



Rep. Greg Harris

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LRB097 03481 RPM 53897 a

1 AMENDMENT TO HOUSE BILL 653

2 AMENDMENT NO. _____. Amend House Bill 653 by replacing
3 everything after the enacting clause with the following:

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.

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

3 (1) Insuring that all recipients residing in
4 community-integrated living arrangements are receiving
5 appropriate community-based services, including treatment,
6 training and habilitation or rehabilitation;

7 (2) Insuring that recipients' rights are protected and
8 that all programs provided to and placements arranged for
9 recipients comply with this Act, the Mental Health and
10 Developmental Disabilities Code, and applicable Department
11 rules and regulations;

12 (3) Maintaining the integrity of communities by
13 requiring regular monitoring and inspection of placements
14 and other services provided in community-integrated living
15 arrangements.

16 The licensure system shall be administered by a quality
17 assurance unit within the Department which shall be
18 administratively independent of units responsible for funding
19 of agencies or community services.

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

23 (1) All recipients residing in community-integrated
24 living arrangements are receiving appropriate
25 community-based services, including treatment, training
26 and habilitation or rehabilitation;

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

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

7 (d) An applicant for licensure as a community mental health
8 or developmental services agency under this Act shall submit an
9 application pursuant to the application process established by
10 the Department by rule and shall pay an application fee in an
11 amount established by the Department, which amount shall not be
12 more than \$200.

13 (e) If an applicant meets the requirements established by
14 the Department to be licensed as a community mental health or
15 developmental services agency under this Act, after payment of
16 the licensing fee, the Department shall issue a license valid
17 for 3 years from the date thereof unless suspended or revoked
18 by the Department or voluntarily surrendered by the agency.

19 (f) Upon application to the Department, the Department may
20 issue a temporary permit to an applicant for a 6-month period
21 to allow the holder of such permit reasonable time to become
22 eligible for a license under this Act.

23 (g) (1) The Department may conduct site visits to an agency
24 licensed under this Act, or to any program or placement
25 certified by the agency, and inspect the records or premises,
26 or both, of such agency, program or placement as it deems

1 appropriate, for the purpose of determining compliance with
2 this Act, the Mental Health and Developmental Disabilities
3 Code, and applicable Department rules and regulations.

4 (2) If the Department determines that an agency licensed
5 under this Act is not in compliance with this Act or the rules
6 and regulations promulgated under this Act, the Department
7 shall serve a notice of violation upon the licensee. Each
8 notice of violation shall be prepared in writing and shall
9 specify the nature of the violation, the statutory provision or
10 rule alleged to have been violated, and that the licensee
11 submit a plan of correction to the Department if required. The
12 notice shall also inform the licensee of any other action which
13 the Department might take pursuant to this Act and of the right
14 to a hearing.

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

25 (h) Upon the expiration of any license issued under this
26 Act, a license renewal application shall be required of and a

1 license renewal fee in an amount established by the Department
2 shall be charged to a community mental health or developmental
3 services agency, provided that such fee shall not be more than
4 \$200.

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

6 (210 ILCS 135/9) (from Ch. 91 1/2, par. 1709)

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

21 By December 31, 1996, the Department shall adopt rules
22 under the Illinois Administrative Procedure Act that specify
23 the components of reimbursement for community-integrated
24 living arrangements and include costs as reported on the
25 Interagency Statistical and Financial Report.

1 By December 31, 2011, the Department shall adopt rules
2 under the Illinois Administrative Procedure Act that govern the
3 assignment and operations of monitors and receiverships for
4 community-integrated living arrangements wherein the
5 Department has identified systemic risks to individuals
6 served. The rules shall specify the criteria for determining
7 the need for independent monitors and receivers, their conduct
8 once established, and their reporting requirements to the
9 Department. These monitors and receivers shall be independent
10 entities appointed by the Department and not staff from State
11 agencies. This paragraph does not limit, however, the
12 Department's authority to take necessary action through its own
13 or other State staff.

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

15 (210 ILCS 135/13 new)

16 Sec. 13. Registry checks for employees. By July 1, 2011,
17 the Department shall require all of its community developmental
18 services agencies to conduct required registry checks on
19 employees at the time of hire and every 6 months thereafter
20 during employment. The required registries to be checked are
21 the Health Care Worker Registry, the Department of Children and
22 Family Services' State Central Register, and the Illinois Sex
23 Offender Registry. A person may not be employed if he or she is
24 found to have disqualifying convictions or substantiated cases
25 of abuse or neglect. At the time of the 6-month registry

1 checks, if a current employee's name has been placed on a
2 registry with disqualifying convictions or substantiated cases
3 of abuse or neglect, then the employment must be terminated.

4 (210 ILCS 135/14 new)

5 Sec. 14. Transparency for individuals and guardians. By
6 October 1, 2011, the Department shall make available to
7 individuals and guardians upon enrollment a document listing
8 telephone numbers and other contact information to report
9 suspected cases of abuse, neglect, or exploitation. The
10 information provided shall include a delineation of the
11 individuals' rights. By July 1, 2012, the Department shall make
12 available through its website information on each agency
13 regarding licensure and quality assurance survey results;
14 licensure and contract status; and substantiated findings of
15 abuse, neglect, and exploitation. The Department shall adopt
16 rules regarding the posting of this information and shall
17 inform individuals and guardians of its availability during the
18 initial provider selection process."