



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5481

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 17982 RLC 53107 b

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) Consistent with the provisions of Sections 4.4 and 4.5  
8 of this Act, whenever a State mental health facility operated  
9 by the Department of Human Services is closed, the Department  
10 of Human Services, at the direction of the Governor, shall  
11 transfer funds from the closed facility to the appropriate line  
12 item providing appropriation authority for the new venue of  
13 care to facilitate the transition of services to the new venue  
14 of care, provided that the new venue of care is a Department of  
15 Human Services funded provider or facility.

16 (g) As used in this Section, the term "mental health  
17 facility" has the meaning ascribed to that term in the Mental  
18 Health and Developmental Disabilities Code.

19 (h) The Department of Human Services shall for a 6-month  
20 period from the effective date of this amendatory Act of the  
21 98th General Assembly observe and track the progress of former  
22 residents of the Jacksonville Developmental Center who were  
23 removed from that facility after January 1, 2012. After the  
24 6-month observation and tracking period, the Department of  
25 Human Services shall submit a report to the General Assembly  
26 that describes:

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

3           (2) costs to the Department of Human Services as a  
4           result of the closure of the Jacksonville Developmental  
5           Center;

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

9           (4) the injuries or deaths to former residents of the  
10           Jacksonville Developmental Center in their new venues of  
11           care.

12           The report must be submitted to the General Assembly within  
13           one year after the effective date of this amendatory Act of the  
14           98th General Assembly.

15           From the effective date of this amendatory Act of the 98th  
16           General Assembly until 3 months after the filing of the report  
17           with the General Assembly, the Department of Human Services may  
18           not remove a resident from any State-operated developmental  
19           center without the consent of the resident of the center or the  
20           guardian of that resident.

21           (Source: P.A. 98-403, eff. 1-1-14.)

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