

1 AN ACT concerning State government.

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

4 Section 5. The Disabilities Services Act of 2003 is amended
5 by changing Sections 5, 10, 15, and 20 and by adding Sections
6 22, 27, and 28 as follows:

7 (20 ILCS 2407/5)

8 Sec. 5. Purpose and scope. It is the purpose of this Act
9 to further ~~create an advisory committee to~~ develop and
10 implement a Disability Services Plan ~~disabilities services~~
11 ~~implementation plan~~ as provided in Section 20 to ensure
12 compliance by the State of Illinois with the Americans with
13 Disabilities Act and the decision in *Olmstead v. L.C.*, 119
14 S.Ct. 2176 (1999) and to develop a more comprehensive system of
15 community supports and services that will enable persons with
16 disabilities to transition to the most appropriate integrated
17 setting possible in accordance with their needs, preferences
18 and capacity to be served in that setting. Furthermore, the
19 intent of this Act is to provide a framework for steps to be
20 undertaken by the State of Illinois that will ensure successful
21 implementation of the Olmstead decision. The "Initial
22 Technical Assistance Recommendations Regarding Developing
23 Comprehensive, Effectively Working Plans" issued to states on
24 January 15, 2000 by the United States Department of Health and
25 Human Services shall be considered as one of the key documents
26 to guide the planning and implementation required by this Act.
27 This Act applies to services for persons with disabilities that
28 are provided directly by the State of Illinois or funded in
29 whole or in part by the State of Illinois. In the
30 implementation of this Act or of the Disability Services Plan,
31 and consistent with the Olmstead decision, no person shall be
32 compelled to move from an institutionalized setting to another

1 type of residential setting to another type of residential
2 setting without his or her voluntary informed consent and the
3 voluntary informed consent of his or her guardian (if one
4 exists).

5 (Source: P.A. 93-638, eff. 12-31-03.)

6 (20 ILCS 2407/10)

7 Sec. 10. Application of Act; definitions.

8 (a) This Act applies to persons with disabilities. The
9 disabilities included are defined for purposes of this Act as
10 follows:

11 "Disability" means a disability as defined by the Americans
12 with Disabilities Act of 1990 that is attributable to a
13 developmental disability, a mental illness, or a physical
14 disability, or combination of those. "Disability" includes
15 age-related impairments of older adults.

16 "Developmental disability" means a disability that is
17 attributable to mental retardation or a related condition. A
18 related condition must meet all of the following conditions:

19 (1) It must be attributable to cerebral palsy,
20 epilepsy, or any other condition (other than mental
21 illness) found to be closely related to mental retardation
22 because that condition results in impairment of general
23 intellectual functioning or adaptive behavior similar to
24 that of individuals with mental retardation, and requires
25 treatment or services similar to those required for those
26 individuals. For purposes of this Section, autism is
27 considered a related condition.

28 (2) It must be manifested before the individual reaches
29 age 22.

30 (3) It must be likely to continue indefinitely.

31 (4) It must result in substantial functional
32 limitations in 3 or more of the following areas of major
33 life activity: self-care, language, learning, mobility,
34 self-direction, and capacity for independent living.

35 "Mental Illness" means a mental or emotional disorder

1 verified by a diagnosis contained in the Diagnostic and
2 Statistical Manual of Mental Disorders-Fourth Edition,
3 published by the American Psychiatric Association (DSM-IV), or
4 its successor, or International Classification of Diseases,
5 9th Revision, Clinical Modification (ICD-9-CM), or its
6 successor, that substantially impairs a person's cognitive,
7 emotional, or behavioral functioning, or any combination of
8 those, excluding (i) conditions that may be the focus of
9 clinical attention but are not of sufficient duration or
10 severity to be categorized as a mental illness, such as
11 parent-child relational problems, partner-relational problems,
12 sexual abuse of a child, bereavement, academic problems,
13 phase-of-life problems, and occupational problems
14 (collectively, "V codes"), (ii) organic disorders such as
15 substance intoxication dementia, substance withdrawal
16 dementia, Alzheimer's disease, vascular dementia, dementia due
17 to HIV infection, and dementia due to Creutzfeld-Jakob disease
18 and disorders associated with known or unknown physical
19 conditions such as hallucinosis ~~hallucinosis~~, amnestic
20 disorders and delirium, and psychoactive substance-induced
21 organic disorders, and (iii) mental retardation or
22 psychoactive substance use disorders.

