



Rep. Robyn Gabel

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LRB097 18157 KTG 67025 a

1 AMENDMENT TO HOUSE BILL 4716

2 AMENDMENT NO. _____. Amend House Bill 4716 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Early Intervention Services System Act is
5 amended by changing Sections 3, 4, 7, 8, and 11 as follows:

6 (325 ILCS 20/3) (from Ch. 23, par. 4153)

7 Sec. 3. Definitions. As used in this Act:

8 (a) "Eligible infants and toddlers" means infants and
9 toddlers under 36 months of age with any of the following
10 conditions:

11 (1) Developmental delays.

12 (2) A physical or mental condition which typically
13 results in developmental delay.

14 (3) Being at risk of having substantial developmental
15 delays based on informed clinical judgment.

16 (4) Either (A) having entered the program under any of

1 the circumstances listed in paragraphs (1) through (3) of
2 this subsection but no longer meeting the current
3 eligibility criteria under those paragraphs, and
4 continuing to have any measurable delay, or (B) not having
5 attained a level of development in each area, including (i)
6 cognitive, (ii) physical (including vision and hearing),
7 (iii) language, speech, and communication, (iv)
8 psycho-social, or (v) self-help skills, that is at least at
9 the mean of the child's age equivalent peers; and, in
10 addition to either item (A) or item (B), (C) having been
11 determined by the multidisciplinary individualized family
12 service plan team to require the continuation of early
13 intervention services in order to support continuing
14 developmental progress, pursuant to the child's needs and
15 provided in an appropriate developmental manner. The type,
16 frequency, and intensity of services shall differ from the
17 initial individualized family services plan because of the
18 child's developmental progress, and may consist of only
19 service coordination, evaluation, and assessments.

20 (b) "Developmental delay" means a delay in one or more of
21 the following areas of childhood development as measured by
22 appropriate diagnostic instruments and standard procedures:
23 cognitive; physical, including vision and hearing; language,
24 speech and communication; psycho-social; or self-help skills.
25 The term means a delay of 30% or more below the mean in
26 function in one or more of those areas.

1 (c) "Physical or mental condition which typically results
2 in developmental delay" means:

3 (1) a diagnosed medical disorder bearing a relatively
4 well known expectancy for developmental outcomes within
5 varying ranges of developmental disabilities; or

6 (2) a history of prenatal, perinatal, neonatal or early
7 developmental events suggestive of biological insults to
8 the developing central nervous system and which either
9 singly or collectively increase the probability of
10 developing a disability or delay based on a medical
11 history.

12 (d) "Informed clinical judgment" means both clinical
13 observations and parental participation to determine
14 eligibility by a consensus of a multidisciplinary team of 2 or
15 more members based on their professional experience and
16 expertise.

17 (e) "Early intervention services" means services which:

18 (1) are designed to meet the developmental needs of
19 each child eligible under this Act and the needs of his or
20 her family;

21 (2) are selected in collaboration with the child's
22 family;

23 (3) are provided under public supervision;

24 (4) are provided at no cost except where a schedule of
25 sliding scale fees or other system of payments by families
26 has been adopted in accordance with State and federal law;

1 (5) are designed to meet an infant's or toddler's
2 developmental needs in any of the following areas:

3 (A) physical development, including vision and
4 hearing,

5 (B) cognitive development,

6 (C) communication development,

7 (D) social or emotional development, or

8 (E) adaptive development;

9 (6) meet the standards of the State, including the
10 requirements of this Act;

11 (7) include one or more of the following:

12 (A) family training,

13 (B) social work services, including counseling,
14 and home visits,

15 (C) special instruction,

16 (D) speech, language pathology and audiology,

17 (E) occupational therapy,

18 (F) physical therapy,

19 (G) psychological services,

20 (H) service coordination services,

21 (I) medical services only for diagnostic or
22 evaluation purposes,

23 (J) early identification, screening, and
24 assessment services,

25 (K) health services specified by the lead agency as
26 necessary to enable the infant or toddler to benefit

