

AN ACT concerning regulation.

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

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

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

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

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

disabilities.

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

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

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

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

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

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

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

(6) medically complex for the developmentally disabled

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

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

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

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

Section 15. Powers and duties. The Secretary of Human Services, acting in consultation and coordination as necessary with the Director of Public Health and the Director of Healthcare and Family Services, shall, within 12 months after the effective date of this Act, establish a system of licensure for continuum of care facilities, in accordance with this Act, for the following purposes:

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

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

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

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

Section 20. Licensing standards. The Secretary of Human Services shall, within 12 months after the effective date of this Act, file rules establishing standards for licensing of continuum of care facilities under a single license. These rules shall ensure that an applicant for licensure:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 20 of this Act.

Section 35. Existing and future programs and services.

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 2205/2205-13 new)

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

(a) The Director of Healthcare and Family Services, in collaboration and coordination with the Secretary of Human Services, shall develop and submit to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Center for Medicaid and State Operations, a request for a waiver pursuant to the federal Social Security Act or a State plan amendment consistent with the purpose of subsection (b) of this Section and requirements

of subsection (c) of this Section.

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

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