

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Continuum of Care Services for the Developmentally Disabled
6 Act.

7 Section 5. Purpose. The purpose of this Act is to authorize
8 a new type of license for organizations providing services to
9 individuals with developmental disabilities to be known as a
10 continuum of care license; to define the requirements for a
11 continuum of care facility to receive and maintain such a
12 license; to establish a process for the development of an
13 alternative budget-neutral reimbursement mechanism for such a
14 facility; and to authorize a request to the federal government
15 for a waiver pursuant to Section 1115 of the federal Social
16 Security Act.

17 Section 10. Definitions. As used in this Act, unless the
18 context requires otherwise:

19 "Applicable requirements of law" means State and federal
20 statutes, rules, regulations, and guidance, as such may from
21 time to time be amended or revised, governing the rights,
22 protections, and services, including reimbursement for such

1 services, afforded to individuals with developmental
2 disabilities.

3 "Campus group home" means a residential facility meeting
4 the requirements of Section 30 of this Act and operated as part
5 of a continuum of care facility licensed under this Act.

6 "Continuum of care facility" means a legally incorporated
7 entity that provides a comprehensive range of programs,
8 services, and supports for adults with developmental
9 disabilities, positioned at a central geographic campus
10 facility, and including all of the following:

11 (1) community-integrated living arrangements provided
12 within reasonable geographic proximity of the campus and in
13 accordance with applicable requirements of law;

14 (2) employment opportunities, including both on-campus
15 compensated work opportunities and off-campus supported
16 employment opportunities provided in accordance with
17 applicable requirements of law;

18 (3) developmental training programs and services
19 provided in accordance with applicable requirements of
20 law;

21 (4) on-campus community living facility opportunities
22 provided on-campus and in accordance with applicable
23 requirements of law;

24 (5) campus group home opportunities as authorized and
25 defined in this Act and provided in accordance with
26 applicable requirements of law; and

1 (6) medically complex for the developmentally disabled
2 facility opportunities provided on-campus and in
3 accordance with applicable requirements of law.

4 "Continuum of care license" means a license issued to a
5 continuum of care facility in accordance with the terms of this
6 Act.

7 "Continuum of care plan" means a formal, written plan
8 meeting the requirements of Section 25 of this Act.

9 "Facility constituent elements" means the particular,
10 discrete programs, services, and supports delineated in the
11 definition of "continuum of care facility" and provided
12 collectively by the facility.

13 Section 15. Powers and duties. The Director of Human
14 Services, acting in consultation and coordination as necessary
15 with the Director of Public Health and the Director of
16 Healthcare and Family Services, shall establish a system of
17 licensure for continuum of care facilities, in accordance with
18 this Act, for the following purposes:

19 (1) protecting the welfare, safety, and rights of
20 individuals with developmental disabilities;

21 (2) providing additional options for care and services
22 for individuals with developmental disabilities; and

23 (3) providing a model of care that can transition
24 individuals with developmental disabilities in a seamless
25 and timely manner across the continuum of residential care

1 settings and supportive services, training, education, and
2 employment opportunities in a manner that maximizes
3 beneficiary choice and satisfaction.

4 Section 20. Licensing standards. The Director of Human
5 Services shall adopt rules establishing standards for
6 licensing of continuum of care facilities under a single
7 license. These rules shall ensure that an applicant for
8 licensure:

9 (1) meets the definition of "continuum of care
10 facility" and provides all of the programs, services, and
11 supports required by that definition;

12 (2) develops, submits, and maintains adherence to a
13 continuum of care plan that meets the requirements of
14 Section 25 of this Act;

15 (3) meets the regulatory requirements set forth in
16 Section 30 of this Act;

17 (4) meets such requirements as the Director of Human
18 Services may determine appropriate for renewal of
19 licensure or for amendment of licensure to account for
20 changes in the composition of facility constituent
21 elements providing programs or services under the license;
22 and

23 (5) meets such other requirements as the Director of
24 Human Services may determine appropriate for the effective
25 implementation of this Act.

1 Section 25. Continuum of care plan. An applicant for a
2 continuum of care license shall submit to the Director of Human
3 Services, in such form and manner as the Director of Human
4 Services shall require, a continuum of care plan that
5 demonstrates how the applicant will:

6 (1) undertake a comprehensive approach to facilitating
7 the movement of individuals to the most appropriate site
8 and level of care and services provided based on that
9 individual's preference and needs;

10 (2) provide for the seamless integrated transition of
11 individuals between and among the required care settings
12 and services in a manner that addresses the individual's
13 location on the spectrum of disability and progression
14 along the age spectrum;

15 (3) maximize employment and training opportunities
16 consistent with the individual's preferences and
17 capabilities;

18 (4) provide programs, services, and supports geared to
19 addressing the demand for services for a growing population
20 of aging individuals and individuals who need the services
21 offered by a medically complex for the developmentally
22 disabled facility; and

23 (5) demonstrate a commitment to providing informed,
24 free, and meaningful choice regarding the type of community
25 in which the individual prefers to live and the type of

1 employment opportunities or developmental training the
2 individual prefers to receive; beneficiary engagement;
3 annual care planning and ongoing treatment focused on the
4 needs and preferences of the individual and adherence to
5 other applicable requirements of law relevant to
6 protecting the rights and welfare of individuals with
7 developmental disabilities.

