



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3893

Introduced 11/29/2011, by Rep. Esther Golar

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Consumer Alternatives Program Act. Directs the Department of Human Services to implement the Consumer Alternatives Program to prevent or avoid the unnecessary institutional care treatment of individuals with mental disorders or a co-occurring disorder of mental illness and substance abuse or addiction and to provide cost effective, community alternatives and supports that enable these individuals to live successfully in the community. Requires implementation of the Program during fiscal year 2013. Makes implementation of the Program dependent upon funds appropriated by the General Assembly. Provides that participants in the program may receive certain services such as a comprehensive evaluation that includes an assessment of skills, abilities, and potential for living in the community and work placement; family or individual support services; case coordination services; and vocational training. Prohibits the denial of program services because of age, sex, ethnic origin, marital status, ability to pay (except when contrary to law), degree of disability, or illness. Requires the Department of Commerce and Economic Opportunity to assist the Department of Human Services in developing housing assistance programs aimed at promoting the ability of individuals with a mental disorder to move from institutions to the most integrated community residence. Effective July 1, 2012.

LRB097 14519 KTG 60158 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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 Consumer Alternatives Program Act.

6 Section 5. Purposes. The purposes of this Act are to  
7 prevent or avoid the unnecessary institutional care treatment  
8 of individuals with mental disorders or a co-occurring disorder  
9 of mental illness and substance abuse or addiction and to  
10 provide cost effective, community alternatives and supports  
11 that enable these individuals to live successfully in the  
12 community.

13 Section 10. Definitions. As used in this Act:

14 "Individual with a disability" means any of the following:

15 (1) An adult individual who has a physical impairment  
16 or mental disorder or co-occurring disorder of mental  
17 illness and substance abuse or addiction that  
18 substantially limits one or more of the individual's major  
19 life activities.

20 (2) An adult individual who has a record of a physical  
21 impairment or mental disorder or co-occurring disorder of  
22 mental illness and substance abuse or addiction that

1 substantially limits one or more of the individual's major  
2 life activities.

3 (3) An adult individual who is regarded as having a  
4 physical impairment or mental disorder or co-occurring  
5 disorder of mental illness and substance abuse or  
6 addiction, whether or not the individual has the impairment  
7 or disorder.

8 "Institutional care treatment or services" means care,  
9 treatment, or services, including general acute care  
10 hospitals, hospitals with distinct parts for psychiatric care,  
11 free-standing public or private psychiatric hospitals,  
12 community residential treatment facilities, and nursing  
13 facilities.

14 "Mental disorder" means a mental or psychological disorder  
15 or a co-occurring disorder of mental illness and substance  
16 abuse or addiction.

17 "Stakeholder" means an advocacy organization or service  
18 provider whose mission includes advocacy for or provision of  
19 quality services to individuals with mental illness or  
20 disorders, substance abuse or addiction, or a co-occurring  
21 disorder of mental illness and substance abuse or addiction.

22 "Supervised or supported setting" means Department of  
23 Human Services supported treatment or services in acute care  
24 hospitals, hospitals with distinct parts for psychiatric care,  
25 free-standing public or private psychiatric hospitals,  
26 community residential treatment facilities, and nursing

1 facilities.

2 "Department" means the Department of Human Services.

3 "Program" means the Consumer Alternatives Program.

4 Section 15. Implementation of the Consumer Alternatives  
5 Program. The Department of Human Services is directed to  
6 implement the Consumer Alternatives Program for individuals  
7 with a mental disorder or a co-occurring disorder of mental  
8 illness and substance abuse or addiction. The Program shall:

9 (1) Be designed to provide a system of services and  
10 supports that enable those individuals with a disability,  
11 including individuals with a mental disorder, to live in  
12 the community. The Department of Human Services shall begin  
13 implementation of the Program during fiscal year 2013. The  
14 Department of Healthcare and Family Services, the  
15 Department of Public Health, and other State agencies as  
16 appropriate shall cooperate fully with the Department in  
17 fulfilling the Program's requirements.

