



Rep. Elgie R. Sims, Jr.

**Filed: 4/11/2013**

FISCAL NOTE ACT  
MAY APPLY

09800HB2535ham001

LRB098 06407 RLC 44383 a

1 AMENDMENT TO HOUSE BILL 2535

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2535 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Developmental Disability and Mental  
5 Disability Services Act is amended by adding Article 11 as  
6 follows:

7 (405 ILCS 80/Art. XI heading new)

8 ARTICLE XI. DEVELOPMENTAL DISABILITIES REGULATORY ADVISORY

9 BOARD

10 (405 ILCS 80/11-1 new)

11 Sec. 11-1. Developmental Disabilities Regulatory Advisory  
12 Board.

13 (a) The Director of the Division of Developmental  
14 Disabilities within the Department shall appoint a  
15 Developmental Disabilities Regulatory Advisory Board, whose

1 members are capable of actively participating on the Advisory  
2 Board, to consult with the Department regarding Parts 115, 116,  
3 119, and 120 of Title 59 of the Illinois Administrative Code,  
4 as provided in this Section.

5 (b) The Advisory Board shall be composed of the following  
6 persons:

7 (1) The Director of the Division of Developmental  
8 Disabilities, or his or her designee, shall serve as an  
9 ex-officio member and shall serve as chairperson of the  
10 Advisory Board.

11 (2) One representative of the Department of Healthcare  
12 and Family Services and one representative of the Office of  
13 the State Fire Marshal, each of whom shall serve as  
14 ex-officio members.

15 (3) Five persons selected from recommendations of  
16 organizations whose membership consists of providers  
17 within the developmental disabilities service delivery  
18 system.

19 (4) Two persons who are guardians or family members of  
20 persons with developmental disabilities and who do not have  
21 responsibility for management or formation of policy  
22 regarding the programs subject to review of the Advisory  
23 Board.

24 (5) Two persons who receive developmental disabilities  
25 services funded by the Division.

26 (6) Two persons selected from the recommendations of

1       consumer organizations that engage solely in advocacy or  
2       legal representation on behalf of persons with  
3       developmental disabilities and their immediate families.

4       (7) One person who is a representative of a labor  
5       organization which represents direct support persons,  
6       working within one of the programs subject to review of the  
7       Advisory Board.

8       (c) The Advisory Board shall meet as frequently as the  
9       chairperson deems necessary, but not less than once each  
10      calendar year. Upon request of 6 or more members, the  
11      chairperson shall call a meeting of the Advisory Board. A  
12      member of the Advisory Board may designate a replacement to  
13      serve at the Advisory Board meeting in place of the member by  
14      submitting a letter of designation to the chairperson prior to  
15      or at the Advisory Board meeting.

16      (d) The Advisory Board shall advise the Department of Human  
17      Services Division of Developmental Disabilities on the format  
18      and content of any amendments to rules referenced in subsection  
19      (a) proposed by the Division of Developmental Disabilities. Any  
20      of these rules, except emergency rules adopted under Section  
21      5-45 of the Illinois Administrative Procedure Act, adopted  
22      without obtaining the advice of the Advisory Board are null and  
23      void. If the Department fails to follow the advice of the  
24      Advisory Board on proposed rules, the Department shall, prior  
25      to the adoption of the rules, transmit a written explanation of  
26      the reason therefor to the Advisory Board.

1       (e) During its review of proposed rules as requested by the  
2 Department, the Advisory Board shall discuss the economic  
3 impact of those rules.

4       (f) If the Advisory Board, having been asked for its  
5 advice, fails to advise the Department within 45 days, the  
6 rules shall be considered acted upon.

7       (g) The Department shall provide staff and technical  
8 support to the Advisory Board to perform its functions under  
9 this Section.

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