8 Section 30. Applicable requirements. The Director of Human
9 Services, acting as appropriate through or in coordination with
10 the Director of Public Health, shall in licensing a continuum
11 of care facility ensure the following:

12 (1) community-integrated living arrangements provided
13 by such licensee meet all otherwise applicable
14 requirements of law pertaining to such arrangements,
15 including those set forth in the Community-Integrated
16 Living Arrangements Licensure and Certification Act,
17 except that a continuum of care facility may prioritize the
18 movement of individuals into or out of
19 community-integrated living arrangements from or into
20 other residential facility constituent elements;

21 (2) on-campus and off-campus employment opportunities
22 provided by the licensee meet all otherwise applicable
23 requirements of law pertaining to such opportunities;

24 (3) developmental training programs and services
25 provided by the licensee meet all otherwise applicable

1 requirements of law pertaining to such programs and
2 services;

3 (4) community living facility opportunities provided
4 by the licensee meet all otherwise applicable requirements
5 of law pertaining to such opportunities;

6 (5) campus group homes provided by the licensee meet
7 all otherwise applicable requirements of law pertaining to
8 an ID/DD facility under the ID/DD Community Care Act;

9 (6) medically complex for the developmentally disabled
10 facility opportunities provided by the licensee meet all
11 otherwise applicable requirements of law pertaining to
12 such opportunities; and

13 (7) the applicant complies with such other
14 requirements as the Director of Human Services may consider
15 necessary and appropriate to carry out the purposes of this
16 Act and other applicable requirements of law.

17 Section 35. Existing and future programs and services.

18 (a) To the extent necessary to carry out the purposes of
19 this Act and to maintain eligibility for reimbursement for
20 services under applicable State and federal programs,
21 including Title XIX of the federal Social Security Act,
22 facility constituent elements of an entity licensed as a
23 continuum of care facility may be considered to be licensed
24 pursuant to the otherwise applicable requirements of law as set
25 forth in Section 30 of this Act.

1 (b) In the event that a continuum of care facility ceases
2 to retain licensure as a continuum of care facility, facility
3 constituent elements that meet all otherwise applicable
4 requirements of law with respect to such element as set forth
5 in Section 30 of this Act shall be deemed to be licensed
6 pursuant to such requirements.

7 (c) Residents of campus group homes and
8 community-integrated living arrangements that are facility
9 constituent elements shall continue to be beneficiaries of and
10 have the rights and protections provided to residents of ID/DD
11 facilities and community-integrated living arrangements,
12 respectively, under the consent decree entered by the United
13 States District Court for the Northern District of Illinois in
14 the matter of *Ligas v. Hamos*, No. 1:05-CV-4331 on June 15,
15 2011.

16 (d) A continuum of care licensee shall be permitted to add
17 new facility constituent elements under its license provided
18 that it demonstrates a need for the new facility constituent
19 elements and that the facility constituent elements meet all
20 applicable requirements of law.

21 Section 40. Reimbursement rules. The Director of Human
22 Services and the Director of Healthcare and Family Services
23 shall:

- 24 (1) ensure that reimbursement utilizing federal and
25 State resources for services provided to eligible

1 beneficiaries through a continuum of care facility
2 comports with the following requirements:

3 (A) such services shall be reimbursed in a
4 budget-neutral manner such that reimbursement for
5 services provided by the facility constituent elements
6 of a continuum of care licensee shall be neither
7 greater nor lesser than the reimbursement received for
8 such services provided by that facility constituent
9 element prior to the licensing of the continuum of care
10 facility, adjusted to take into account any subsequent
11 changes in reimbursement for such similar services,
12 or, if the facility constituent element is a new
13 facility reimbursement for the services provided by
14 the new facility shall be no less than the
15 reimbursement received for such services by a
16 comparable facility constituent element of that
17 continuum of care facility; and

18 (B) for purposes of reimbursement under Title XIX
19 of the federal Social Security Act, a continuum of care
20 licensee shall enter into a single provider agreement
21 with the Director of Healthcare and Family Services;
22 changes that may occur from time to time in the
23 facility constituent elements under the continuum of
24 care license shall be addressed as may be required by
25 applicable requirements of law through amendments to
26 the provider agreement; the Director of Healthcare and

1 Family Services shall make all reasonable efforts to
2 ensure that all facility constituent elements that are
3 approved parts of a continuum of care license remain
4 qualified for reimbursement under relevant State and
5 federal programs including Title XIX of the federal
6 Social Security Act; and

7 (2) in cooperation with interested stakeholders,
8 develop an alternative payment methodology for a continuum
9 of care facility involving the utilization of an annualized
10 global payment amount or other mechanism.

11 Section 45. The Department of Healthcare and Family
12 Services Law of the Civil Administrative Code of Illinois is
13 amended by adding Section 2205-13 as follows:

14 (20 ILCS 2205/2205-13 new)

15 Sec. 2205-13. Authorization to secure a federal waiver
16 pursuant to Section 1115 of the federal Social Security Act.

17 (a) The Director of Healthcare and Family Services, in
18 collaboration and coordination with the Director of Human
19 Services, shall develop and submit to the United States
20 Department of Health and Human Services, Centers for Medicare
21 and Medicaid Services, Center for Medicaid and State
22 Operations, a request for a waiver pursuant to Section 1115 of
23 the federal Social Security Act consistent with the purpose of
24 subsection (b) of this Section and requirements of subsection

1 (c) of this Section.

2 (b) The purpose of the waiver authorized by subsection (a)
3 of this Section is to obtain approval for the use of funds
4 under Title XIX of the federal Social Security Act to provide
5 for an alternative model of licensure, reimbursement, and
6 quality assurance for services to individuals with
7 developmental disabilities consistent with the Continuum of
8 Care Services for the Developmentally Disabled Act.

9 (c) A waiver requested pursuant to this authorization must
10 involve the licensure of a continuum of care facility pursuant
11 to and consistent with all requirements of the Continuum of
12 Care Services for the Developmentally Disabled Act and a
13 proposal for a reimbursement methodology developed under
14 paragraph (2) of Section 40 of the Continuum of Care Services
15 for the Developmentally Disabled Act.