12 (Source: P.A. 86-820.)

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