

1 AN ACT concerning State government.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing Section
6 7.1 as follows:

7 (20 ILCS 1705/7.1) (from Ch. 91 1/2, par. 100-7.1)

8 Sec. 7.1. For the purposes of this Section 7.1,
9 "Department" means the Department of Healthcare and Family
10 Services. To assist families in seeking intensive
11 community-based services or residential placement for to place
12 children with mental illness, for whom no appropriate care is
13 available in State-operated Department facilities, in licensed
14 private facilities, the Department shall supplement the amount
15 a family is able to pay, as determined by the Department and
16 the amount available from other sources, provided the
17 Department's share shall not exceed a uniform maximum rate to
18 be determined from time to time by the Department. The
19 Department may exercise the authority under this Section as is
20 necessary to implement the provisions of Section 5-5.23 of the
21 Illinois Public Aid Code and to administer Individual Care
22 Grants. The Department shall work collaboratively with
23 stakeholders and family representatives in the implementation

1 of this Section.

2 (Source: P.A. 88-380.)

3 Section 10. The Illinois Public Aid Code is amended by
4 changing Section 5-5.23 as follows:

5 (305 ILCS 5/5-5.23)

6 Sec. 5-5.23. Children's mental health services.

7 (a) The Department of Healthcare and Family Services, by
8 rule, shall require the screening and assessment of a child
9 prior to any Medicaid-funded admission to an inpatient hospital
10 for psychiatric services to be funded by Medicaid. The
11 screening and assessment shall include a determination of the
12 appropriateness and availability of out-patient support
13 services for necessary treatment. The Department, by rule,
14 shall establish methods and standards of payment for the
15 screening, assessment, and necessary alternative support
16 services.

17 (b) The Department of Healthcare and Family Services, to
18 the extent allowable under federal law, shall secure federal
19 financial participation for Individual Care Grant expenditures
20 made by the Department of Healthcare and Family ~~Human~~ Services
21 for the Medicaid optional service authorized under Section
22 1905(h) of the federal Social Security Act, pursuant to the
23 provisions of Section 7.1 of the Mental Health and
24 Developmental Disabilities Administrative Act. The Department

1 of Healthcare and Family Services may exercise the authority
2 under this Section as is necessary to administer Individual
3 Care Grants as authorized under Section 7.1 of the Mental
4 Health and Developmental Disabilities Administrative Act.

5 (c) The Department of Healthcare and Family Services shall
6 work collaboratively with the Department of Children and Family
7 Services and the Division of Mental Health of ~~jointly with~~ the
8 Department of Human Services to implement subsections (a) and
9 (b).

10 (d) On and after July 1, 2012, the Department shall reduce
11 any rate of reimbursement for services or other payments or
12 alter any methodologies authorized by this Code to reduce any
13 rate of reimbursement for services or other payments in
14 accordance with Section 5-5e.

15 (e) All rights, powers, duties, and responsibilities
16 currently exercised by the Department of Human Services related
17 to the Individual Care Grant program are transferred to the
18 Department of Healthcare and Family Services with the transfer
19 and transition of the Individual Care Grant program to the
20 Department of Healthcare and Family Services to be completed
21 and implemented within 6 months after the effective date of
22 this amendatory Act of the 99th General Assembly. For the
23 purposes of the Successor Agency Act, the Department of
24 Healthcare and Family Services is declared to be the successor
25 agency of the Department of Human Services, but only with
26 respect to the functions of the Department of Human Services

1 that are transferred to the Department of Healthcare and Family
2 Services under this amendatory Act of the 99th General
3 Assembly.

4 (1) Each act done by the Department of Healthcare and
5 Family Services in exercise of the transferred powers,
6 duties, rights, and responsibilities shall have the same
7 legal effect as if done by the Department of Human Services
8 or its offices.

