



Rep. Mary E. Flowers

**Filed: 4/5/2017**

10000HB2857ham003

LRB100 05931 MJP 24684 a

1 AMENDMENT TO HOUSE BILL 2857

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2857 by replacing  
3 everything after the enacting clause with the following:

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

1 limit the application of those Acts.

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

4 (1) ensuring ~~insuring~~ that all recipients residing in  
5 community-integrated living arrangements are receiving  
6 appropriate community-based services, including treatment,  
7 training and habilitation or rehabilitation;

8 (1.5) ensuring that the staffing of  
9 community-integrated living arrangements is based on a  
10 recipient's acuity and that recipients are treated  
11 individually;

12 (2) ensuring ~~insuring~~ that recipients' rights are  
13 protected and that all programs provided to and placements  
14 arranged for recipients comply with this Act, the Mental  
15 Health and Developmental Disabilities Code, and applicable  
16 Department rules and regulations;

17 (3) maintaining ~~Maintaining~~ the integrity of  
18 communities by requiring regular monitoring and inspection  
19 of placements and other services provided in  
20 community-integrated living arrangements.

21 The licensure system shall be administered by a quality  
22 assurance unit within the Department which shall be  
23 administratively independent of units responsible for funding  
24 of agencies or community services.

25 (c) As a condition of being licensed by the Department as a  
26 community mental health or developmental services agency under

1 this Act, the agency shall certify to the Department that:

2 (1) All recipients residing in community-integrated  
3 living arrangements are receiving appropriate  
4 community-based services, including treatment, training  
5 and habilitation or rehabilitation;

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

8 (3) All programs provided to and placements arranged  
9 for recipients comply with this Act, the Mental Health and  
10 Developmental Disabilities Code, and applicable Department  
11 rules and regulations.

12 (d) An applicant for licensure as a community mental health  
13 or developmental services agency under this Act shall submit an  
14 application pursuant to the application process established by  
15 the Department by rule and shall pay an application fee in an  
16 amount established by the Department, which amount shall not be  
17 more than \$200.

18 (e) If an applicant meets the requirements established by  
19 the Department to be licensed as a community mental health or  
20 developmental services agency under this Act, after payment of  
21 the licensing fee, the Department shall issue a license valid  
22 for 2 ~~3~~ years from the date thereof unless suspended or revoked  
23 by the Department or voluntarily surrendered by the agency.

24 (f) Upon application to the Department, the Department may  
25 issue a temporary permit to an applicant for a 6-month period  
26 to allow the holder of such permit reasonable time to become

1 eligible for a license under this Act.

2 (g) (1) The Department may conduct site visits to an agency  
3 licensed under this Act, or to any program or placement  
4 certified by the agency, and inspect the records or premises,  
5 or both, of such agency, program or placement as it deems  
6 appropriate, for the purpose of determining compliance with  
7 this Act, the Mental Health and Developmental Disabilities  
8 Code, and applicable Department rules and regulations.

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

20 Beginning no later than January 1, 2018, the Department  
21 must prepare a semi-annual report detailing violations of  
22 subsection (b) of Section 4, paragraph (1) of subsection (g) of  
23 Section 4, or subsection (a) of Section 13.1 of this Act by an  
24 agency licensed under this Act or a community-integrated living  
25 arrangement certified by an agency and publish the report on  
26 its website; the report must include the name and county of the

1 agency or community-integrated living arrangement.

2 (g-5) As determined by the Department, a disproportionate  
3 number or percentage of licensure complaints; a  
4 disproportionate number or percentage of substantiated cases  
5 of abuse, neglect, or exploitation involving an agency; an  
6 apparent unnatural death of an individual served by an agency;  
7 any egregious or life-threatening abuse or neglect within an  
8 agency; or any other significant event as determined by the  
9 Department shall initiate a review of the agency's license by  
10 the Department, as well as a review of its service agreement  
11 for funding. The Department shall adopt rules to establish the  
12 process by which the determination to initiate a review shall  
13 be made and the timeframe to initiate a review upon the making  
14 of such determination.

15 (h) Upon the expiration of any license issued under this  
16 Act, a license renewal application shall be required of and a  
17 license renewal fee in an amount established by the Department  
18 shall be charged to a community mental health or developmental  
19 services agency, provided that such fee shall not be more than  
20 \$200.

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