23 "Mental retardation" means significantly sub-average
24 general intellectual functioning existing concurrently with
25 deficits in adaptive behavior and manifested before the age of
26 22 years.

27 "Physical disability" means a disability as defined by the
28 Americans with Disabilities Act of 1990 that meets the
29 following criteria:

30 (1) It is attributable to a physical impairment.

31 (2) It results in a substantial functional limitation
32 in any of the following areas of major life activity: (i)
33 self-care, (ii) receptive and expressive language, (iii)
34 learning, (iv) mobility, (v) self-direction, (vi) capacity
35 for independent living, and (vii) economic sufficiency.

36 (3) It reflects the person's need for a combination and

1 sequence of special, interdisciplinary, or general care,
2 treatment, or other services that are of lifelong or of
3 extended duration and must be individually planned and
4 coordinated.

5 (b) In this Act:

6 "Chronological age-appropriate services" means services,
7 activities, and strategies for persons with disabilities that
8 are representative of the lifestyle activities of nondisabled
9 peers of similar age in the community.

10 "Comprehensive evaluation" means procedures used by
11 qualified professionals selectively with an individual to
12 determine whether a person has a disability and the nature and
13 extent of the services that the person with a disability needs.

14 ~~"Department" means the Department on Aging, the Department~~
15 ~~of Human Services, the Department of Public Health, the~~
16 ~~Department of Public Aid, the University of Illinois Division~~
17 ~~of Specialized Care for Children, the Department of Children~~
18 ~~and Family Services, and the Illinois State Board of Education,~~
19 ~~where appropriate, as designated in the implementation plan~~
20 ~~developed under Section 20.~~

21 "Family" means a natural, adoptive, or foster parent or
22 parents or other person or persons responsible for the care of
23 an individual with a disability in a family setting.

24 "Family or individual support" means those resources and
25 services that are necessary to maintain an individual with a
26 disability within the family home or his or her own home. These
27 services may include, but are not limited to, cash subsidy,
28 respite care, and counseling services.

29 "Independent service coordination" means a social service
30 that enables persons with ~~developmental~~ disabilities and their
31 families to locate, use, and coordinate resources and
32 opportunities in their communities on the basis of individual
33 need. Independent service coordination is independent of
34 providers of services and funding sources and is designed to
35 ensure accessibility, continuity of care, and accountability
36 and to maximize the potential of persons with developmental

1 disabilities for independence, productivity, and integration
2 into the community. Independent service coordination includes,
3 at a minimum: (i) outreach to identify eligible individuals;
4 (ii) assessment and periodic reassessment to determine each
5 individual's strengths, functional limitations, and need for
6 specific services; (iii) participation in the development of a
7 comprehensive individual service or treatment plan; (iv)
8 referral to and linkage with needed services and supports; (v)
9 monitoring to ensure the delivery of appropriate services and
10 to determine individual progress in meeting goals and
11 objectives; and (vi) advocacy to assist the person in obtaining
12 all services for which he or she is eligible or entitled.

13 "Individual service or treatment plan" means a written
14 ~~recorded~~ assessment of the needs of a person with a disability,
15 a description of the services recommended, the goals of each
16 type of element of service, an anticipated timetable for the
17 accomplishment of the goals, and a designation of the qualified
18 professionals responsible for the implementation of the plan.

19 ~~"Least restrictive environment" means an environment that~~
20 ~~represents the least departure from the normal patterns of~~
21 ~~living and that effectively meets the needs of the person~~
22 ~~receiving the service.~~

23 "Most integrated setting" means a setting that enables a
24 person with a disability to interact with nondisabled persons
25 to the fullest extent possible and that is appropriate to meet
26 the needs and choices of the person with the disability and his
27 or her guardian.

28 (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

29 (20 ILCS 2407/15)

30 Sec. 15. Services. Services to persons with disabilities
31 shall be provided in the most integrated setting appropriate to
32 the needs and choices of the person with the disability and his
33 or her guardian in accordance with an ~~the~~ individual service or
34 treatment plan developed with the person with the disability
35 and his or her guardian ~~for an individual~~ under this Section.

