



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1348

Introduced 2/10/2009, by Sen. Rickey R. Hendon

SYNOPSIS AS INTRODUCED:

210 ILCS 135/5	from Ch. 91 1/2, par. 1705
210 ILCS 135/8	from Ch. 91 1/2, par. 1708

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that the Department of Human Services shall (instead of may) conduct an investigation upon receipt of a complaint to insure that a community mental health or developmental services agency is in compliance with the Act. Provides that in connection with the operation of an agency without a license or permit, the Department shall (instead of may) investigate, notify the agency, and make referrals to investigatory or law enforcement agencies. Effective immediately.

LRB096 04447 DRJ 14498 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections
6 5 and 8 as follows:

7 (210 ILCS 135/5) (from Ch. 91 1/2, par. 1705)

8 Sec. 5. (a) The Department shall ~~may~~ conduct an
9 investigation upon receipt of a complaint to insure that the
10 agency is in compliance with this Act. If, based upon the
11 results of its investigation, the Department determines that
12 the agency is not in compliance with this Act, it shall serve a
13 notice of violation upon the agency as set forth in paragraph
14 (2) of subsection (g) of Section 4 above. Upon request by a
15 complainant, the Department shall notify the complainant of the
16 results of any investigation of a complaint.

17 (b) The complaint, a copy of the complaint, or a record
18 published, released or otherwise disclosed to the agency shall
19 not disclose the name of the complainant unless the complainant
20 consents in writing to the disclosure or the investigation
21 results in a judicial proceeding, or unless disclosure is
22 essential to the investigation.

23 (c) An agency licensed under this Act or its agents shall

1 not transfer, harass, dismiss, or retaliate against a recipient
2 who is the subject of a complaint under this Act.

3 (Source: P.A. 85-1250.)

4 (210 ILCS 135/8) (from Ch. 91 1/2, par. 1708)

5 Sec. 8. (a) Any community mental health or developmental
6 services agency that continues to operate after its license is
7 revoked under this Act, or after its license expires and the
8 Department refuses to renew the license, is guilty of a
9 business offense and shall be fined an amount in excess of \$500
10 but not exceeding \$2,000, and each day of violation is a
11 separate offense. All fines shall be paid to the Mental Health
12 Fund.

13 (b) Whenever the Department is advised or has reason to
14 believe that any person, group of persons, association,
15 partnership or corporation is operating an agency without a
16 license or permit in violation of this Act, the Department
17 shall ~~may~~ investigate to ascertain the facts, shall ~~may~~ notify
18 the person or other entity that he is in violation of this Act,
19 and shall ~~may~~ make referrals to appropriate investigatory or
20 law enforcement agencies. Any person, group of persons,
21 association, partnership or corporation who continues to
22 operate a community mental health or developmental services
23 agency as defined in subsection (b) of Section 3 of this Act
24 without a license or temporary permit issued by the Department,
25 after receiving notice from the Department that such operation

1 is in violation of this Act, shall be guilty of a business
2 offense and shall be fined an amount in excess of \$500 but not
3 exceeding \$2,000, and each day of operation after receiving
4 such notice is a separate offense. All fines shall be paid to
5 the Mental Health Fund.

6 (Source: P.A. 85-1250.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.