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09400HB1197ham001

LRB094 06321 MKM 42964 a

1 AMENDMENT TO HOUSE BILL 1197

2 AMENDMENT NO. _____. Amend House Bill 1197 by replacing
3 everything after the enacting clause with the following:

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.

9 (a) As used in this Section:

10 "Behavioral challenges" means episodes of significant
11 property destruction, self-injurious behavior, assaultive
12 behavior, or any other behavior that prevents a person from
13 successful participation in a community-based residential
14 program.

15 (b) Each individual in a community-based residential
16 program for persons with developmental disabilities who
17 exhibits behavioral challenges shall have an individualized
18 behavioral support plan. Each individualized support plan
19 shall: (i) be designed to meet individual needs; (ii) be
20 non-aversive; (iii) teach the individual new skills; (iv)
21 provide alternatives to behavioral challenges; (v) offer
22 opportunities for choice and social integration; and (vi) allow
23 for environmental modifications. The plan must be based on a
24 functional behavioral analysis conducted by a professional

1 trained in professional best practices in behavioral analysis.
2 The plan shall be implemented by staff who have been trained in
3 and are qualified to effectively apply positive non-aversive
4 intervention. All behavioral supports required by the plan
5 shall be applied in a humane and caring manner that respects
6 the dignity of the individual and shall be implemented in a
7 positive and socially-supportive environment, including the
8 home. The following techniques are prohibited:

9 (1) aversive behavioral support, such as painful or
10 intrusive stimuli or activities applied in response to
11 behavior and that result in physical or psychological pain,
12 including, but not limited to, electric shock, ammonia
13 spray, water spray to the face, pinching, and deep muscle
14 squeezes;

15 (2) intervention that causes psychological pain, such
16 as verbal abuse and threatening conduct; and

17 (3) deprivation techniques, including, but not limited
18 to, (i) withholding, withdrawing, or delaying any of the
19 following: visitation or communication with friends or
20 family; sleep; shelter; bedding; bathroom facilities;
21 medication; or food or drink; or (ii) subjecting the
22 individual to prolonged periods of isolation and
23 seclusion.

24 (c) To the extent this Section conflicts with Article I of
25 Chapter II of the Mental Health and Developmental Disabilities
26 Code, that Article controls.

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."