

SB3402



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3402

Introduced 2/10/2010, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

New Act

Creates the Community Behavioral Health Center Infrastructure Act. Provides that the Capital Development Board in consultation with the Department of Human Services shall establish the Community Behavioral Health Center Infrastructure Grant Program and may make grants to eligible community providers subject to appropriations. Provides that the grants shall be for the purpose of constructing or renovating new sites, renovating existing sites, and purchasing equipment to provide community behavioral healthcare. Effective immediately.

LRB096 16378 RPM 31642 b

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Community Behavioral Health Center Infrastructure Act.

6 Section 5. Definitions. In this Act:

7 "Behavioral health center site" means a physical site where
8 a community behavioral health center shall provide behavioral
9 healthcare services linked to a particular
10 Department-contracted community behavioral healthcare
11 provider, from which this provider delivers a
12 Department-funded service and has the following
13 characteristics:

14 (i) The site must be owned, leased, or otherwise
15 controlled by a Department-funded provider.

16 (ii) A Department-funded provider may have multiple
17 service sites.

18 (iii) A Department-funded provider may provide both
19 Medicaid and non-Medicaid services for which they are
20 certified or approved at a certified site.

21 "Board" means the Capital Development Board.

22 "Community behavioral healthcare provider" includes, but
23 is not limited to, Department-contracted prevention,

1 intervention, or treatment care providers of services and
2 supports for persons with mental health services, alcohol and
3 substance abuse services, rehabilitation services, and early
4 intervention services provided by a vendor.

5 For the purposes of this definition, "vendor" includes, but
6 is not limited to, community providers, including
7 community-based organizations that are licensed to provide
8 prevention, intervention, or treatment services and support
9 for persons with mental illness or substance abuse problems in
10 this State, that comply with applicable federal, State, and
11 local rules and statutes, including, but not limited to, the
12 following:

13 (A) Federal requirements:

14 (1) Block Grants for Community Mental Health
15 Services, Subpart I & III, Part B, Title XIX, P.H.S.
16 Act/45 C.F.R. Part 96.

17 (2) Medicaid (42 U.S.C.A. 1396 (1996)).

18 (3) 42 C.F.R. 440 (Services: General Provision)
19 and 456 (Utilization Control) (1996).

20 (4) Health Insurance Portability and
21 Accountability Act (HIPAA) as specified in 45 C.F.R.
22 Section 160.310.

23 (5) The Substance Abuse Prevention Block Grant
24 Regulations (45 C.F.R. Part 96).

25 (6) Program Fraud Civil Remedies Act of 1986 (45
26 C.F.R. Part 79).

1 (7) Federal regulations regarding Opioid
2 Maintenance Therapy (21 C.F.R. 29) (21 C.F.R.
3 1301-1307 (D.E.A.)).

4 (8) Federal regulations regarding Diagnostic,
5 Screening, Prevention, and Rehabilitation Services
6 (Medicaid) (42 C.F.R. 440.130).

7 (9) Charitable Choice: Providers that qualify as
8 religious organizations under 42 C.F.R. 54.2(b), who
9 comply with the Charitable Choice Regulations as set
10 forth in 42 C.F.R. 54.1 et seq. with regard to funds
11 provided directly to pay for substance abuse
12 prevention and treatment services.

13 (B) State requirements:

14 (1) 59 Ill. Admin. Code 50, Office of Inspector
15 General Investigations of Alleged Abuse or Neglect in
16 State-Operated Facilities and Community Agencies.

17 (2) 59 Ill. Admin. Code 51, Office of Inspector
18 General Adults with Disabilities Project.

19 (3) 59 Ill. Admin. Code 103, Grants.

20 (4) 59 Ill. Admin. Code 115, Standards and
21 Licensure Requirements for Community-Integrated Living
22 Arrangements.

23 (5) 59 Ill. Admin. Code 117, Family Assistance and
24 Home-Based Support Programs for Persons with Mental
25 Disabilities.

26 (6) 59 Ill. Admin. Code 125, Recipient Discharge/

1 Linkage/Aftercare.

2 (7) 59 Ill. Admin. Code 131, Children's Mental
3 Health Screening, Assessment and Supportive Services
4 program.

5 (8) 59 Ill. Admin. Code 132, Medicaid Community
6 Mental Health Services Program.

7 (9) 59 Ill. Admin. Code 135, Individual Care Grants
8 for Mentally Ill Children.

9 (10) 89 Ill. Admin. Code 140, Medical Payment.

10 (11) 89 Ill. Admin. Code 140.642, Screening
11 Assessment for Nursing Facility and Alternative
12 Residential Settings and Services.

13 (12) 89 Ill. Admin. Code 507, Audit Requirements of
14 Illinois Department of Human Services.

15 (13) 89 Ill. Admin. Code 509,
16 Fiscal/Administrative Recordkeeping and Requirements.

17 (14) 89 Ill. Admin. Code 511, Grants and Grant
18 Funds Recovery.

19 (15) 77 Ill. Admin. Code, Parts 2030, 2060, and
20 2090.

21 (16) Title 77 Illinois Administrative Code:

22 (a) Part 630: Maternal and Child Health
23 Services Code.

24 (b) Part 635: Family Planning Services Code.

25 (c) Part 672: WIC Vendor Management Code.

26 (d) Part 2030: Award and Monitoring of Funds.

1 (e) Part 2200: School Based/Linked Health
2 Centers.

3 (17) Title 89 Illinois Administrative Code:

4 (a) Part 130.200: Administration of Social
5 Service Programs, Domestic Violence Shelter and
6 Service Programs.

7 (b) Part 310: Delivery of Youth Services
8 Funded by the Department of Human Services.

