



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3404

Introduced 2/7/2012, by Sen. Heather A. Steans

#### SYNOPSIS AS INTRODUCED:

405 ILCS 30/4

from Ch. 91 1/2, par. 904

405 ILCS 30/4.9 new

Amends the Community Services Act. Provides that the Department of Human Services shall establish and maintain an actuarially sound (rather than equitable) system of payment which adequately funds the cost of providing services defined in the Act, allows providers to improve persons with disabilities mental illness or substance use dependencies, or both, and their capabilities for independence, and which reduces their reliance on State-operated services. Provides that the Department shall ensure that individuals with intellectual or developmental disabilities, or both, mental illness or substance use dependencies, or both, receiving services and supports in community-based settings are provided those services and supports according to the needs identified in the individual's independent assessment plan and that those services and supports are adequately funded. Provides that the Department shall ensure that individuals receiving services and supports in community-based settings as of the effective date of the amendatory Act are afforded access to the same array of services and supports as individuals receiving services and supports as a result of court ordered consent decree implementation plans or as a result of the downsizing or closure of State-operated facilities. Effective immediately.

LRB097 19087 RLC 64326 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning mental health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Community Services Act is amended by  
5 changing Section 4 and adding Section 4.9 as follows:

6 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

7 Sec. 4. Financing for Community Services.

8 (a) The Department of Human Services is authorized to  
9 provide financial reimbursement to eligible private service  
10 providers, corporations, local government entities or  
11 voluntary associations for the provision of services to persons  
12 with mental illness, persons with a developmental disability  
13 and alcohol and drug dependent persons living in the community  
14 for the purpose of achieving the goals of this Act.

15 The Department shall utilize the following funding  
16 mechanisms for community services:

17 (1) Purchase of Care Contracts: services purchased on a  
18 predetermined fee per unit of service basis from private  
19 providers or governmental entities. Fee per service rates  
20 are set by an established formula which covers some portion  
21 of personnel, supplies, and other allowable costs, and  
22 which makes some allowance for geographic variations in  
23 costs as well as for additional program components.

1           (2) Grants: sums of money which the Department grants  
2           to private providers or governmental entities pursuant to  
3           the grant recipient's agreement to provide certain  
4           services, as defined by departmental grant guidelines, to  
5           an approximate number of service recipients. Grant levels  
6           are set through consideration of personnel, supply and  
7           other allowable costs, as well as other funds available to  
8           the program.

9           (3) Other Funding Arrangements: funding mechanisms may  
10          be established on a pilot basis in order to examine the  
11          feasibility of alternative financing arrangements for the  
12          provision of community services.

13          The Department shall establish and maintain an actuarially  
14          sound ~~equitable~~ system of payment which adequately funds the  
15          cost of providing services defined in this Act, allows  
16          providers to improve persons with disabilities<sup>+</sup> mental illness  
17          or substance use dependencies, or both, and their capabilities  
18          for independence, and which reduces their reliance on  
19          State-operated services.

20          For services classified as entitlement services under  
21          federal law or guidelines, caps may not be placed on the total  
22          amount of payment a provider may receive in a fiscal year and  
23          the Department shall not require that a portion of the payments  
24          due be made in a subsequent fiscal year based on a yearly  
25          payment cap.

26          (b) The Governor shall create a commission by September 1,

1 2009, or as soon thereafter as possible, to review funding  
2 methodologies, identify gaps in funding, identify revenue, and  
3 prioritize use of that revenue for community developmental  
4 disability services, mental health services, alcohol and  
5 substance abuse services, rehabilitation services, and early  
6 intervention services. The Office of the Governor shall provide  
7 staff support for the commission.

8 (c) The first meeting of the commission shall be held  
9 within the first month after the creation and appointment of  
10 the commission, and a final report summarizing the commission's  
11 recommendations must be issued within 12 months after the first  
12 meeting, and no later than September 1, 2010, to the Governor  
13 and the General Assembly.

14 (d) The commission shall have the following 13 voting  
15 members:

16 (A) one member of the House of Representatives,  
17 appointed by the Speaker of the House of Representatives;

18 (B) one member of the House of Representatives,  
19 appointed by the House Minority Leader;

20 (C) one member of the Senate, appointed by the  
21 President of the Senate;

22 (D) one member of the Senate, appointed by the Senate  
23 Minority Leader;

24 (E) one person with a developmental disability, or a  
25 family member or guardian of such a person, appointed by  
26 the Governor;

1 (F) one person with a mental illness, or a family  
2 member or guardian of such a person, appointed by the  
3 Governor;

4 (G) two persons from unions that represent employees of  
5 community providers that serve people with developmental  
6 disabilities, mental illness, and alcohol and substance  
7 abuse disorders, appointed by the Governor; and

8 (H) five persons from statewide associations that  
9 represent community providers that provide residential,  
10 day training, and other developmental disability services,  
11 mental health services, alcohol and substance abuse  
12 services, rehabilitation services, or early intervention  
13 services, or any combination of those, appointed by the  
14 Governor.

15 The commission shall also have the following ex-officio,  
16 nonvoting members:

17 (I) the Director of the Governor's Office of Management  
18 and Budget or his or her designee;

19 (J) the Chief Financial Officer of the Department of  
20 Human Services or his or her designee;

21 (K) the Administrator of the Department of Healthcare  
22 and Family Services Division of Finance or his or her  
23 designee;

24 (L) the Director of the Department of Human Services  
25 Division of Developmental Disabilities or his or her  
26 designee;

1 (M) the Director of the Department of Human Services  
2 Division of Mental Health or his or her designee; and

3 (N) the Director of the Department of Human Services  
4 Division of Alcoholism ~~Alcohol~~ and Substance Abuse or his  
5 or her designee.

6 (e) The funding methodologies must reflect economic  
7 factors inherent in providing services and supports, recognize  
8 individual disability needs, and consider geographic  
9 differences, transportation costs, required staffing ratios,  
10 and mandates not currently funded.

11 (f) In accepting Department funds, providers shall  
12 recognize their responsibility to be accountable to the  
13 Department and the State for the delivery of services which are  
14 consistent with the philosophies and goals of this Act and the  
15 rules and regulations promulgated under it.

16 (Source: P.A. 95-682, eff. 10-11-07; 96-652, eff. 8-24-09;  
17 96-1472, eff. 8-23-10; revised 11-18-11.)

18 (405 ILCS 30/4.9 new)

19 Sec. 4.9. Parity of services and supports. The Department  
20 shall ensure that individuals with intellectual or  
21 developmental disabilities, or both, mental illness or  
22 substance use dependencies, or both, receiving services and  
23 supports in community-based settings are provided those  
24 services and supports according to the needs identified in the  
25 individual's independent assessment plan and that those

1 services and supports are adequately funded. The Department  
2 shall ensure that individuals receiving services and supports  
3 in community-based settings as of the effective date of this  
4 amendatory Act of the 97th General Assembly are afforded access  
5 to the same array of services and supports as individuals  
6 receiving services and supports as a result of court ordered  
7 consent decree implementation plans or as a result of the  
8 downsizing or closure of State-operated facilities.

9       Section 99. Effective date. This Act takes effect upon  
10 becoming law.