18 (2) Be accompanied by a multiple year plan or plans for  
19 any closing or restructuring and plans for State-operated  
20 facilities supported by a plan detailing State financial  
21 resources for the statewide development and implementation  
22 of local community support systems inclusive of acute care  
23 with an emphasis on care and treatment of extended or  
24 repeated users of inpatient or other intensive mental  
25 health care, treatment, and services.

1           (3) Be developed in cooperation with the General  
2           Assembly, consumers, advocates, stakeholders, and  
3           community behavioral health care providers as alternatives  
4           when appropriate, to those currently offered by or at  
5           State-operated facilities.

6           Section 20. Community services. In order to prevent or  
7           avoid unnecessary institutional care or treatment of  
8           individuals due to a mental disorder the Department shall  
9           implement, coordinate, monitor, and evaluate community  
10          services for individuals with disabilities in Illinois in  
11          cooperation with all governmental and private resources,  
12          organizations, and stakeholders. Services shall address the  
13          needs of adult individuals in the following areas:

- 14                 (1) Mental illness.  
15                 (2) Mental illness and substance abuse.

16          Section 25. Duties; Program components.

17          (a) Subject to appropriations by the General Assembly, the  
18          Department shall do the following:

- 19                 (1) In order to prevent or avoid unnecessary  
20                 institutional care, treatment, or services, establish a  
21                 comprehensive plan to develop and maintain a statewide  
22                 system of community-based services that reflect the  
23                 choices and needs of individuals with a mental disorder and  
24                 their families.

1           (2) Carry out all functions and duties required by law  
2 through collaboration with individuals with a mental  
3 disorder, their families and guardians, community  
4 organizations, and providers throughout the State.

5           (3) Facilitate planning, developing, and implementing  
6 services and supports for individuals with a mental  
7 disorder and their families.

8           (b) Subject to appropriations by the General Assembly to  
9 the Department, the Secretary of the Department of Human  
10 Services shall establish initiatives including, but not  
11 limited to, the Program to prevent or avoid unnecessary  
12 institutional care or services to ensure that individuals  
13 needing alternative services are served in the most integrated  
14 setting.

15           (c) The Program's components shall include the following:

16           (1) Policies to avoid inappropriate use of  
17 institutional care, treatment, or services or placement of  
18 an individual in acute care hospitals, hospitals with  
19 distinct parts for psychiatric care, free-standing public  
20 or private psychiatric hospitals, residential treatment  
21 facilities, and nursing facilities.

22           (2) Additional community-based integrated residential  
23 settings with appropriate community supports in accordance  
24 with an individual program plan or an individual treatment  
25 plan, or both.

26           (3) Training programs on community-based alternatives

1 for institutional discharge staff that treat individuals  
2 with disabilities.

3 (4) A process to inform an individual of all available  
4 options for his or her care before that individual makes a  
5 decision on his or her care, treatment, or service choices.

6 (5) A specialist who will assist the individual, prior  
7 to placement, in making the move from an institution to a  
8 community setting.

9 (6) Outreach activities to identify individuals in  
10 institutions who may wish to move. The Department shall  
11 establish the qualifications of persons or organizations,  
12 or both, that perform the outreach for community-based  
13 organizations funded through the Program. The guardian of  
14 the individual, if any, must be afforded the opportunity to  
15 be involved with the outreach process and the resident.

16 Section 30. Provision of services. In accordance with an  
17 individual program plan or an individual treatment plan, or  
18 both, based on a comprehensive evaluation, individuals with a  
19 mental disorder may be provided the services described in the  
20 following Sections.

21 Section 35. Comprehensive evaluation. An individual with a  
22 mental disorder who is applying for services is entitled to  
23 receive a comprehensive evaluation, including an assessment of  
24 skills, abilities, and potential for living in the community

1 and work placement.

