

January 11, 2019

To the Honorable Members of
The Illinois Senate,
100th General Assembly:

Today, I veto Senate Bill 938 from the 100th General Assembly, which would undermine the State's ability to ensure residents with serious mental illness receive care in accordance with the goals and terms of the Specialized Mental Health Rehabilitation Act of 2013 and would allow certain facilities to operate outside of the licensure requirements of that Act.

When the General Assembly passed the Specialized Mental Health Rehabilitation Act of 2013, it recognized that Illinois was not effectively addressing the needs of residents with behavioral and/or mental health issues and specifically created a new system of facility licensure to ensure that Illinois could meet the unique rehabilitative needs of these residents. The Department of Public Health was tasked with licensure authority of these Specialized Mental Health Rehabilitation facilities ("SMHRFs").

This legislation would create a number of problems for effective regulation of SMHRFs. Currently, the required number of rooms reserved for single occupancy is set by the Department's administrative rules on a per-facility basis. This legislation would overturn the rule to require a state-wide calculation of the room requirement. It also further limits the Department's ability to issue new SMHRF licenses in the future. These changes undermine the Act's intention to ensure the availability of appropriate care options across the state.

Further, this bill would create unnecessary legal and regulatory uncertainty regarding the oversight of certain facilities. The legislation would result in facilities that are in the process of coming into compliance with the current SMHRF licensure requirements being removed from the Department's regulatory purview. This would occur because there is no other licensure framework appropriate for affected facilities. Licensure under the Nursing Home Care Act for these facilities is likely inapplicable because of the nature and extent of the mental health services these facilities provide. Ultimately, this uncertainty will jeopardize the health and safety of the residents served by the facilities.

This legislation does not support the underlying goals of the Act to transition Illinois to a more holistic and effective system of behavioral health treatment options that best serve our families, friends, and neighbors in need of care.

Therefore, pursuant to Section 9(b) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 938, entitled "AN ACT concerning health," with the foregoing objections, vetoed in its entirety.

Sincerely,

Bruce Rauner
GOVERNOR