9 (2) Any rules of the Department of Human Services that
10 relate to the functions and programs transferred by this
11 amendatory Act of the 99th General Assembly that are in
12 full force on the effective date of this amendatory Act of
13 the 99th General Assembly shall become the rules of the
14 Department of Healthcare and Family Services. All rules
15 transferred under this amendatory Act of the 99th General
16 Assembly are hereby amended such that the term "Department"
17 shall be defined as the Department of Healthcare and Family
18 Services and all references to the "Secretary" shall be
19 changed to the "Director of Healthcare and Family Services
20 or his or her designee". As soon as practicable hereafter,
21 the Department of Healthcare and Family Services shall
22 revise and clarify the rules to reflect the transfer of
23 rights, powers, duties, and responsibilities affected by
24 this amendatory Act of the 99th General Assembly, using the
25 procedures for recodification of rules available under the
26 Illinois Administrative Procedure Act, except that

1 existing title, part, and section numbering for the
2 affected rules may be retained. The Department of
3 Healthcare and Family Services, consistent with its
4 authority to do so as granted by this amendatory Act of the
5 99th General Assembly, shall propose and adopt any other
6 rules under the Illinois Administrative Procedure Act as
7 necessary to administer the Individual Care Grant program.
8 These rules may include, but are not limited to, the
9 application process and eligibility requirements for
10 recipients.

11 (3) All unexpended appropriations and balances and
12 other funds available for use in connection with any
13 functions of the Individual Care Grant program shall be
14 transferred for the use of the Department of Healthcare and
15 Family Services to operate the Individual Care Grant
16 program. Unexpended balances shall be expended only for the
17 purpose for which the appropriation was originally made.
18 The Department of Healthcare and Family Services shall
19 exercise all rights, powers, duties, and responsibilities
20 for operation of the Individual Care Grant program.

21 (4) Existing personnel and positions of the Department
22 of Human Services pertaining to the administration of the
23 Individual Care Grant program shall be transferred to the
24 Department of Healthcare and Family Services with the
25 transfer and transition of the Individual Care Grant
26 program to the Department of Healthcare and Family

1 Services. The status and rights of Department of Human
2 Services employees engaged in the performance of the
3 functions of the Individual Care Grant program shall not be
4 affected by this amendatory Act of the 99th General
5 Assembly. The rights of the employees, the State of
6 Illinois, and its agencies under the Personnel Code and
7 applicable collective bargaining agreements or under any
8 pension, retirement, or annuity plan shall not be affected
9 by this amendatory Act of the 99th General Assembly. All
10 transferred employees who are members of collective
11 bargaining units shall retain their seniority, continuous
12 service, salary, and accrued benefits.

13 (5) All books, records, papers, documents, property
14 (real and personal), contracts, and pending business
15 pertaining to the powers, duties, rights, and
16 responsibilities related to the functions of the
17 Individual Care Grant program, including, but not limited
18 to, material in electronic or magnetic format and necessary
19 computer hardware and software, shall be delivered to the
20 Department of Healthcare and Family Services; provided,
21 however, that the delivery of this information shall not
22 violate any applicable confidentiality constraints.

23 (6) Whenever reports or notices are now required to be
24 made or given or papers or documents furnished or served by
25 any person to or upon the Department of Human Services in
26 connection with any of the functions transferred by this

1 amendatory Act of the 99th General Assembly, the same shall
2 be made, given, furnished, or served in the same manner to
3 or upon the Department of Healthcare and Family Services.

4 (7) This amendatory Act of the 99th General Assembly
5 shall not affect any act done, ratified, or canceled or any
6 right occurring or established or any action or proceeding
7 had or commenced in an administrative, civil, or criminal
8 cause regarding the Department of Human Services before the
9 effective date of this amendatory Act of the 99th General
10 Assembly; and those actions or proceedings may be defended,
11 prosecuted, and continued by the Department of Human
12 Services.

13 (f) The Individual Care Grant program shall be inoperative
14 during the calendar year in which implementation begins of any
15 remedies in response to litigation against the Department of
16 Healthcare and Family Services related to children's
17 behavioral health and the general status of children's
18 behavioral health in this State. Individual Care Grant
19 recipients in the program the year it becomes inoperative shall
20 continue to remain in the program until it is clinically
21 appropriate for them to step down in level of care.

22 (Source: P.A. 97-689, eff. 6-14-12.)

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