



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6836

Introduced 3/16/2010, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

New Act

Creates the Community Services to the Severely Mentally Ill Care Act. Provides that community-based mental health organizations accredited, certified, or licensed by the Department of Human Services that provide services to the severely mentally ill shall be regulated by a newly created Division of Community Services to the Severely Mentally Ill within the Department of Public Health. Authorizes promulgation of administrative rules concerning regulation, violations, penalties, and remedies. Provides for pre-admission screening, criminal history analysis, and notification of identified offenders. Creates a pilot program in Cook County and requires tracking of services and costs. Provides for reporting, privacy rights, and voluntary participation. Effective immediately.

LRB096 21630 RCE 38950 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health care.

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

4 ARTICLE 1. SHORT TITLE AND DEFINITIONS

5 Section 1-1. Short title. This Act may be cited as the
6 Community Services to the Severely Mentally Ill Care Act.

7 Section 1-5. Definitions.

8 "Severely mentally ill" means persons who, as a result of a
9 mental disorder, exhibit emotional or behavioral functioning
10 that is so impaired as to interfere substantially with their
11 capacity to remain in the community without supportive
12 treatment or services of a long-term or indefinite duration. In
13 these persons, mental disability is severe and persistent,
14 resulting in long-term limitation of their functional
15 capacities or primary activities of daily living, such as
16 interpersonal relationships, homemaking, self-care,
17 employment, and recreation.

18 "Agency" means a community-based mental health
19 organization accredited, certified, or licensed by the
20 Department of Human Services' Bureau of Accreditation,
21 Licensure, and Certification that is a sole proprietorship,
22 association, partnership, corporation, or organization, public

1 or private, either for profit or not for profit, that includes,
2 but is not limited to:

3 (1) Any supportive housing program serving the
4 severely mentally ill.

5 (2) Any facility accredited, certified, or licensed
6 under the Community Living Facilities Licensing Act
7 serving the severely mentally ill.

8 (3) Any facility accredited, certified, or licensed
9 under the Community - Integrated Living Arrangements
10 Licensure and Certification Act serving the severely
11 mentally ill.

12 (4) Any other community-based residential program
13 providing services to the severely mentally ill and that is
14 paid for those services by the Department of Human
15 Services.

16 ARTICLE 5. GOVERNANCE

17 Section 5-5. Regulation by Department of Public Health. Any
18 agency that provides community services to the severely
19 mentally ill and is accredited, certified, or licensed as such
20 an agency by the Department of Human Services shall be
21 regulated by the Department of Public Health after the
22 effective date of this Act.

23 Section 5-10. Division of Community Services to the

1 Severely Mentally Ill. A Division of Community Services to the
2 Severely Mentally Ill is created within the Department of
3 Public Health to regulate agencies that provide community
4 services to the severely mentally ill.

5 ARTICLE 10. LICENSING, REGULATION, VIOLATIONS,
6 PENALTIES, AND REMEDIES

7 Section 10-5. Licensure and certification. The Department
8 of Human Services shall continue to accredit, certify, or
9 license community-based mental health agencies that are
10 currently accredited, certified, or licensed by the Department
11 of Human Services.

12 Section 10-10. Regulation. The Division of Community
13 Services to the Severely Mentally Ill shall establish
14 administrative rules to govern the operation and procedures of
15 community-based mental health agencies accredited, certified,
16 or licensed by the Department of Human Services. The
17 administrative rules governing the operations of agencies
18 shall be substantially similar to the statutory and
19 administrative rules governing the maintenance and operations
20 of intermediate care facilities as defined by the Nursing Home
21 Care Act.

22 Section 10-15. Violations and penalties. The Division of

1 Community Services to the Severely Mentally Ill shall establish
2 penalties to be assessed against community-based mental health
3 agencies that violate the administrative rules established by
4 the Department of Public Health. These penalties shall be
5 established in administrative rule by the Department and shall
6 be substantially similar to the penalties ascribed for
7 violations under the Nursing Home Care Act for intermediate
8 care facilities and shall include, but are not limited to, the
9 following:

10 (1) A "Type "A" violation" means a violation of this
11 Act or of the rules promulgated thereunder that creates a
12 condition or occurrence relating to the operation and
13 maintenance of an agency presenting a substantial
14 probability that death or serious mental or physical harm
15 to a resident will result therefrom.

16 (2) A "Type "B" violation" means a violation of this
17 Act or of the rules promulgated thereunder that creates a
18 condition or occurrence relating to the operation and
19 maintenance of an agency directly threatening to the
20 health, safety, or welfare of a resident.

21 Section 10-20. Remedies. The Department of Public Health
22 shall, by administrative rule, establish a plan to remedy any
23 violations and penalties that are assessed under the
24 administrative rules promulgated under Section 10-15 of this
25 Act. The remedy for resolution shall be substantially similar

1 to those assigned to intermediate care facilities under the
2 Nursing Home Care Act.

3 Section 10-25. Screening, criminal history, and
4 notification. Agencies regulated by this Act are subject to the
5 same requirements related to screening prior to admission,
6 criminal history analysis, and notification of identified
7 offenders as those set forth in Sections 2-201.5, 2-201.6, and
8 2-216 of the Nursing Home Care Act.

9 ARTICLE 15. OUTCOME MONITORING PILOT PROGRAM

10 Section 15-5. Pilot program; creation The Department of
11 Healthcare and Family Services shall create a pilot program in
12 which the Department shall identify at least 1,000 clients
13 residing in Cook County and served by agencies covered under
14 this Act. The Department shall follow and track all of the
15 services provided to these individuals, including, but not
16 limited to:

17 (1) The type of residential setting in which the
18 individual is living.

19 (2) Any type of inpatient or outpatient services the
20 individual may be receiving.

21 (3) Any type of State-subsidized supports the
22 individual may be receiving.

1 Section 15-10. Pilot program; tracking service changes.
2 Upon identifying the 1,000 participants in the pilot program,
3 the Department shall document the residential and community
4 services each individual receives at the beginning of the
5 program and shall continue to record any changes in these
6 services over the course of the year. The tracking of changes
7 shall include any change in housing or residential services,
8 any change in community supports received, and any change to
9 medical care received over the course of a year.

10 Section 15-15. Pilot program; tracking service costs. The
11 Department of Healthcare and Family Services shall also track
12 the cost of the various services received by each individual in
13 the pilot program, including residential costs, community
14 supports, counseling, and medical costs.

15 Section 15-20. Pilot program; commencement. The pilot
16 program shall commence no later than January 1, 2011.

17 Section 15-25. Report. The Department of Healthcare and
18 Family Services shall compile the data collected under this
19 pilot program and submit a report to the General Assembly no
20 later than March 1, 2012. This report shall include individual
21 costs by participant without identifying any participant by
22 name. The report shall also identify the services received by
23 each individual during the course of the year-long study. The

1 report shall identify what percentage of different services are
2 received by the population that participates in this project.

3 Section 15-30. Privacy rights. Nothing in this Act shall be
4 construed to infringe upon the privacy rights of those
5 encompassed by the project, and the Department is prohibited
6 from identifying those who are documented in the course of the
7 program.

8 Section 15-35. Voluntary participation. Nothing in this
9 Act shall be construed to compel any individual from
10 participating in the program. Any individual may request not to
11 be included in the program.

12 ARTICLE 99. EFFECTIVE DATE

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