



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0097

Introduced 1/9/2013, by Rep. Charles E Meier

SYNOPSIS AS INTRODUCED:

405 ILCS 30/4.6

Amends the Community Services Act. Provides that the Department of Human Services shall for a 6-month period from the effective date of the amendatory Act observe and track the progress of former residents of the Jacksonville Developmental Center who were removed from that facility after January 1, 2012. Provides that after the 6-month observation and tracking period, the Department of Human Services shall submit a report to the General Assembly that describes: (1) the new venues of care for the former residents of the Jacksonville Developmental Center; (2) costs to the Department of Human Services as a result of the closure of the Jacksonville Developmental Center; (3) cost savings or increases to the Department of Human Services due to the new venues of care for the former residents of the Jacksonville Developmental Center; and (4) the injuries or deaths to former residents of the Jacksonville Developmental Center in their new venues of care. Provides that the report must be submitted to the General Assembly within one year after the effective date of the amendatory Act. Provides that from the effective date of the amendatory Act until 3 months after the filing of the report with the General Assembly, the Department of Human Services may not remove a resident from any State-operated developmental center without the consent of the resident of the center or the guardian of that resident. Effective immediately.

LRB098 02923 RLC 33910 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 4.6 as follows:

6 (405 ILCS 30/4.6)

7 Sec. 4.6. Closure and sale of State mental health or
8 developmental disabilities facility.

9 (a) Whenever a State mental health facility operated by the
10 Department of Human Services is closed and the real estate on
11 which the facility is located is sold by the State, then, to
12 the extent that net proceeds are realized from the sale of that
13 real estate, those net proceeds must be directed toward
14 providing other services and supports for persons with mental
15 health needs. To that end, those net proceeds shall be
16 deposited into the Community Mental Health Medicaid Trust Fund.

17 (b) Whenever a State developmental disabilities facility
18 operated by the Department of Human Services is closed and the
19 real estate on which the facility is located is sold by the
20 State, then, to the extent that net proceeds are realized from
21 the sale of that real estate, those net proceeds must be
22 directed toward providing other services and supports for
23 persons with developmental disabilities needs. To that end,

1 those net proceeds shall be deposited into the Community
2 Developmental Disability Services Medicaid Trust Fund.

3 (c) In determining whether any net proceeds are realized
4 from a sale of real estate described in subsection (a) or (b),
5 the Division of Developmental Disabilities and the Division of
6 Mental Health of the Department of Human Services shall each
7 determine the money, if any, that shall be made available to
8 ensure that life, safety, and care concerns, including
9 infrastructure, are addressed so as to provide for persons with
10 developmental disabilities or mental illness at the remaining
11 respective State-operated facilities that will be expected to
12 serve the individuals previously served at the closed facility.

13 (d) The purposes for which the net proceeds from a sale of
14 real estate as provided in this Section may be used include,
15 but are not limited to, the following:

16 (1) Providing for individuals with developmental
17 disabilities and mental health needs the services and
18 supports described in subsection (e) of Section 4.4.

19 (2) In the case of the closure of a mental health
20 facility, the construction of a new facility to serve the
21 needs of persons with mental health needs.

22 (3) In the case of the closure of a developmental
23 disabilities facility, construction of a new facility to
24 serve the needs of persons with developmental disabilities
25 needs.

26 (e) Whenever any net proceeds are realized from a sale of

1 real estate as provided in this Section, the Department of
2 Human Services shall share and discuss its plan or plans for
3 using those net proceeds with advocates, advocacy
4 organizations, and advisory groups whose mission includes
5 advocacy for persons with developmental disabilities or
6 persons with mental illness.

7 (f) The Department of Human Services shall for a 6-month
8 period from the effective date of this amendatory Act of the
9 98th General Assembly observe and track the progress of former
10 residents of the Jacksonville Developmental Center who were
11 removed from that facility after January 1, 2012. After the
12 6-month observation and tracking period, the Department of
13 Human Services shall submit a report to the General Assembly
14 that describes:

15 (1) the new venues of care for the former residents of
16 the Jacksonville Developmental Center;

17 (2) costs to the Department of Human Services as a
18 result of the closure of the Jacksonville Developmental
19 Center;

20 (3) cost savings or increases to the Department of
21 Human Services due to the new venues of care for the former
22 residents of the Jacksonville Developmental Center; and

23 (4) the injuries or deaths to former residents of the
24 Jacksonville Developmental Center in their new venues of
25 care.

26 The report must be submitted to the General Assembly within

1 one year after the effective date of this amendatory Act of the
2 98th General Assembly.

3 From the effective date of this amendatory Act of the 98th
4 General Assembly until 3 months after the filing of the report
5 with the General Assembly, the Department of Human Services may
6 not remove a resident from any State-operated developmental
7 center without the consent of the resident of the center or the
8 guardian of that resident.

9 (Source: P.A. 96-660, eff. 8-25-09; 96-1000, eff. 7-2-10.)

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