1 The person ~~individual~~ shall initially be screened for potential
2 eligibility by the appropriate State agency and, if the person
3 ~~individual~~ is determined ~~deemed~~ probably eligible for a
4 disability services ~~service or program~~, a comprehensive
5 evaluation of the person ~~individual~~ shall be conducted to
6 determine the services and programs appropriate for that person
7 ~~individual~~. The array of available services shall be described
8 in the Disability ~~Disabilities~~ Services ~~Implementation~~ Plan
9 required under this Act and may include, but need not be
10 limited to:

11 (1) Comprehensive evaluation and diagnosis. The
12 comprehensive evaluation and diagnosis shall include ~~A~~
13 ~~person with a suspected disability who is applying for~~
14 ~~Department authorized disability services must receive,~~
15 ~~after an initial screening and a determination of probable~~
16 ~~eligibility for a disability service or program, a~~
17 ~~comprehensive diagnosis and evaluation, including~~ an
18 assessment of skills, abilities, and potential for
19 residential placement from among a full array of
20 residential options, including in-home supports, job
21 training, and work placement, adapted to the person's ~~his~~
22 ~~or her~~ primary language, cultural background, and ethnic
23 origin. All components of a comprehensive evaluation must
24 be administered by a qualified examiner.

25 (2) Individual service or treatment plan. A person with
26 a disability shall receive services in accordance with a
27 current individual service or treatment plan. A person with
28 a disability who is receiving services shall be provided
29 periodic reevaluation and review of the individual service
30 or treatment plan, at least annually, in order to measure
31 progress, to modify or change objectives if necessary, and
32 to provide guidance and remediation techniques.

33 A person with a disability and his or her guardian have
34 the right to participate in the planning and
35 decision-making process regarding the person's individual
36 service or treatment plan and to be informed in writing, or

1 in that person's mode of communication, of progress at
2 reasonable time intervals. Each person must be given the
3 opportunity to make decisions and exercise options
4 regarding the plan, consistent with the person's
5 capabilities. Family members and other representatives of
6 the person with a disability must be allowed, encouraged,
7 and supported to participate as well, if the person with a
8 disability consents to that participation.

9 ~~(3) Nondiscriminatory access to services. A person~~
10 ~~with a disability may not be denied program services~~
11 ~~because of sex, ethnic origin, marital status, ability to~~
12 ~~pay (except where contrary to law), or criminal record.~~
13 ~~Specific program eligibility requirements with regard to~~
14 ~~disability, level of need, age, and other matters may be~~
15 ~~established by the Department by rule. The Department may~~
16 ~~set priorities for the provision of services and for~~
17 ~~determining the need and eligibility for services in~~
18 ~~accordance with available funding.~~

19 (3) ~~(4)~~ Family or individual support. Family or
20 individual support services shall include services that
21 support in-home or community residential placement,
22 prevent unnecessary out-of-home placement or
23 institutionalization, and foster independent living. A
24 ~~person with a disability must be provided family or~~
25 ~~individual support services, or both, whenever possible~~
26 ~~and appropriate, to prevent unnecessary out of home~~
27 ~~placement and to foster independent living skills when~~
28 ~~authorized for such services.~~

29 (4) ~~(5)~~ Residential services. Residential services
30 shall include a full array of institutional and
31 non-institutional residential options outside of the home
32 of the person with a disability that include appropriate
33 supervision or support services in the most integrated
34 setting appropriate to meet his or her needs and the
35 choices of the person with a disability and his or her
36 guardian. ~~choices and options. A person with a disability~~

1 ~~who requires residential placement in a supervised or~~
2 ~~supported setting must be provided choices among various~~
3 ~~residential options when authorized for those services.~~
4 ~~The placement must be offered in the least restrictive~~
5 ~~environment appropriate to the individual.~~

6 (5) ~~(6)~~ Education. Education services shall include
7 early intervention services for infants and toddlers,
8 services identified in a student's Individualized
9 Educational Program (IEP) consistent with requirements of
10 the federal Individuals with Disabilities Improvement Act
11 and the Illinois School Code, and appropriate
12 accommodations and adaptations for a person with a
13 disability who attends an institution of higher learning. A
14 ~~person with a disability has the right to a free,~~
15 ~~appropriate public education as provided in both State and~~
16 ~~federal law. Each local educational agency must prepare~~
17 ~~persons with disabilities for adult living. In~~
18 ~~anticipation of adulthood, each person with a disability~~
19 ~~has the right to a transition plan developed and ready for~~
20 ~~implementation before the person's exit by no later than~~
21 ~~the school year in which the person reaches age 14,~~
22 ~~consistent with the requirements of the federal~~
23 ~~Individuals with Disabilities Education Act and Article~~
24 ~~XIV of the School Code.~~