1 from the other early intervention services,
2 (L) vision services,
3 (M) transportation, and
4 (N) assistive technology devices and services;
5 (8) are provided by qualified personnel, including but
6 not limited to:
7 (A) child development specialists or special
8 educators,
9 (B) speech and language pathologists and
10 audiologists,
11 (C) occupational therapists,
12 (D) physical therapists,
13 (E) social workers,
14 (F) nurses,
15 (G) nutritionists,
16 (H) optometrists,
17 (I) psychologists, and
18 (J) physicians;
19 (9) are provided in conformity with an Individualized
20 Family Service Plan;
21 (10) are provided throughout the year; and
22 (11) are provided in natural environments, to the
23 maximum extent appropriate, which may include ~~including~~
24 the home and community settings, unless justification is
25 provided consistent with federal regulations adopted under
26 Sections 1431 through 1444 of Title 20 of the United States

1 ~~Code in which infants and toddlers without disabilities~~
2 ~~would participate to the extent determined by the~~
3 ~~multidisciplinary Individualized Family Service Plan.~~

4 (f) "Individualized Family Service Plan" or "Plan" means a
5 written plan for providing early intervention services to a
6 child eligible under this Act and the child's family, as set
7 forth in Section 11.

8 (g) "Local interagency agreement" means an agreement
9 entered into by local community and State and regional agencies
10 receiving early intervention funds directly from the State and
11 made in accordance with State interagency agreements providing
12 for the delivery of early intervention services within a local
13 community area.

14 (h) "Council" means the Illinois Interagency Council on
15 Early Intervention established under Section 4.

16 (i) "Lead agency" means the State agency responsible for
17 administering this Act and receiving and disbursing public
18 funds received in accordance with State and federal law and
19 rules.

20 (i-5) "Central billing office" means the central billing
21 office created by the lead agency under Section 13.

22 (j) "Child find" means a service which identifies eligible
23 infants and toddlers.

24 (k) "Regional intake entity" means the lead agency's
25 designated entity responsible for implementation of the Early
26 Intervention Services System within its designated geographic

1 area.

2 (l) "Early intervention provider" means an individual who
3 is qualified, as defined by the lead agency, to provide one or
4 more types of early intervention services, and who has enrolled
5 as a provider in the early intervention program.

6 (m) "Fully credentialed early intervention provider" means
7 an individual who has met the standards in the State applicable
8 to the relevant profession, and has met such other
9 qualifications as the lead agency has determined are suitable
10 for personnel providing early intervention services, including
11 pediatric experience, education, and continuing education. The
12 lead agency shall establish these qualifications by rule filed
13 no later than 180 days after the effective date of this
14 amendatory Act of the 92nd General Assembly.

15 (Source: P.A. 92-307, 8-9-01; 93-124, eff. 7-10-03.)

16 (325 ILCS 20/4) (from Ch. 23, par. 4154)

17 Sec. 4. Illinois Interagency Council on Early
18 Intervention.

19 (a) There is established the Illinois Interagency Council
20 on Early Intervention. The Council shall be composed of at
21 least 15 but not more than 25 members. The members of the
22 Council and the designated chairperson of the Council shall be
23 appointed by the Governor. The Council member representing the
24 lead agency may not serve as chairperson of the Council. The
25 Council shall be composed of the following members:

1 (1) The Secretary of Human Services (or his or her
2 designee) and one ~~2~~ additional representative
3 ~~representatives~~ of the Department of Human Services
4 designated by the Secretary, plus the Directors (or their
5 designees) of the following State agencies involved in the
6 provision of or payment for early intervention services to
7 eligible infants and toddlers and their families:

8 ~~(A) Illinois State Board of Education;~~

9 ~~(B) (Blank);~~

10 ~~(C) (Blank);~~

11 ~~(D) Illinois Department of Children and Family~~
12 ~~Services;~~

13 ~~(E) University of Illinois Division of Specialized~~
14 ~~Care for Children;~~

15 ~~(F) Illinois Department of Healthcare and Family~~
16 ~~Services;~~

17 ~~(G) Illinois Department of Public Health;~~

18 ~~(H) (Blank);~~

19 ~~(I) Illinois Planning Council on Developmental~~
20 ~~Disabilities; and~~

21 (A) (J) Illinois Department of Insurance; and ~~-~~

22 (B) Department of Healthcare and Family Services.

