



Rep. Jeanne M Ives

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FISCAL NOTE ACT
MAY APPLY

10000HB4836ham002

LRB100 16056 RLC 39014 a

1 AMENDMENT TO HOUSE BILL 4836

2 AMENDMENT NO. _____. Amend House Bill 4836 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Developmental Disability and Mental
5 Disability Services Act is amended by changing Section 2-3 as
6 follows:

7 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

8 Sec. 2-3. As used in this Article, unless the context
9 requires otherwise:

10 (a) "Agency" means an agency or entity licensed by the
11 Department pursuant to this Article or pursuant to the
12 Community Residential Alternatives Licensing Act.

13 (b) "Department" means the Department of Human Services, as
14 successor to the Department of Mental Health and Developmental
15 Disabilities.

16 (c) "Home-based services" means services provided to an

1 adult with a mental disability who lives in his or her own
2 home. These services include but are not limited to:

3 (1) home health services;

4 (2) case management;

5 (3) crisis management;

6 (4) training and assistance in self-care;

7 (5) personal care services;

8 (6) habilitation and rehabilitation services;

9 (7) employment-related services;

10 (8) respite care; and

11 (9) other skill training that enables a person to
12 become self-supporting.

13 (d) "Legal guardian" means a person appointed by a court of
14 competent jurisdiction to exercise certain powers on behalf of
15 an adult with a mental disability.

16 (e) "Adult with a mental disability" means a person over
17 the age of 18 years who lives in his or her own home; who needs
18 home-based services, but does not require 24-hour-a-day
19 supervision; and who has one of the following conditions:
20 severe autism, severe mental illness, a severe or profound
21 intellectual disability, or severe and multiple impairments.

22 (f) In one's "own home" means that an adult with a mental
23 disability lives alone; or that an adult with a mental
24 disability is in full-time residence with his or her parents,
25 legal guardian, or other relatives; or that an adult with a
26 mental disability is in full-time residence in a setting not

1 subject to licensure under the Nursing Home Care Act, the
2 Specialized Mental Health Rehabilitation Act of 2013, the ID/DD
3 Community Care Act, the MC/DD Act, or the Child Care Act of
4 1969, as now or hereafter amended, with 3 or fewer other adults
5 unrelated to the adult with a mental disability who do not
6 provide home-based services to the adult with a mental
7 disability, or a facility licensed by a unit of local
8 government authority with 4 or 5 other adults unrelated to the
9 adult with a mental disability who do not provide home-based
10 services to the adult with a mental disability.

11 (g) "Parent" means the biological or adoptive parent of an
12 adult with a mental disability, or a person licensed as a
13 foster parent under the laws of this State who acts as a foster
14 parent to an adult with a mental disability.

15 (h) "Relative" means any of the following relationships by
16 blood, marriage or adoption: parent, son, daughter, brother,
17 sister, grandparent, uncle, aunt, nephew, niece, great
18 grandparent, great uncle, great aunt, stepbrother, stepsister,
19 stepson, stepdaughter, stepparent or first cousin.

20 (i) "Severe autism" means a lifelong developmental
21 disability which is typically manifested before 30 months of
22 age and is characterized by severe disturbances in reciprocal
23 social interactions; verbal and nonverbal communication and
24 imaginative activity; and repertoire of activities and
25 interests. A person shall be determined severely autistic, for
26 purposes of this Article, if both of the following are present:

1 (1) Diagnosis consistent with the criteria for
2 autistic disorder in the current edition of the Diagnostic
3 and Statistical Manual of Mental Disorders.

4 (2) Severe disturbances in reciprocal social
5 interactions; verbal and nonverbal communication and
6 imaginative activity; repertoire of activities and
7 interests. A determination of severe autism shall be based
8 upon a comprehensive, documented assessment with an
9 evaluation by a licensed clinical psychologist or
10 psychiatrist. A determination of severe autism shall not be
11 based solely on behaviors relating to environmental,
12 cultural or economic differences.

13 (j) "Severe mental illness" means the manifestation of all
14 of the following characteristics:

15 (1) A primary diagnosis of one of the major mental
16 disorders in the current edition of the Diagnostic and
17 Statistical Manual of Mental Disorders listed below:

18 (A) Schizophrenia disorder.

19 (B) Delusional disorder.

20 (C) Schizo-affective disorder.

21 (D) Bipolar affective disorder.

22 (E) Atypical psychosis.

23 (F) Major depression, recurrent.

24 (2) The individual's mental illness must substantially
25 impair his or her functioning in at least 2 of the
26 following areas:

- 1 (A) Self-maintenance.
- 2 (B) Social functioning.
- 3 (C) Activities of community living.
- 4 (D) Work skills.

5 (3) Disability must be present or expected to be
6 present for at least one year.

7 A determination of severe mental illness shall be based
8 upon a comprehensive, documented assessment with an evaluation
9 by a licensed clinical psychologist or psychiatrist, and shall
10 not be based solely on behaviors relating to environmental,
11 cultural or economic differences.

12 (k) "Severe or profound intellectual disability" means a
13 manifestation of all of the following characteristics:

14 (1) A diagnosis which meets Classification in Mental
15 Retardation or criteria in the current edition of the
16 Diagnostic and Statistical Manual of Mental Disorders for
17 severe or profound mental retardation (an IQ of 40 or
18 below). This must be measured by a standardized instrument
19 for general intellectual functioning.

20 (2) A severe or profound level of disturbed adaptive
21 behavior. This must be measured by a standardized adaptive
22 behavior scale or informal appraisal by the professional in
23 keeping with illustrations in Classification in Mental
24 Retardation, 1983.

