

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 the federal Social Security Act.

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

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

1 disabilities.

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

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

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

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

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

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

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

26 (6) medically complex for the developmentally disabled

1 facility opportunities provided on-campus and in
2 accordance with applicable requirements of law.

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

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

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

12 Section 15. Powers and duties. The Secretary of Human
13 Services, acting in consultation and coordination as necessary
14 with the Director of Public Health and the Director of
15 Healthcare and Family Services, shall, within 12 months after
16 the effective date of this Act, establish a system of licensure
17 for continuum of care facilities, in accordance with this Act,
18 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 Secretary of Human
5 Services shall, within 12 months after the effective date of
6 this Act, file rules establishing standards for licensing of
7 continuum of care facilities under a single license. These
8 rules shall ensure that an applicant for 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 Secretary 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 Secretary 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 Secretary of
3 Human Services, in such form and manner as the Secretary of
4 Human 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; and

8 (6) use an evidence-based assessment tool, approved by
9 the Department of Human Services and the Department of
10 Healthcare and Family Services, to periodically reassess
11 and confirm that individuals receiving more intense or
12 restrictive services continue to require, or to choose if
13 applicable, that level of support and services.

14 Section 30. Applicable requirements. The Secretary of
15 Human Services, acting as appropriate through or in
16 coordination with the Director of Public Health, shall in
17 licensing a continuum of care facility ensure the following:

18 (1) community-integrated living arrangements provided
19 by such licensee meet all otherwise applicable
20 requirements of law pertaining to such arrangements,
21 including those set forth in the Community-Integrated
22 Living Arrangements Licensure and Certification Act,
23 except that a continuum of care facility may, consistent
24 with all applicable requirements of law, prioritize the
25 movement of individuals into or out of

1 community-integrated living arrangements from or into
2 other residential facility constituent elements;

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

6 (3) developmental training programs and services
7 provided by the licensee meet all otherwise applicable
8 requirements of law pertaining to such programs and
9 services;

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

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

16 (6) medically complex for the developmentally disabled
17 facility opportunities provided by the licensee meet all
18 otherwise applicable requirements of law pertaining to
19 such opportunities; and

20 (7) the applicant complies with such other
21 requirements as the Secretary of Human Services may
22 consider necessary and appropriate to carry out the
23 purposes of this Act and other applicable requirements of
24 law.

25 A continuum of care license may be issued to a continuum of
26 care facility upon the adoption of the rules provided for in

1 Section 20 of this Act.

2 Section 35. Existing and future programs and services.

3 (a) To the extent necessary to carry out the purposes of
4 this Act and to maintain eligibility for reimbursement for
5 services under applicable State and federal programs,
6 including Title XIX of the federal Social Security Act,
7 facility constituent elements of an entity licensed as a
8 continuum of care facility may be considered to be licensed
9 pursuant to the otherwise applicable requirements of law as set
10 forth in Section 30 of this Act.

11 (b) In the event that a continuum of care facility ceases
12 to retain licensure as a continuum of care facility, facility
13 constituent elements that meet all otherwise applicable
14 requirements of law with respect to such element as set forth
15 in Section 30 of this Act shall be deemed to be licensed
16 pursuant to such requirements.

17 (c) Residents of campus group homes and
18 community-integrated living arrangements that are facility
19 constituent elements shall continue to be beneficiaries of and
20 have the rights and protections provided to residents of ID/DD
21 facilities and community-integrated living arrangements,
22 respectively, under the consent decree entered by the United
23 States District Court for the Northern District of Illinois in
24 the matter of Ligas v. Hamos, No. 1:05-CV-4331 on June 15, 2011
25 (Ligas). While the consent decree in Ligas remains in effect,

1 members of the class in Ligas residing in ID/DD facilities on
2 June 15, 2011 may move to community-integrated living
3 arrangements as they choose to do so; members of the class in
4 Ligas admitted to ID/DD facilities after June 15, 2011 must
5 enroll on the Prioritization of Urgency of Need for Services
6 waiting list and be selected for community-integrated living
7 arrangements services prior to moving.

8 (d) A continuum of care licensee shall be permitted to add
9 new facility constituent elements under its license provided
10 that it demonstrates a need for the new facility constituent
11 elements and that the facility constituent elements meet all
12 applicable requirements of law.

13 Section 40. Reimbursement rules. The Secretary of Human
14 Services and the Director of Healthcare and Family Services
15 shall:

16 (1) ensure that reimbursement utilizing federal and
17 State resources for services provided to eligible
18 beneficiaries through a continuum of care facility
19 comports with the following requirements:

20 (A) such services shall be reimbursed in a
21 budget-neutral manner such that reimbursement for
22 services provided by the facility constituent elements
23 of a continuum of care licensee shall be neither
24 greater nor lesser than the reimbursement received for
25 such services provided by that facility constituent

1 element prior to the licensing of the continuum of care
2 facility, adjusted to take into account any subsequent
3 changes in reimbursement for such similar services,
4 or, if the facility constituent element is a new
5 facility reimbursement for the services provided by
6 the new facility shall be no less than the
7 reimbursement received for such services by a
8 comparable facility constituent element of that
9 continuum of care facility; and

10 (B) a continuum of care licensee shall enter into a
11 single provider agreement with the Director of
12 Healthcare and Family Services or the Secretary of
13 Human Services; changes that may occur from time to
14 time in the facility constituent elements under the
15 continuum of care license shall be addressed as may be
16 required by applicable requirements of law through
17 amendments to the provider agreement; the Director of
18 Healthcare and Family Services shall make all
19 reasonable efforts to ensure that all facility
20 constituent elements that are approved parts of a
21 continuum of care license remain qualified for
22 reimbursement under relevant State and federal
23 programs including Title XIX of the federal Social
24 Security Act; and

25 (2) in cooperation with interested stakeholders,
26 develop an alternative payment methodology for a continuum

1 of care facility; the initial methodology shall produce
2 payments that are budget neutral as compared to the
3 services provided by the licensee prior to the
4 implementation of the continuum of care license; the
5 effectiveness of the methodology and corresponding rate
6 levels shall be evaluated 18 months following the
7 implementation of the methodology and every 12 months
8 thereafter and shall be adjusted as necessary, subject to
9 appropriation.

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

13 (20 ILCS 2205/2205-13 new)

14 Sec. 2205-13. Authorization to secure a federal waiver
15 pursuant to the federal Social Security Act or a State plan
16 amendment.

17 (a) The Director of Healthcare and Family Services, in
18 collaboration and coordination with the Secretary 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 the federal
23 Social Security Act or a State plan amendment consistent with
24 the purpose of subsection (b) of this Section and requirements

1 of subsection (c) of this Section.

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

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