



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5326

Introduced 2/5/2010, by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

New Act

Creates the Consumer Alternatives Program Act. Directs the Department of Human Services to implement the Consumer Alternatives Program to prevent or avoid the unnecessary institutionalization of individuals with mental or substance use disorders or a co-occurring disorder of mental illness and substance abuse, and to provide cost effective, community residential settings and supports that enable these individuals to live successfully in the community. Requires implementation of the Program during fiscal year 2011. Contains provisions concerning the funding and establishment of community-based services and community-based integrated residential settings; training programs on community-based alternatives for institutional discharge staff; and outreach activities. Provides that participants in the program may receive certain services including a comprehensive evaluation and diagnosis assessment; family or individual support services; case coordination services; and vocational training. Prohibits discrimination in employment based on an individual's mental or substance abuse disorder. Requires the Department of Commerce and Economic Opportunity to assist the Department of Human Services in developing housing assistance programs aimed at promoting and assisting individuals in their transition from institution-living to community-based residency. Effective July 1, 2010.

LRB096 15703 KTG 30939 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the
5 Consumer Alternatives Program Act.

6 Section 5. Purpose. The purpose of this Act is to prevent
7 or avoid the unnecessary institutionalization of individuals
8 with mental or substance use disorders, or a co-occurring
9 disorder of mental illness and substance abuse, and to provide
10 cost effective, community residential settings and supports
11 that enable these individuals to live successfully in the
12 community.

13 Section 10. Definitions. As used in this Act:

14 "Individual with a disability" means any of the following:

15 (1) An adult individual who has a physical impairment
16 of drug addiction or alcoholism or both, or mental
17 impairment, that substantially limits one or more of the
18 individual's major life activities.

19 (2) An adult individual who has a record of a physical
20 impairment of drug addiction or alcoholism or both, or
21 mental impairment, that substantially limits one or more of
22 the individual's major life activities.

1 (3) An adult individual who is regarded as having a
2 physical impairment of drug addiction or alcoholism or
3 both, or mental impairment, whether the individual has the
4 impairment or not.

5 "Mental impairment" means a mental or psychological
6 disorder or emotional or mental illness.

7 "Physical impairment" means drug addiction or alcoholism
8 or both.

9 "Stakeholder" means an advocacy organization or service
10 provider whose mission includes advocacy for or provision of
11 quality services to individuals with a disability of mental
12 illness, substance abuse, or a co-occurring disorder of mental
13 illness and substance abuse.

14 "Department" means the Department of Human Services.

15 "Program" means the Consumer Alternatives Program.

16 Section 15. Implementation of the Consumer Alternatives
17 Program. The Department of Human Services is directed to
18 implement the Consumer Alternatives Program for individuals
19 with a mental or substance use disorder or co-occurring
20 disability of mental illness and substance abuse. The Program
21 shall be designed to provide a system of services and supports
22 that enable those individuals to live in the most integrated
23 community-based setting. The Department shall begin
24 implementation of the Program during fiscal year 2011 and shall
25 adopt rules for the selection of the initial Program

1 participants. The Department of Healthcare and Family
2 Services, the Department of Public Health, and other State
3 agencies as appropriate shall cooperate fully with the
4 Department in fulfilling the Program's requirements.

5 Section 20. Community services. In order to prevent or
6 avoid the institutionalization of individuals with a
7 disability due to a mental or substance use disorder, or a
8 mental illness and substance abuse co-occurring disorder, the
9 Department shall implement, coordinate, monitor, and evaluate
10 community services for individuals with disabilities in
11 Illinois in cooperation with all governmental and private
12 resources, organizations, and stakeholders. Services shall
13 address the needs of adult individuals with disabilities, in
14 the following disability areas:

- 15 (1) Mental illness.
16 (2) Alcoholism or substance abuse or both.
17 (3) Mental illness and substance abuse.

18 Section 25. Duties; Program components.

19 (a) From existing funds and funds appropriated by the
20 General Assembly, the Department shall do the following:

- 21 (1) In order to prevent or avoid unnecessary
22 institutionalization, establish a comprehensive plan to
23 develop and maintain a statewide system of community-based
24 services that reflect the choices and needs of individuals

1 with a mental or substance use disorder or a co-occurring
2 disorder of mental illness and substance abuse, and their
3 families.

4 (2) Carry out all functions and duties required by law
5 through collaboration with individuals with a mental or
6 substance use disorder or a co-occurring disorder of mental
7 illness and substance abuse, their families and guardians,
8 community organizations, and providers throughout the
9 State.

10 (3) Facilitate or provide technical assistance to
11 community service providers in planning, developing, and
12 implementing services and supports for individuals with a
13 mental or substance use disorder or a co-occurring disorder
14 of mental illness and substance abuse, and their families.

15 (b) From funds appropriated by the General Assembly to the
16 Department, the Secretary of the Department shall establish
17 initiatives including, but not limited to, the Program to
18 prevent and correct inappropriate institutionalization to
19 ensure that individuals needing alternative services are
20 served in the most integrated setting.

21 (c) The Program's components shall include the following:

22 (1) Policies to avoid inappropriate placement of an
23 individual in an institution, including general acute care
24 hospitals, hospitals with distinct parts for psychiatric
25 care, free standing public or private psychiatric
26 hospitals, residential treatment facilities, and nursing

1 facilities.

2 (2) Additional community-based integrated residential
3 settings with appropriate community supports in accordance
4 with an individual program plan or an individual treatment
5 plan, or both.

6 (3) Training programs on community-based alternatives
7 for institutional discharge staff that treat individuals
8 with disabilities.