25 (3) Disability diagnosed before age of 18.

26 A determination of a severe or profound intellectual

1 disability shall be based upon a comprehensive, documented
2 assessment with an evaluation by a licensed clinical
3 psychologist or certified school psychologist or a
4 psychiatrist, and shall not be based solely on behaviors
5 relating to environmental, cultural or economic differences.

6 (1) "Severe and multiple impairments" means the
7 manifestation of all of the following characteristics:

8 (1) The evaluation determines the presence of a
9 developmental disability which is expected to continue
10 indefinitely, constitutes a substantial disability and is
11 attributable to any of the following:

12 (A) Intellectual disability, which is defined as
13 general intellectual functioning that is 2 or more
14 standard deviations below the mean concurrent with
15 impairment of adaptive behavior which is 2 or more
16 standard deviations below the mean. Assessment of the
17 individual's intellectual functioning must be measured
18 by a standardized instrument for general intellectual
19 functioning.

20 (B) Cerebral palsy.

21 (C) Epilepsy.

22 (D) Autism.

23 (E) Any other condition which results in
24 impairment similar to that caused by an intellectual
25 disability and which requires services similar to
26 those required by persons with intellectual

1 disabilities.

2 (2) The evaluation determines multiple disabilities in
3 physical, sensory, behavioral or cognitive functioning
4 which constitute a severe or profound impairment
5 attributable to one or more of the following:

6 (A) Physical functioning, which severely impairs
7 the individual's motor performance that may be due to:

8 (i) Neurological, psychological or physical
9 involvement resulting in a variety of disabling
10 conditions such as hemiplegia, quadriplegia or
11 ataxia,

12 (ii) Severe organ systems involvement such as
13 congenital heart defect,

14 (iii) Physical abnormalities resulting in the
15 individual being non-mobile and non-ambulatory or
16 confined to bed and receiving assistance in
17 transferring, or

18 (iv) The need for regular medical or nursing
19 supervision such as gastrostomy care and feeding.

20 Assessment of physical functioning must be based
21 on clinical medical assessment by a physician licensed
22 to practice medicine in all its branches, using the
23 appropriate instruments, techniques and standards of
24 measurement required by the professional.

25 (B) Sensory, which involves severe restriction due
26 to hearing or visual impairment limiting the

1 individual's movement and creating dependence in
2 completing most daily activities. Hearing impairment
3 is defined as a loss of 70 decibels aided or speech
4 discrimination of less than 50% aided. Visual
5 impairment is defined as 20/200 corrected in the better
6 eye or a visual field of 20 degrees or less. Sensory
7 functioning must be based on clinical medical
8 assessment by a physician licensed to practice
9 medicine in all its branches using the appropriate
10 instruments, techniques and standards of measurement
11 required by the professional.

12 (C) Behavioral, which involves behavior that is
13 maladaptive and presents a danger to self or others, is
14 destructive to property by deliberately breaking,
15 destroying or defacing objects, is disruptive by
16 fighting, or has other socially offensive behaviors in
17 sufficient frequency or severity to seriously limit
18 social integration. Assessment of behavioral
19 functioning may be measured by a standardized scale or
20 informal appraisal by a clinical psychologist or
21 psychiatrist.

22 (D) Cognitive, which involves intellectual
23 functioning at a measured IQ of 70 or below. Assessment
24 of cognitive functioning must be measured by a
25 standardized instrument for general intelligence.

26 (3) The evaluation determines that development is

1 substantially less than expected for the age in cognitive,
2 affective or psychomotor behavior as follows:

3 (A) Cognitive, which involves intellectual
4 functioning at a measured IQ of 70 or below. Assessment
5 of cognitive functioning must be measured by a
6 standardized instrument for general intelligence.

7 (B) Affective behavior, which involves over and
8 under responding to stimuli in the environment and may
9 be observed in mood, attention to awareness, or in
10 behaviors such as euphoria, anger or sadness that
11 seriously limit integration into society. Affective
12 behavior must be based on clinical assessment using the
13 appropriate instruments, techniques and standards of
14 measurement required by the professional.

15 (C) Psychomotor, which includes a severe
16 developmental delay in fine or gross motor skills so
17 that development in self-care, social interaction,
18 communication or physical activity will be greatly
19 delayed or restricted.

20 (4) A determination that the disability originated
21 before the age of 18 years.

22 A determination of severe and multiple impairments shall be
23 based upon a comprehensive, documented assessment with an
24 evaluation by a licensed clinical psychologist or
25 psychiatrist.

26 If the examiner is a licensed clinical psychologist,

1 ancillary evaluation of physical impairment, cerebral palsy or
2 epilepsy must be made by a physician licensed to practice
3 medicine in all its branches.

4 Regardless of the discipline of the examiner, ancillary
5 evaluation of visual impairment must be made by an
6 ophthalmologist or a licensed optometrist.

7 Regardless of the discipline of the examiner, ancillary
8 evaluation of hearing impairment must be made by an
9 otolaryngologist or an audiologist with a certificate of
10 clinical competency.

11 The only exception to the above is in the case of a person
12 with cerebral palsy or epilepsy who, according to the
13 eligibility criteria listed below, has multiple impairments
14 which are only physical and sensory. In such a case, a
15 physician licensed to practice medicine in all its branches may
16 serve as the examiner.

17 (m) "Twenty-four-hour-a-day supervision" means
18 24-hour-a-day care by a trained mental health or developmental
19 disability professional on an ongoing basis.

20 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
21 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)".