

1 AN ACT concerning human services.

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
6 Sections 4.2 and 22 as follows:

7 (20 ILCS 1705/4.2) (from Ch. 91 1/2, par. 100-4.2)

8 Sec. 4.2. Facility staff. (a) The Department shall
9 describe and delineate guidelines for each of the facilities
10 it operates regarding the number and qualifications of the
11 staff required to carry out prescribed duties. The guidelines
12 shall be based on consideration of recipient needs as well as
13 professional and programmatic requirements, including those
14 established for purposes of national accreditation and for
15 certification under Titles XVIII and XIX of the federal
16 Social Security Act. ~~The--Department--shall--utilize--these~~
17 ~~guidelines--in--the--preparation--of--its--annual--plan--and--shall~~
18 ~~include--in--the--plan--a--report--of--efforts--in--management--and~~
19 ~~budgeting--at--each--facility--to--achieve--staffing--targets~~
20 ~~established--in--relation--to--the--guidelines.~~

21 (b) As used in this Section, "direct care position"
22 means any position with the Department in which the job
23 titles which will regularly or temporarily entail contact
24 with recipients in the Department's facilities for persons
25 with a mental illness or a developmental disability.

26 (c) The Department shall require that each candidate for
27 employment in a direct care position, as a condition of
28 employment, shall submit to a fingerprint-based criminal
29 background investigation to determine whether the candidate
30 for employment in a direct care position has ever been
31 charged with a crime and, if so, the disposition of those

1 charges. This authorization shall indicate the scope of the
2 inquiry and the agencies which may be contacted. Upon this
3 authorization, the Director (or, on or after July 1, 1997,
4 the Secretary) shall request and receive information and
5 assistance from any federal, State or local governmental
6 agency as part of the authorized investigation. The
7 Department of State Police shall provide information
8 concerning any criminal charges, and their disposition, now
9 or hereafter filed against a candidate for employment in a
10 direct care position upon request of the Department when the
11 request is made in the form and manner required by the
12 Department of State Police.

13 Information concerning convictions of a candidate for
14 employment in a direct care position investigated under this
15 Section, including the source of the information and any
16 conclusions or recommendations derived from the information,
17 shall be provided, upon request, to the candidate for
18 employment in a direct care position before final action by
19 the Department on the application. Information on convictions
20 of a candidate for employment in a direct care position under
21 this Act shall be provided to the director of the employing
22 unit, and, upon request, to the candidate for employment in a
23 direct care position. Any information concerning criminal
24 charges and the disposition of those charges obtained by the
25 Department shall be confidential and may not be transmitted
26 outside the Department, except as required in this Act, and
27 may not be transmitted to anyone within the Department except
28 as needed for the purpose of evaluating an application of a
29 candidate for employment in a direct care position. Only
30 information and standards which bear a reasonable and
31 rational relation to the performance of a direct care
32 position shall be used by the Department. Any employee of the
33 Department or the Department of State Police receiving
34 confidential information under this Section who gives or

1 causes to be given any confidential information concerning
2 any criminal convictions of a candidate for employment in a
3 direct care position shall be guilty of a Class A misdemeanor
4 unless release of the information is authorized by this
5 Section.

6 A Department employing unit may hire, on a probationary
7 basis, any candidate for employment in a direct care
8 position, authorizing a criminal background investigation
9 under this Section, pending the result of the investigation.
10 A candidate for employment in a direct care position shall be
11 notified before he or she is hired that his or her employment
12 may be terminated on the basis of criminal background
13 information obtained by the employing unit.

14 No person may be employed in a direct care position who
15 refuses to authorize an investigation as required by this
16 subsection (c).

17 (Source: P.A. 90-423, eff. 8-15-97.)

18 (20 ILCS 1705/22) (from Ch. 91 1/2, par. 100-22)

19 Sec. 22. To accept and hold in behalf of the State, if
20 for the public interest, a grant, gift or legacy of money or
21 property to the State of Illinois, to the Department, or to
22 any facility of the Department made in trust for the
23 maintenance or support of a recipient at a facility of the
24 Department, or for any other legitimate purpose connected
25 with such facility. The Department shall accept any donation
26 for the board and treatment of any recipient. The Department
27 also may accept and hold a grant, gift, or legacy of money or
28 property made or given to a facility of the Department that
29 is no longer operating or to a facility of the Department
30 that is operating under a different name, provided that if
31 the grant, gift or legacy was made for a particular purpose,
32 the Department shall, to the extent practicable, use the
33 grant, gift or legacy in a manner that carries out that

1 purpose with regard to another facility operated by the
2 Department for the same purpose, or in the latter case, with
3 regard to that same facility of the Department that is
4 operating under a different name. The Department shall cause
5 each gift, grant or legacy to be kept as a distinct fund, and
6 shall invest the same in the manner provided by the laws of
7 this State as the same now exist, or shall hereafter be
8 enacted, relating to securities in which the deposit in a
9 savings bank may be invested. But the Department may, in its
10 discretion, deposit in a proper trust company or savings
11 bank, during the continuance of the trust, any fund so left
12 in trust for the life of a person, and shall adopt rules and
13 regulations governing the deposit, transfer, or withdrawal of
14 such fund. The Department shall on the expiration of any
15 trust as provided in any instrument creating the same,
16 dispose of the fund thereby created in the manner provided in
17 such instrument. ~~The Department shall include in its annual~~
18 ~~report a statement showing what funds are so held by it and~~
19 ~~the condition thereof.~~ Monies found on the recipients at the
20 time of their admission, or accruing to them during their
21 period of facility care, and monies deposited with the
22 facility director by relatives, guardians or friends of
23 recipients for the special comfort and pleasure of such
24 recipients, shall remain in the custody of such facility
25 director who shall act as trustee for disbursement to, in
26 behalf of, or for the benefit of such recipients. All types
27 of retirement and pension benefits from private and public
28 sources may be paid directly to the director of the facility
29 where the recipient is a resident, for deposit to the
30 recipient's trust fund account. Banks, trust companies,
31 savings and loan companies and insurance carriers having in
32 their possession funds of \$1,000 or less belonging to a
33 recipient in a facility of the Department shall release such
34 funds to the director of the facility where the recipient is

1 a resident, for deposit to the recipient's trust fund
2 account. The facility director shall provide a receipt to any
3 bank, trust company, savings and loan company or insurance
4 carrier for the amount received and such receipt shall
5 constitute a valid and sufficient discharge and release of
6 the obligation of such bank, trust company, savings and loan
7 company or insurance carrier to the recipient for whom such
8 payment was so made, to the extent of the payment made. Each
9 facility director shall keep in a book an itemized account of
10 all receipts and expenditures of funds described in the above
11 proviso, which book shall be open at all times to the
12 inspection of the Department.

13 (Source: P.A. 91-357, eff. 7-29-99.)

14 (20 ILCS 1705/48 rep.)

15 (20 ILCS 1705/50 rep.)

16 (20 ILCS 1705/52 rep.)

17 Section 10. The Mental Health and Developmental
18 Disabilities Administrative Act is amended by repealing
19 Sections 48, 50, and 52.