25 (6) ~~(7)~~ Vocational habilitation and rehabilitation
26 training. Vocational habilitation and rehabilitation
27 services shall include services that enable a person with a
28 disability to move toward independence and
29 self-sufficiency by developing or redeveloping skills that
30 lead to employment or re-employment in the most integrated
31 setting appropriate to meet his or her needs and the
32 choices of the person with a disability and his or her
33 guardian. A person with a disability must be provided
34 ~~vocational training, when appropriate, that contributes to~~
35 ~~the person's independence and employment potential. This~~
36 ~~training should include strategies and activities in~~

1 ~~programs that lead to employment and reemployment in the~~
2 ~~least restrictive environment appropriate to the~~
3 ~~individual.~~

4 (7) ~~(8)~~ Employment. Employment services shall include
5 job placement and job supports that enable a person with a
6 disability to locate and maintain gainful employment in the
7 most integrated setting appropriate to the needs and
8 choices of the person with the disability and his or her
9 guardian. ~~A person with a disability has the right to be~~
10 ~~employed free from discrimination, pursuant to the~~
11 ~~Constitution and laws of this State.~~

12 (8) ~~(9)~~ Independent service coordination. Independent
13 service coordination shall include a service coordination
14 program free of conflicts of interest that is provided or
15 funded by the State of Illinois to enable a person with a
16 disability to access appropriate disability services. ~~A~~
17 ~~person with a disability who is receiving direct services~~
18 ~~from the Department must be provided independent service~~
19 ~~coordination when needed.~~

20 (9) ~~(10)~~ Mental health supports. Mental health support
21 services shall include necessary ~~Individuals with a~~
22 ~~disability must be provided needed~~ mental health supports
23 such as psychological rehabilitation, psychiatric and
24 medication coverage, day treatment, care management, and
25 crisis services.

26 (10) Assistive technology devices and services.
27 Assistive technology devices shall include any item, piece
28 of equipment, or product system, whether acquired
29 commercially, modified, or customized, that is used to
30 increase, maintain, or improve the functional capabilities
31 of a person with a disability in a variety of environments
32 including the person's residence, workplace, or school. An
33 assistive technology service is any service that directly
34 assists a person with a disability in the selection,
35 acquisition, or use of an assistive technology device.

36 ~~(11) Due process. A person with a disability retains~~

1 ~~the rights of citizenship. Any person aggrieved by a~~
2 ~~decision of a department regarding services provided under~~
3 ~~this Act must be given an opportunity to present complaints~~
4 ~~at a due process hearing before an impartial hearing~~
5 ~~officer designated by the director of that department. Any~~
6 ~~person aggrieved by a final administrative decision~~
7 ~~rendered following the due process hearing may seek~~
8 ~~judicial review of that decision pursuant to the~~
9 ~~Administrative Review Law. The term "administrative~~
10 ~~decision" is defined as in Section 3-101 of the Code of~~
11 ~~Civil Procedure. Attorney's fees and costs may be awarded~~
12 ~~to a prevailing complainant in any due process hearing or~~
13 ~~action for judicial review under this Act.~~

14 ~~The right to a hearing under this item (11) is in~~
15 ~~addition to any other rights under federal, State, or local~~
16 ~~laws, however nothing in this Section shall be construed as~~
17 ~~requiring the establishment of a new due process hearing~~
18 ~~procedure if one already exists for a particular service or~~
19 ~~program.~~

20 (Source: P.A. 93-638, eff. 12-31-03.)

21 (20 ILCS 2407/20)

22 Sec. 20. Advisory committee; Disability Services Plan
23 Implementation.

24 (a) The Governor shall appoint an advisory committee to
25 assist in the further development and implementation of a
26 Disability ~~Disabilities~~ Services ~~Implementation~~ Plan that will
27 ensure compliance by the State of Illinois with the Americans
28 with Disabilities Act and the decision in *Olmstead v. L.C.*, 119
29 S.Ct. 2176 (1999). The advisory committee shall be known as the
30 Illinois Disabilities Services Advisory Committee and shall be
31 composed of no more than 33 members, including: persons who
32 have a physical disability, a developmental disability, or a
33 mental illness; senior citizens; advocates for persons with
34 physical disabilities; advocates for persons with
35 developmental disabilities; advocates for persons with mental

1 illness; advocates for senior citizens; representatives of
2 providers of services to persons with physical disabilities,
3 developmental disabilities, and mental illness;
4 representatives of providers of services to senior citizens;
5 and representatives of organized labor.