23 (2) Other members as follows:

24 (A) At least 20% of the members of the Council
25 shall be parents, including minority parents, of
26 infants or toddlers with disabilities or children with

1 disabilities aged 12 or younger, with knowledge of, or
2 experience with, programs for infants and toddlers
3 with disabilities. At least one such member shall be a
4 parent of an infant or toddler with a disability or a
5 child with a disability aged 6 or younger;

6 (B) At least 20% of the members of the Council
7 shall be public or private providers of early
8 intervention services;

9 (C) One member shall be a representative of the
10 General Assembly; ~~and~~

11 (D) One member shall be involved in the preparation
12 of professional personnel to serve infants and
13 toddlers similar to those eligible for services under
14 this Act; ~~and~~

15 (E) Two members shall be from advocacy
16 organizations with expertise in improving health,
17 development, and educational outcomes for infants and
18 toddlers with disabilities;

19 (F) One member shall be a Child and Family
20 Connections manager from a rural district;

21 (G) One member shall be a Child and Family
22 Connections manager from an urban district;

23 (H) One member shall be the co-chair of the
24 Illinois Early Learning Council (or his or her
25 designee); and

26 (I) Members representing the following agencies or

1 entities: the State Board of Education, the Department
2 of Public Health, the Department of Children and Family
3 Services, the University of Illinois Division of
4 Specialized Care for Children; the Illinois Council on
5 Developmental Disabilities; Head Start or Early Head
6 Start; and the Illinois Children's Mental Health
7 Partnership. A member may represent one or more of the
8 listed agencies or entities.

9 The Council shall meet at least quarterly and in such
10 places as it deems necessary. Terms of the initial members
11 appointed under paragraph (2) shall be determined by lot at the
12 first Council meeting as follows: of the persons appointed
13 under subparagraphs (A) and (B), one-third shall serve one year
14 terms, one-third shall serve 2 year terms, and one-third shall
15 serve 3 year terms; and of the persons appointed under
16 subparagraphs (C) and (D), one shall serve a 2 year term and
17 one shall serve a 3 year term. Thereafter, successors appointed
18 under paragraph (2) shall serve 3 year terms. Once appointed,
19 members shall continue to serve until their successors are
20 appointed. No member shall be appointed to serve more than 2
21 consecutive terms.

22 Council members shall serve without compensation but shall
23 be reimbursed for reasonable costs incurred in the performance
24 of their duties, including costs related to child care, and
25 parents may be paid a stipend in accordance with applicable
26 requirements.

1 The Council shall prepare and approve a budget using funds
2 appropriated for the purpose to hire staff, and obtain the
3 services of such professional, technical, and clerical
4 personnel as may be necessary to carry out its functions under
5 this Act. This funding support and staff shall be directed by
6 the lead agency.

7 (b) The Council shall:

8 (1) advise and assist the lead agency in the
9 performance of its responsibilities including but not
10 limited to the identification of sources of fiscal and
11 other support services for early intervention programs,
12 and the promotion of interagency agreements which assign
13 financial responsibility to the appropriate agencies;

14 (2) advise and assist the lead agency in the
15 preparation of applications and amendments to
16 applications;

17 (3) review and advise on relevant regulations and
18 standards proposed by the related State agencies;

19 (4) advise and assist the lead agency in the
20 development, implementation and evaluation of the
21 comprehensive early intervention services system; ~~and~~

22 (5) prepare and submit an annual report to the Governor
23 and to the General Assembly on the status of early
24 intervention programs for eligible infants and toddlers
25 and their families in Illinois. The annual report shall
26 include (i) the estimated number of eligible infants and

1 toddlers in this State, (ii) the number of eligible infants
2 and toddlers who have received services under this Act and
3 the cost of providing those services, (iii) the estimated
4 cost of providing services under this Act to all eligible
5 infants and toddlers in this State, and (iv) data and other
6 information as is requested to be included by the
7 Legislative Advisory Committee established under Section
8 13.50 of this Act. The report shall be posted by the lead
9 agency on the early intervention website as required under
10 paragraph (f) of Section 5 of this Act; and -

11 (6) coordinate and collaborate with the Illinois Early
12 Learning Council and, as appropriate, other State advisory
13 councils and initiatives on early learning.

14 No member of the Council shall cast a vote on or
15 participate substantially in any matter which would provide a
16 direct financial benefit to that member or otherwise give the
17 appearance of a conflict of interest under State law. All
18 provisions and reporting requirements of the Illinois
19 Governmental Ethics Act shall apply to Council members.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 (325 ILCS 20/7) (from Ch. 23, par. 4157)

22 Sec. 7. Essential Components of the Statewide Service
23 System. As required by federal laws and regulations, a
24 statewide system of coordinated, comprehensive, interagency
25 and interdisciplinary programs shall be established and

1 maintained. The framework of the statewide system shall be
2 based on the components set forth in this Section. This
3 framework shall be used for planning, implementation,
4 coordination and evaluation of the statewide system of locally
5 based early intervention services.

