



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB2452**

by Rep. Patricia R. Bellock

#### 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 shall conduct inspections of the records and premises of each community-integrated living arrangement certified under the Act at least once every 2 years. Effective immediately.

LRB100 08258 MJP 18358 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 site visits to an agency  
18 licensed under this Act, or to any program or placement  
19 certified by the agency, and inspect the records or premises,  
20 or both, of such agency, program or placement as it deems  
21 appropriate, for the purpose of determining compliance with  
22 this Act, the Mental Health and Developmental Disabilities  
23 Code, and applicable Department rules and regulations. The  
24 Department shall conduct inspections of the records and  
25 premises of each community-integrated living arrangement  
26 certified under this Act at least once every 2 years.

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.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.