2 Section 40. Individual program or treatment plan. An  
3 individual with a mental disorder is entitled to receive  
4 services in accordance with a current individual program plan  
5 or an individual treatment plan, or both. An individual who is  
6 receiving services shall be provided periodic reevaluation and  
7 review of the individual program plan or individual treatment  
8 plan, or both, in order to measure progress or to modify or  
9 change objectives, if necessary. An individual and his or her  
10 representatives have the right to participate in the planning  
11 and decision-making process regarding the individual's program  
12 plan and to be informed in writing, or in that individual's  
13 mode of communication, of progress at reasonable time  
14 intervals. Each individual must be given the opportunity to  
15 make decisions and exercise options regarding the plan,  
16 consistent with the individual's capabilities.

17 Section 45. Nondiscriminatory access to services. An  
18 individual with a mental disorder may not be denied program  
19 services because of age, sex, ethnic origin, marital status,  
20 ability to pay (except when contrary to law), record, degree of  
21 disability, or illness.

22 Section 50. Family or individual support. An individual  
23 with a mental disorder must be provided family or individual



1 support services, or both, in accordance with a current  
2 individual program plan or an individual treatment plan, or  
3 both, to prevent unnecessary out-of-home placement and to  
4 foster independent living skills.

5 Section 55. Residential choices. An individual with a  
6 mental disorder or a co-occurring disorder of mental illness  
7 and substance abuse who requires care, treatment, or services  
8 for a successful residential placement in a supervised or  
9 supported setting must be provided a choice among available,  
10 clinically appropriate, care, treatment, or services that  
11 support residential options including harm reduction models  
12 and supportive housing. The care, treatment, or services must  
13 be offered in the most integrated community setting possible.

14 Section 60. Vocational training. An individual with a  
15 mental disorder must be provided vocational training, when  
16 appropriate, in accordance with a current individual program  
17 plan or an individual treatment plan, or both, that contributes  
18 to the individual's independence and employment potential.  
19 This training must include strategies and activities in  
20 programs that increase the individual skills for employment or  
21 reemployment.

22 Section 65. Case coordination services. An individual with  
23 a mental disorder or a co-occurring disorder of mental illness

1 and substance abuse must be provided case coordination  
2 services, as appropriate, in accordance with a current  
3 individual program plan or an individual treatment plan, or  
4 both.

5 Section 70. Due process; judicial review.

6 (a) An individual with a mental disorder or a co-occurring  
7 disorder of mental illness and substance abuse retains the  
8 rights of citizenship. Any individual aggrieved by a decision  
9 made by a State agency regarding services provided under this  
10 Act must be given an opportunity to present complaints at a due  
11 process hearing before a hearing officer designated by the  
12 director of that department.

13 (b) Any individual aggrieved by a final administrative  
14 decision rendered following the due process hearing may seek  
15 judicial review of that decision pursuant to the Administrative  
16 Review Law of the Code of Civil Procedure. For purposes of this  
17 Section, "administrative decision" has the meaning ascribed to  
18 it in Section 3-101 of the Code of Civil Procedure. Reasonable  
19 attorney's fees and costs may be awarded to the successful  
20 plaintiff in any formal administrative or judicial action.

21 (c) The right to a hearing under this Section is in  
22 addition to any other rights under federal, State, or local  
23 laws.

24 Section 75. Transitional living assistance. The Department

1 of Human Services shall lead a coordinated effort with the  
2 Department of Commerce and Economic Opportunity to further  
3 develop housing assistance programs to promote the ability of  
4 individuals with a mental disorder to move from institutions to  
5 the most integrated community residence. The housing  
6 assistance programs shall address eligibility criteria, the  
7 period a person may receive assistance, and the types of  
8 housing expenses to be covered. The Department of Human  
9 Services shall administer the programs and may seek the advice  
10 of the Department of Commerce and Economic Opportunity for this  
11 purpose.

12 Section 99. Effective date. This Act takes effect July 1,  
13 2012.