6 In addition, the following State officials shall serve on
7 the committee as ex-officio non-voting members: the Secretary
8 of Human Services or his or her designee; the State
9 Superintendent of Education or his or her designee; the
10 Director of Aging or his or her designee; the Executive
11 Director of the Illinois Housing Development Authority or his
12 or her designee; the Director of Public Aid (now Director of
13 Healthcare and Family Services) or his or her designee; and the
14 Director of Public Health ~~Employment Security~~ or his or her
15 designee. Other State officials, including, but not limited to,
16 the Director of Employment Security, the Director of Commerce
17 and Economic Opportunity, the Director of Children and Family
18 Services, the Director of the Board of Higher Education, and
19 the Director of the Illinois Community College Board, may be
20 invited to participate or to designate a representative to
21 participate in the discretion of the co-chairs and the
22 Secretary of Human Services when their expertise and resources
23 are relevant to the resolution of a particular issue. The
24 Department of Human Services shall be responsible for convening
25 meetings and providing logistical support for the advisory
26 committee.

27 The advisory committee shall select co-chairs and may
28 select other officers if it determines they are necessary
29 officers, including a chair and a vice chair.

30 The advisory committee shall meet at least quarterly and
31 shall keep official meeting minutes. Committee members shall
32 not be compensated but shall be paid for their expenses related
33 to attendance at meetings.

34 (b) The Governor, with the assistance of the advisory
35 committee and the Secretary of Human Services, shall submit the
36 Disability Services Plan to the General Assembly by March 31,

1 2006. The Plan ~~implementation plan~~ must include, but need not
2 be limited to, the following:

3 (1) Overarching principles that will govern the
4 disability services delivery system in Illinois in the
5 future, consistent with the Americans with Disabilities
6 Act and the Olmstead decision.

7 (2) A review of current disability services in Illinois
8 that includes the State agency or agencies responsible for
9 each service and the funding source or sources for each
10 service.

11 (3) An assessment of current services that includes the
12 identification of gaps in services, geographic inequities,
13 and fiscal and other policies necessary to enhance
14 compliance with the Americans with Disabilities Act and the
15 Olmstead decision.

16 (4) Recommendations for change that include (i)
17 long-term and short-term action plans, (ii) prioritization
18 of proposed long-term and short-term action steps, (iii)
19 proposed changes in law, rule, or policy determined to be
20 necessary for the implementation of any recommendation,
21 (iv) the estimated fiscal impact of each recommendation,
22 and (v) proposed methods of financing the implementation of
23 each recommendation.

24 ~~(1) Establishing procedures for completing~~
25 ~~comprehensive evaluations, including provisions for~~
26 ~~Department review and approval of need determinations. The~~
27 ~~Department may utilize independent evaluators and targeted~~
28 ~~or sample reviews during this review and approval process,~~
29 ~~as it deems appropriate.~~

30 ~~(2) Establishing procedures for the development of an~~
31 ~~individual service or treatment plan for each person with a~~
32 ~~disability, including provisions for Department review and~~
33 ~~authorization.~~

34 ~~(3) Identifying core services to be provided by~~
35 ~~agencies of the State of Illinois or other agencies.~~

36 ~~(4) Establishing minimum standards for individualized~~

1 ~~services.~~

2 ~~(5) Establishing minimum standards for residential~~
3 ~~services in the least restrictive environment.~~

4 ~~(6) Establishing minimum standards for vocational~~
5 ~~services.~~

6 ~~(7) Establishing due process hearing procedures.~~

7 ~~(8) Establishing minimum standards for family support~~
8 ~~services.~~

9 ~~(9) Securing financial resources necessary to fulfill~~
10 ~~the purposes and requirements of this Act, including but~~
11 ~~not limited to obtaining approval and implementing waivers~~
12 ~~or demonstrations authorized under federal law.~~

13 ~~(c) The Governor, with the assistance of the Illinois~~
14 ~~Disabilities Services Advisory Committee and the Secretary of~~
15 ~~Human Services, is responsible for the completion of the~~
16 ~~implementation plan. The Governor must submit a report to the~~
17 ~~General Assembly by November 1, 2004, which must include the~~
18 ~~following:~~

19 ~~(1) The implementation plan.~~

20 ~~(2) A description of current and planned programs and~~
21 ~~services necessary to meet the requirements of the~~
22 ~~individual service or treatment plans required by this Act,~~
23 ~~together with the actions to be taken by the State of~~
24 ~~Illinois to ensure that those plans will be implemented.~~
25 ~~This description shall include a report of related program~~
26 ~~and service improvements or expansions implemented by the~~
27 ~~Department since the effective date of this Act.~~