9 (c) Part 313: Community Services.

10 (d) Part 334: Administration and Funding of
11 Community-Based Services to Youth.

12 (e) Part 500: Early Intervention Program.

13 (f) Part 501: Partner Abuse Intervention.

14 (g) Part 507: Audit Requirements of DHS.

15 (h) Part 509: Fiscal/Administrative
16 Recordkeeping and Requirements.

17 (i) Part 511: Grants and Grant Funds Recovery.

18 (18) State statutes:

19 (a) The Mental Health and Developmental
20 Disabilities Code.

21 (b) The Community Services Act.

22 (c) The Mental Health and Developmental
23 Disabilities Confidentiality Act.

24 (d) The Alcoholism and Other Drug Abuse and
25 Dependency Act.

26 (e) The Early Intervention Services System

1 Act.

2 (f) The Children and Family Services Act.

3 (g) The Illinois Commission on Volunteerism
4 and Community Services Act.

5 (h) The Department of Human Services Act.

6 (i) The Domestic Violence Shelters Act.

7 (j) The Illinois Youthbuild Act.

8 (k) The Civil Administrative Code of Illinois.

9 (l) The Illinois Grant Funds Recovery Act.

10 (m) The Child Care Act of 1969.

11 (n) The Solicitation for Charity Act.

12 (o) The Illinois Public Aid Code (305 ILCS
13 5/9-1, 12-4.5 through 12-4.7, and 12-13).

14 (p) The Abused and Neglected Child Reporting
15 Act.

16 (q) The Charitable Trust Act.

17 (r) The Illinois Alcoholism and Other Drug
18 Dependency Act.

19 (C) The Provider shall be in compliance with all
20 applicable requirements for services and service reporting
21 as specified in the following Department manuals or
22 handbooks:

23 (1) DHS/DMH Provider Manual.

24 (2) DHS Mental Health CSA Program Manual.

25 (3) DHS/DMH PAS/MH Manual.

26 (4) Community Forensic Services Handbook.

1 (5) Community Mental Health Service Definitions
2 and Reimbursement Guide.

3 (6) DHS/DMH Collaborative Provider Manual.

4 (7) Handbook for Providers of Screening Assessment
5 and Support Services, Chapter CMH-200 Policy and
6 Procedures For Screening, Assessment and Support
7 Services.

8 (8) DHS DASA:

9 (a) Contractual Policy Manual.

10 (b) Medicaid Handbook.

11 (c) DARTS Manual.

12 (9) DASA Best Practice Program Guidelines for
13 Specific Populations.

14 (10) DASA Contract Program Manual.

15 "Community behavioral healthcare services" means any of
16 the following:

17 (i) Behavioral health services, including, but not
18 limited to, prevention, intervention, or treatment care
19 services and support for eligible persons provided by a
20 vendor of the Department.

21 (ii) Referrals to providers of medical services and
22 other health-related services, including substance abuse
23 and mental health services.

24 (iii) Patient case management services, including
25 counseling, referral, and follow-up services, and other
26 services designed to assist community behavioral health

1 center patients in establishing eligibility for and
2 gaining access to federal, State, and local programs that
3 provide or financially support the provision of medical,
4 social, educational, or other related services.

5 (iv) Services that enable individuals to use the
6 services of the behavioral health center including
7 outreach and transportation services and, if a substantial
8 number of the individuals in the population are of limited
9 English-speaking ability, the services of appropriate
10 personnel fluent in the language spoken by a predominant
11 number of those individuals.

12 (v) Education of patients and the general population
13 served by the community behavioral health center regarding
14 the availability and proper use of behavioral health
15 services.

16 (vi) Additional behavioral healthcare services
17 consisting of services that are appropriate to meet the
18 health needs of the population served by the health center
19 involved and that may include housing assistance.

20 "Department" means the Department of Human Services.

21 "Uninsured population" means persons who do not own private
22 healthcare insurance, are not part of a group insurance plan,
23 and are not eligible for any State or federal
24 government-sponsored healthcare program.

25 Section 10. Operation of the grant program. The Board, in

1 consultation with the Department, shall establish the
2 Community Behavioral Health Center Infrastructure Grant
3 Program and may make grants to eligible community providers
4 subject to appropriations out of funds reserved for capital
5 improvements or expenditures as provided for in this Act. The
6 Program shall operate in a manner so that the estimated cost of
7 the Program during the fiscal year will not exceed the total
8 appropriation for the Program. The grants shall be for the
9 purpose of constructing or renovating new community behavioral
10 health center sites, renovating existing community behavioral
11 health center sites, and purchasing equipment to provide
12 community behavioral healthcare services to medically
13 underserved populations or areas or providing community
14 behavioral healthcare services to the uninsured population of
15 this State.

16 Section 15. Eligibility for grant. To be eligible for a
17 grant under this Act, a recipient must be a community
18 behavioral healthcare provider as defined in Section 5 of this
19 Act.

20 Section 20. Use of grant moneys. A recipient of a grant
21 under this Act may use the grant moneys to do any one or more of
22 the following:

23 (1) Purchase equipment.

24 (2) Acquire a new physical location for the purpose of

1 delivering community behavioral healthcare services.

2 (3) Construct or renovate new or existing community
3 behavioral health center sites.

4 Section 25. Reporting. Within 60 days after the first year
5 of a grant under this Act, the grant recipient must submit a
6 progress report to the Department. The Department may assist
7 each grant recipient in meeting the goals and objectives stated
8 in the original grant proposal submitted by the recipient,
9 including that grant moneys are being used for appropriate
10 purposes, and that residents of the community are being served
11 by the new community health center sites established with grant
12 moneys.

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