9 (4) A process to inform an individual of all available
10 options for his or her care before that individual makes a
11 decision on his or her placement.

12 (5) A specialist who will assist the individual, prior
13 to placement, in making the move from an institution to a
14 community setting.

15 (6) Outreach activities to identify individuals in
16 institutions who may wish to move. The Department shall
17 establish the qualifications of persons or organizations,
18 or both, that perform the outreach for community-based
19 organizations funded through the Program. The guardian of
20 the individual, if any, must be afforded the opportunity to
21 be involved with the outreach process and the resident.

22 Section 30. Provision of services. In accordance with an
23 individual program plan or an individual treatment plan, or
24 both, based on a comprehensive evaluation, individuals with a
25 mental or substance use disorder, or a co-occurring disorder of

1 mental illness and substance abuse, may be provided the
2 services described in the following Sections.

3 Section 35. Comprehensive evaluation and diagnosis. An
4 individual with a mental or substance use disorder, or a
5 co-occurring disorder of mental illness and substance abuse,
6 who is applying for services is entitled to receive a
7 comprehensive evaluation and diagnosis including an assessment
8 of skills, abilities, and potential for residential and work
9 placement, adapted to his or her primary language, cultural
10 background, and ethnic origin.

11 Section 40. Individual program or treatment plan. An
12 individual with a mental or substance use disorder, or a
13 co-occurring disorder of mental illness and substance abuse, is
14 entitled to receive services in accordance with a current
15 individual program plan or an individual treatment plan, or
16 both. An individual with a disability who is receiving services
17 shall be provided periodic reevaluation and review of the
18 individual program plan or individual treatment plan, or both,
19 in order to measure progress, to modify or change objectives,
20 if necessary, and to provide guidance and remediation
21 techniques. An individual with a disability and his or her
22 representatives have the right to participate in the planning
23 and decision-making process regarding the individual's program
24 plan and to be informed in writing, or in that individual's

1 mode of communication, of progress at reasonable time
2 intervals. Each individual must be given the opportunity to
3 make decisions and exercise options regarding the plan,
4 consistent with the individual's capabilities.

5 Section 45. Nondiscriminatory access to services. An
6 individual with a mental or substance use disorder, or a
7 co-occurring disorder of mental illness and substance abuse,
8 may not be denied program services because of age, sex, ethnic
9 origin, marital status, ability to pay (except when contrary to
10 law), record, degree of disability, or illness.

11 Section 50. Family or individual support. An individual
12 with a mental or substance use disorder, or a co-occurring
13 disorder of mental illness and substance abuse, must be
14 provided family or individual support services, or both, in
15 accordance with a current individual program plan or an
16 individual treatment plan, or both, to prevent unnecessary
17 out-of-home placement and to foster independent living skills.

18 Section 55. Residential choices. An individual with a
19 mental or substance use disorder, or a co-occurring disorder of
20 mental illness and substance abuse, who requires residential
21 placement in a supervised or supported setting must be provided
22 a choice among available, clinically appropriate, residential
23 options. The placement must be offered in the most integrated

1 community setting possible.

2 Section 60. Vocational training. An individual with a
3 mental or substance use disorder, or a co-occurring disorder of
4 mental illness and substance abuse, must be provided vocational
5 training, when appropriate, in accordance with a current
6 individual program plan or an individual treatment plan, or
7 both, that contributes to the individual's independence and
8 employment potential. This training must include strategies
9 and activities in programs that lead to employment and
10 reemployment.

11 Section 65. Employment. An individual with a mental or
12 substance use disorder, or a co-occurring disorder of mental
13 illness and substance abuse, has the right to not be
14 discriminated against in employment, pursuant to the
15 Constitution and laws of this State.

16 Section 70. Case coordination services. An individual with
17 a mental or substance use disorder, or a co-occurring disorder
18 of mental illness and substance abuse, must be provided case
19 coordination services, as appropriate, in accordance with a
20 current individual program plan or an individual treatment
21 plan, or both.

22 Section 75. Due process; judicial review.

1 (a) An individual with a mental or substance use disorder,
2 or a co-occurring disorder of mental illness and substance
3 abuse, retains the rights of citizenship. Any individual
4 aggrieved by a decision made by a department of State
5 government regarding services provided under this Act must be
6 given an opportunity to present complaints at a due process
7 hearing before a hearing officer designated by the director of
8 that department.

9 (b) Any individual aggrieved by a final administrative
10 decision rendered following the due-process hearing may seek
11 judicial review of that decision pursuant to the Administrative
12 Review Law of the Code of Civil Procedure. For purposes of this
13 Section "administrative decision" has the meaning ascribed to
14 it in Section 3-101 of the Code of Civil Procedure. Reasonable
15 attorney's fees and costs may be awarded to the successful
16 plaintiff in any formal administrative or judicial action.

17 (c) The right to a hearing under this Section is in
18 addition to any other rights under federal, State, or local
19 laws.

20 Section 80. Transitional living assistance. The Department
21 of Human Services shall lead a coordinated effort with the
22 Department of Commerce and Economic Opportunity to further
23 develop housing assistance programs to promote the ability of
24 individuals with a mental or substance use disorder, or a
25 co-occurring disorder of mental illness and substance abuse, to

1 move from institutions to the most integrated community
2 residence. The housing assistance program shall address
3 eligibility criteria, the period a person may receive
4 assistance, the types of housing expenses to be covered, and
5 the locations of the programs. The Department of Human Services
6 shall administer the program and may seek the advice of the
7 Department of Commerce and Economic Opportunity for this
8 purpose.

9 Section 99. Effective date. This Act takes effect July 1,
10 2010.