

HB0396



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0396

by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

210 ILCS 135/4

from Ch. 91 1/2, par. 1704

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that the Department of Human Services may conduct unannounced or announced site visits. Requires the Department to establish, by rule, procedures and criteria for determining whether to conduct an unannounced site visit to an agency, program, or placement.

LRB100 05620 MJP 15634 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Community-Integrated Living Arrangements
5 Licensure and Certification Act is amended by changing Section
6 4 as follows:

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community mental health or developmental
9 services agency who wishes to develop and support a variety of
10 community-integrated living arrangements may do so pursuant to
11 a license issued by the Department under this Act. However,
12 programs established under or otherwise subject to the Child
13 Care Act of 1969, the Nursing Home Care Act, the Specialized
14 Mental Health Rehabilitation Act of 2013, the ID/DD Community
15 Care Act, or the MC/DD Act, as now or hereafter amended, shall
16 remain subject thereto, and this Act shall not be construed to
17 limit the application of those Acts.

18 (b) The system of licensure established under this Act
19 shall be for the purposes of:

20 (1) Insuring that all recipients residing in
21 community-integrated living arrangements are receiving
22 appropriate community-based services, including treatment,
23 training and habilitation or rehabilitation;

1 (2) Insuring that recipients' rights are protected and
2 that all programs provided to and placements arranged for
3 recipients comply with this Act, the Mental Health and
4 Developmental Disabilities Code, and applicable Department
5 rules and regulations;

6 (3) Maintaining the integrity of communities by
7 requiring regular monitoring and inspection of placements
8 and other services provided in community-integrated living
9 arrangements.

10 The licensure system shall be administered by a quality
11 assurance unit within the Department which shall be
12 administratively independent of units responsible for funding
13 of agencies or community services.

14 (c) As a condition of being licensed by the Department as a
15 community mental health or developmental services agency under
16 this Act, the agency shall certify to the Department that:

17 (1) All recipients residing in community-integrated
18 living arrangements are receiving appropriate
19 community-based services, including treatment, training
20 and habilitation or rehabilitation;

21 (2) All programs provided to and placements arranged
22 for recipients are supervised by the agency; and

23 (3) All programs provided to and placements arranged
24 for recipients comply with this Act, the Mental Health and
25 Developmental Disabilities Code, and applicable Department
26 rules and regulations.

1 (d) An applicant for licensure as a community mental health
2 or developmental services agency under this Act shall submit an
3 application pursuant to the application process established by
4 the Department by rule and shall pay an application fee in an
5 amount established by the Department, which amount shall not be
6 more than \$200.

7 (e) If an applicant meets the requirements established by
8 the Department to be licensed as a community mental health or
9 developmental services agency under this Act, after payment of
10 the licensing fee, the Department shall issue a license valid
11 for 3 years from the date thereof unless suspended or revoked
12 by the Department or voluntarily surrendered by the agency.

13 (f) Upon application to the Department, the Department may
14 issue a temporary permit to an applicant for a 6-month period
15 to allow the holder of such permit reasonable time to become
16 eligible for a license under this Act.

17 (g) (1) The Department may conduct announced or unannounced
18 site visits to an agency licensed under this Act, or to any
19 program or placement certified by the agency, and inspect the
20 records or premises, or both, of such agency, program or
21 placement as it deems appropriate, for the purpose of
22 determining compliance with this Act, the Mental Health and
23 Developmental Disabilities Code, and applicable Department
24 rules and regulations. The Department shall, by rule, establish
25 procedures and criteria for determining whether to conduct an
26 unannounced site visit to an agency, program, or placement.

1 (2) If the Department determines that an agency licensed
2 under this Act is not in compliance with this Act or the rules
3 and regulations promulgated under this Act, the Department
4 shall serve a notice of violation upon the licensee. Each
5 notice of violation shall be prepared in writing and shall
6 specify the nature of the violation, the statutory provision or
7 rule alleged to have been violated, and that the licensee
8 submit a plan of correction to the Department if required. The
9 notice shall also inform the licensee of any other action which
10 the Department might take pursuant to this Act and of the right
11 to a hearing.

12 (g-5) As determined by the Department, a disproportionate
13 number or percentage of licensure complaints; a
14 disproportionate number or percentage of substantiated cases
15 of abuse, neglect, or exploitation involving an agency; an
16 apparent unnatural death of an individual served by an agency;
17 any egregious or life-threatening abuse or neglect within an
18 agency; or any other significant event as determined by the
19 Department shall initiate a review of the agency's license by
20 the Department, as well as a review of its service agreement
21 for funding. The Department shall adopt rules to establish the
22 process by which the determination to initiate a review shall
23 be made and the timeframe to initiate a review upon the making
24 of such determination.

25 (h) Upon the expiration of any license issued under this
26 Act, a license renewal application shall be required of and a

1 license renewal fee in an amount established by the Department
2 shall be charged to a community mental health or developmental
3 services agency, provided that such fee shall not be more than
4 \$200.

5 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)