



Developmental Disabilities and Mental Illness Committee

**Filed: 2/9/2006**

09400HB5382ham001

LRB094 19398 RSP 55591 a

1 AMENDMENT TO HOUSE BILL 5382

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5382 as follows:

3 on page 1, line 6, by replacing "27 and 28" with "22, 27, and  
4 28"; and

5 on page 1, line 14, before the period, by inserting "and to  
6 develop a more comprehensive system of community supports and  
7 services that will enable persons with disabilities to  
8 transition to the most appropriate integrated setting possible  
9 in accordance with their needs, preferences and capacity to be  
10 served in that setting. Furthermore, the intent of this Act is  
11 to provide a framework for steps to be undertaken by the State  
12 of Illinois that will ensure successful implementation of the  
13 Olmstead decision. The "Initial Technical Assistance  
14 Recommendations Regarding Developing Comprehensive,  
15 Effectively Working Plans" issued to states on January 15, 2000  
16 by the United States Department of Health and Human Services  
17 shall be considered as one of the key documents to guide the  
18 planning and implementation required by this Act"; and

19 on page 14, immediately after line 1, by inserting the  
20 following:

21 "(20 ILCS 2407/22 new)

22 Sec. 22. Readiness assessment. By January 1, 2007, the

1 Department of Human Services, the Department of Healthcare and  
2 Family Services, and the Department on Aging shall  
3 cooperatively arrange for the implementation of assessments of  
4 the readiness of individuals with disabilities to effect  
5 appropriate and medically necessary transitions to the most  
6 integrated setting possible, taking into consideration the  
7 individual's needs, preferences, and capacity to be served in  
8 that setting. The Departments shall also conduct an assessment  
9 of the readiness of the State to effect any transitions that  
10 individuals may prefer and require, taking into consideration  
11 the availability of resources to accomplish the placements. The  
12 assessment of the State's readiness shall include all relevant  
13 information available that will determine the scope and nature  
14 of the supports and services that may be necessary to effect  
15 these transitions. The assessment of the State's capacity shall  
16 include: (i) a determination regarding the requisite skills,  
17 competencies, and qualifications necessary to support persons  
18 with disabilities in their communities; (ii) a determination  
19 regarding the sufficiency of qualified agency and individual  
20 providers to meet the needs of the people with disabilities in  
21 their communities; and (iii) a determination of the capacity of  
22 the community service system to provide the necessary support  
23 and services effectively and efficiently consistent with the  
24 service plans of the individuals with disabilities in their  
25 communities. The assessment of the State's capacity shall also  
26 determine the extent to which the payers of care cover the cost  
27 of the supports and services that are to be provided, and any  
28 adjustments to the rates of payment that may be necessary to  
29 ensure the availability and delivery of those supports and  
30 services."