

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 4 and 9 and by adding Sections 13 and 14 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, the Nursing Home Care Act, or the MR/DD
14 Community Care Act, as now or hereafter amended, shall remain
15 subject thereto, and this Act shall not be construed to limit
16 the application of those Acts.

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

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

23 (2) Insuring that recipients' rights are protected and

1 that all programs provided to and placements arranged for
2 recipients comply with this Act, the Mental Health and
3 Developmental Disabilities Code, and applicable Department
4 rules and regulations;

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

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

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

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

20 (2) All programs provided to and placements arranged
21 for recipients are supervised by the agency; and

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

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 (g-5) As determined by the Department, a disproportionate
9 number or percentage of licensure complaints; a
10 disproportionate number or percentage of substantiated cases
11 of abuse, neglect, or exploitation involving an agency; an
12 apparent unnatural death of an individual served by an agency;
13 any egregious or life-threatening abuse or neglect within an
14 agency; or any other significant event as determined by the
15 Department shall initiate a review of the agency's license by
16 the Department, as well as a review of its service agreement
17 for funding.

18 (h) Upon the expiration of any license issued under this
19 Act, a license renewal application shall be required of and a
20 license renewal fee in an amount established by the Department
21 shall be charged to a community mental health or developmental
22 services agency, provided that such fee shall not be more than
23 \$200.

24 (Source: P.A. 96-339, eff. 7-1-10.)

25 (210 ILCS 135/9) (from Ch. 91 1/2, par. 1709)

1 Sec. 9. By July 1, 1989, the Department shall adopt rules
2 pursuant to the Illinois Administrative Procedure Act to
3 establish minimum standards for licensing community-integrated
4 living arrangements under this Act. These rules shall govern
5 the operation and conduct of community-integrated living
6 arrangements and shall provide for the license application
7 process; agency standards and financial requirements;
8 licensing, certification and license renewal procedures;
9 revocation of licenses; notification to recipients of their
10 rights and the ability to contact the Guardianship and Advocacy
11 Commission; emergency actions which can be taken by the
12 Department to protect recipients' rights, welfare, and safety;
13 and any other rules deemed necessary to implement the
14 provisions of this Act.

15 By December 31, 1996, the Department shall adopt rules
16 under the Illinois Administrative Procedure Act that specify
17 the components of reimbursement for community-integrated
18 living arrangements and include costs as reported on the
19 Interagency Statistical and Financial Report.

20 By December 31, 2011, the Department shall adopt rules
21 under the Illinois Administrative Procedure Act that govern the
22 assignment and operations of monitors and receiverships for
23 community-integrated living arrangements wherein the
24 Department has identified systemic risks to individuals
25 served. The rules shall specify the criteria for determining
26 the need for independent monitors and receivers, their conduct

1 once established, and their reporting requirements to the
2 Department. These monitors and receivers shall be independent
3 entities appointed by the Department and not staff from State
4 agencies. This paragraph does not limit, however, the
5 Department's authority to take necessary action through its own
6 or other State staff.

7 (Source: P.A. 89-31, eff. 6-23-95.)

8 (210 ILCS 135/13 new)

9 Sec. 13. Registry checks for employees. By July 1, 2011,
10 the Department shall require all of its community developmental
11 services agencies to conduct required registry checks on
12 employees at the time of hire and every 6 months thereafter
13 during employment. The required registries to be checked are
14 the Health Care Worker Registry, the Department of Children and
15 Family Services' State Central Register, and the Illinois Sex
16 Offender Registry. A person may not be employed if he or she is
17 found to have disqualifying convictions or substantiated cases
18 of abuse or neglect. At the time of the 6-month registry
19 checks, if a current employee's name has been placed on a
20 registry with disqualifying convictions or substantiated cases
21 of abuse or neglect, then the employment must be terminated.

22 (210 ILCS 135/14 new)

23 Sec. 14. Transparency for individuals and guardians. By
24 October 1, 2011, the Department shall make available to

1 individuals and guardians upon enrollment a document listing
2 telephone numbers and other contact information to report
3 suspected cases of abuse, neglect, or exploitation. The
4 information provided shall include a delineation of the
5 individuals' rights. By July 1, 2012, the Department shall make
6 available through its website information on each agency
7 regarding licensure and quality assurance survey results;
8 licensure and contract status; and substantiated findings of
9 abuse, neglect, and exploitation. The Department shall adopt
10 rules regarding the posting of this information and shall
11 inform individuals and guardians of its availability during the
12 initial provider selection process.