6 The statewide system shall include, at a minimum:

7 (a) a definition of the term "developmentally
8 delayed", in accordance with the definition in Section 3,
9 that will be used in Illinois in carrying out programs
10 under this Act;

11 (b) timetables for ensuring that appropriate early
12 intervention services will be available to all eligible
13 infants and toddlers in this State after the effective date
14 of this Act;

15 (c) a timely, comprehensive and interdisciplinary
16 evaluation of the functioning of each infant and toddler
17 with suspected disabilities in this State and the concerns,
18 priorities and resource needs of the families to
19 appropriately assist in the development of the infant and
20 toddler with disabilities;

21 (d) for each eligible infant and toddler, an
22 Individualized Family Service Plan, including case
23 management services;

24 (e) a comprehensive child find system, consistent with
25 Part B of the Individuals with Disabilities Education Act
26 (20 United States Code 1411 through 1420), which provides

1 for referring an infant or toddler as soon as possible, but
2 in no case more than 2 working days after the child has
3 been identified ~~includes timelines and provides for~~
4 ~~participation by primary referral sources;~~

5 (f) a public awareness program focusing on early
6 identification of eligible infants and toddlers;

7 (g) a central directory which includes early
8 intervention services, resources, and experts available in
9 this State and early intervention research and
10 demonstration projects being conducted in this State;

11 (h) a comprehensive system of personnel development;

12 (i) a policy pertaining to the contracting or making of
13 other arrangements with public and private service
14 providers to provide early intervention services in this
15 State, consistent with the provisions of this Act,
16 including the contents of the application used and the
17 conditions of the contract or other arrangements;

18 (j) a procedure for securing timely reimbursement of
19 funds;

20 (k) procedural safeguards with respect to programs
21 under this Act;

22 (l) policies and procedures relating to the
23 establishment and maintenance of standards to ensure that
24 personnel necessary to carry out this Act are appropriately
25 and adequately prepared and trained;

26 (m) a system of evaluation of, and compliance with,

1 program standards;

2 (n) a system for compiling data on the numbers of
3 eligible infants and toddlers and their families in this
4 State in need of appropriate early intervention services;
5 the numbers served; the types of services provided; and
6 other information required by the State or federal
7 government; and

8 (o) a single line of responsibility in a lead agency
9 designated by the Governor to carry out its
10 responsibilities as required by this Act.

11 In addition to these required components, linkages may be
12 established within a local community area among the prenatal
13 initiatives affording services to high risk pregnant women.
14 Additional linkages among at risk programs and local literacy
15 programs may also be established.

16 Within 60 days of the effective date of this Act, a
17 five-fiscal-year implementation plan shall be submitted to the
18 Governor by the lead agency with the concurrence of the
19 Interagency Council on Early Intervention. The plan shall list
20 specific activities to be accomplished each year, with cost
21 estimates for each activity. No later than the second Monday in
22 July of each year thereafter, the lead agency shall, with the
23 concurrence of the Interagency Council, submit to the
24 Governor's Office a report on accomplishments of the previous
25 year and a revised list of activities for the remainder of the
26 five-fiscal-year plan, with cost estimates for each. The

1 Governor shall certify that specific activities in the plan for
2 the previous year have been substantially completed before
3 authorizing relevant State or local agencies to implement
4 activities listed in the revised plan that depend substantially
5 upon completion of one or more of the earlier activities.

6 (Source: P.A. 87-680.)

7 (325 ILCS 20/8) (from Ch. 23, par. 4158)

8 Sec. 8. Authority to Promulgate Rules and Regulations. The
9 lead agency shall develop rules and regulations under this Act
10 within one year of the effective date of this Act. These rules
11 shall reflect the intent of federal regulations adopted under
12 Part C of the Individuals with Disabilities Education
13 Improvement Act of 2004 (Sections 1431 through 1444 of Title 20
14 of the United States Code) ~~Part H of the Individuals with~~
15 ~~Disabilities Education Act (20 United States Code 1471 through~~
16 ~~1485).~~

17 (Source: P.A. 87-680.)

