



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1197

Introduced 02/09/05, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/15f new

Amends the Mental Health and Developmental Disabilities Administrative Act. Requires each individual with mental retardation and related developmental disabilities who exhibits behavioral challenges to have an individualized behavioral support plan that: (i) is designed to meet individual needs; (ii) is non-aversive; (iii) teaches the individual new skills; (iv) provides alternatives to challenging behaviors; (v) offers opportunities for choice and social integration; and (vi) allows for environmental modifications. Provides guidelines for the implementation of the plan. Prohibits the use of aversive behavioral support, intervention techniques that cause psychological pain, and deprivation techniques. Effective immediately.

LRB094 06321 MKM 37764 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by adding Section
6 15f as follows:

7 (20 ILCS 1705/15f new)

8 Sec. 15f. Individualized behavioral support plan. Each
9 individual with mental retardation and related developmental
10 disabilities who exhibits behavioral challenges shall have an
11 individualized behavioral support plan. Each individualized
12 support plan shall: (i) be designed to meet individual needs;
13 (ii) be non-aversive; (iii) teach the individual new skills;
14 (iv) provide alternatives to challenging behaviors; (v) offer
15 opportunities for choice and social integration; and (vi) allow
16 for environmental modifications. The plan must be based on a
17 functional behavioral analysis conducted by a professional
18 trained in behavioral analysis. The plan shall be implemented
19 by staff who have been trained in and are qualified to
20 effectively apply positive non-aversive intervention. All
21 behavioral supports required by the plan shall be applied in a
22 humane and caring manner that respects the dignity of the
23 individual and shall be implemented in a positive and
24 socially-supportive environment, including the home. The
25 following techniques are prohibited:

26 (1) aversive behavioral support, such as painful or
27 intrusive stimuli or activities applied in response to
28 behavior and that result in physical or psychological pain,
29 including, but not limited to, electric shock, ammonia
30 spray, water spray to the face, pinching, and deep muscle
31 squeezes;

32 (2) intervention that causes psychological pain, such

1 as verbal abuse and threatening conduct; and
2 (3) deprivation techniques, including, but not limited
3 to, (i) withholding, withdrawing, or delaying any of the
4 following: visitation or communication with friends or
5 family; sleep; shelter; bedding; bathroom facilities;
6 medication; or food or drink; or (ii) subjecting the
7 individual to prolonged periods of isolation and
8 seclusion.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.