18 (325 ILCS 20/11) (from Ch. 23, par. 4161)

19 Sec. 11. Individualized Family Service Plans.

20 (a) Each eligible infant or toddler and that infant's or
21 toddler's family shall receive:

22 (1) timely, comprehensive, multidisciplinary
23 assessment of the unique needs of each eligible infant and
24 toddler, and assessment of the concerns and priorities of

1 the families to appropriately assist them in meeting their
2 needs and identify services to meet those needs; and

3 (2) a written Individualized Family Service Plan
4 developed by a multidisciplinary team which includes the
5 parent or guardian. The individualized family service plan
6 shall be based on the multidisciplinary team's assessment
7 of the resources, priorities, and concerns of the family
8 and its identification of the supports and services
9 necessary to enhance the family's capacity to meet the
10 developmental needs of the infant or toddler, and shall
11 include the identification of services appropriate to meet
12 those needs, including the frequency, intensity, and
13 method of delivering services. During and as part of the
14 initial development of the individualized family services
15 plan, and any periodic reviews of the plan, the
16 multidisciplinary team shall consult the lead agency's
17 therapy guidelines and its designated experts, if any, to
18 help determine appropriate services and the frequency and
19 intensity of those services. All services in the
20 individualized family services plan must be justified by
21 the multidisciplinary assessment of the unique strengths
22 and needs of the infant or toddler and must be appropriate
23 to meet those needs. At the periodic reviews, the team
24 shall determine whether modification or revision of the
25 outcomes or services is necessary.

26 (b) The Individualized Family Service Plan shall be

1 evaluated once a year and the family shall be provided a review
2 of the Plan at 6 month intervals or more often where
3 appropriate based on infant or toddler and family needs. The
4 lead agency shall create a quality review process regarding
5 Individualized Family Service Plan development and changes
6 thereto, to monitor and help assure that resources are being
7 used to provide appropriate early intervention services.

8 (c) The evaluation and initial assessment and initial Plan
9 meeting must be held within 45 days after the initial contact
10 with the early intervention services system. With parental
11 consent, early intervention services may commence before the
12 completion of the comprehensive assessment and development of
13 the Plan.

14 (d) Parents must be informed that, at their discretion,
15 early intervention services shall be provided to each eligible
16 infant and toddler in the natural environment, which may
17 include the home or other community settings. Parents shall
18 make the final decision to accept or decline early intervention
19 services. A decision to decline such services shall not be a
20 basis for administrative determination of parental fitness, or
21 other findings or sanctions against the parents. Parameters of
22 the Plan shall be set forth in rules.

23 (e) The regional intake offices shall explain to each
24 family, orally and in writing, all of the following:

25 (1) That the early intervention program will pay for
26 all early intervention services set forth in the

1 individualized family service plan that are not covered or
2 paid under the family's public or private insurance plan or
3 policy and not eligible for payment through any other third
4 party payor.

5 (2) That services will not be delayed due to any rules
6 or restrictions under the family's insurance plan or
7 policy.

8 (3) That the family may request, with appropriate
9 documentation supporting the request, a determination of
10 an exemption from private insurance use under Section
11 13.25.

12 (4) That responsibility for co-payments or
13 co-insurance under a family's private insurance plan or
14 policy will be transferred to the lead agency's central
15 billing office.

16 (5) That families will be responsible for payments of
17 family fees, which will be based on a sliding scale
18 according to income, and that these fees are payable to the
19 central billing office, and that if the family encounters a
20 catastrophic circumstance, as defined under subsection (f)
21 of Section 13 of this Act, making it unable to pay the
22 fees, the lead agency may, upon proof of inability to pay,
23 waive the fees.

24 (f) The individualized family service plan must state
25 whether the family has private insurance coverage and, if the
26 family has such coverage, must have attached to it a copy of

1 the family's insurance identification card or otherwise
2 include all of the following information:

3 (1) The name, address, and telephone number of the
4 insurance carrier.

5 (2) The contract number and policy number of the
6 insurance plan.

7 (3) The name, address, and social security number of
8 the primary insured.

9 (4) The beginning date of the insurance benefit year.

10 (g) A copy of the individualized family service plan must
11 be provided to each enrolled provider who is providing early
12 intervention services to the child who is the subject of that
13 plan.

14 (h) Children receiving services under this Act shall
15 receive a smooth and effective transition to appropriate
16 preschool programs under Part B of the Individuals with
17 Disabilities Education Improvement Act of 2004 and under
18 Article 14 of the School Code, or to other appropriate services
19 for children between the ages of 3 and 5, by their 3rd
20 birthday.

21 (Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01;
22 92-307, eff. 8-9-01; 92-651, eff. 7-11-02.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."