28 ~~(3) The estimated costs of current and planned programs~~
29 ~~and services to be provided under the implementation plan.~~

30 ~~(4) A report on the number of persons with disabilities~~
31 ~~who may be eligible to receive services under this Act,~~
32 ~~together with a report on the number of persons who are~~
33 ~~currently receiving those services.~~

34 ~~(5) Any proposed changes in State policies, laws, or~~
35 ~~regulations necessary to fulfill the purposes and~~
36 ~~requirements of this Act.~~

1 (c) ~~(d)~~ The Governor, with the assistance of the Secretary
2 of Human Services and the Disability Services Advisory
3 Committee, shall annually update the Disability Services Plan
4 ~~implementation plan~~ and report changes to the General Assembly
5 by July 1 of each year. The first annual report is due on July
6 1, 2007. After the submission of each annual report, a public
7 hearing before the appropriate committee of the Illinois
8 General Assembly shall be held to receive public comment and
9 further discussion of the Disability Services Plan. Initial
10 ~~implementation of the plan is required by July 1, 2005. The~~
11 ~~requirement of annual updates and reports expires in 2008,~~
12 ~~unless otherwise extended by the General Assembly.~~

13 (d) To the extent possible, planning steps and associated
14 timelines as required in this Act shall be coordinated with
15 related initiatives such as the work of the Older Adults
16 Services Advisory Committee as created by the Older Adults
17 Services Act (320 ILCS 42/) and the Mental Health Strategic
18 Restructuring Initiative.

19 (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

20 (20 ILCS 2407/22 new)

21 Sec. 22. Readiness assessment. By January 1, 2007, the
22 Department of Human Services, the Department of Healthcare and
23 Family Services, and the Department on Aging shall
24 cooperatively arrange for the implementation of assessments of
25 the readiness of individuals with disabilities to effect
26 appropriate and medically necessary transitions to the most
27 integrated setting possible, taking into consideration the
28 individual's needs, preferences, and capacity to be served in
29 that setting. The Departments shall also conduct an assessment
30 of the readiness of the State to effect any transitions that
31 individuals may prefer and require, taking into consideration
32 the availability of resources to accomplish the placements. The
33 assessment of the State's readiness shall include all relevant
34 information available that will determine the scope and nature
35 of the supports and services that may be necessary to effect

1 these transitions. The assessment of the State's capacity shall
2 include: (i) a determination regarding the requisite skills,
3 competencies, and qualifications necessary to support persons
4 with disabilities in their communities; (ii) a determination
5 regarding the sufficiency of qualified agency and individual
6 providers to meet the needs of the people with disabilities in
7 their communities; and (iii) a determination of the capacity of
8 the community service system to provide the necessary support
9 and services effectively and efficiently consistent with the
10 service plans of the individuals with disabilities in their
11 communities. The assessment of the State's capacity shall also
12 determine the extent to which the payers of care cover the cost
13 of the supports and services that are to be provided, and any
14 adjustments to the rates of payment that may be necessary to
15 ensure the availability and delivery of those supports and
16 services.

17 (20 ILCS 2407/27 new)

18 Sec. 27. Due process. A person claiming to be aggrieved by
19 a determination of an agency regarding eligibility for a
20 disability service, the provision of a disability service, or a
21 change in or termination of a disability service under this Act
22 must be given (1) a written notice of the decision and the
23 basis for the decision, (2) an opportunity to file a complaint
24 with the appropriate agency challenging the decision, (3) an
25 opportunity to appear before an impartial decision-maker
26 designated by the head of the agency responsible for the
27 decision to present evidence in support of the complaint, and
28 (4) a written decision on the complaint including findings of
29 fact and conclusions of law. A person aggrieved by a final
30 administrative decision under this Section may seek judicial
31 review under the Administrative Review Law. For purposes of
32 this Section, "administrative decision" has the same meaning as
33 provided in Section 3-101 of the Code of Civil Procedure. A
34 prevailing complainant in an action for judicial review under
35 this Section may be awarded reasonable attorney fees and costs.

1 Due process rights under this Section shall not supercede any
2 other due process rights established under any federal, State,
3 or local laws. Nothing in this Section shall be construed as
4 requiring the establishment of a new due process procedure if
5 one already exists for a particular disability service.
6 Complaints that may be addressed under the complaint process
7 authorized under the federal Individuals with Disabilities
8 Education Improvement Act shall not be made under this Section.
9 A disability service that is not an entitlement may be denied
10 or limited due to insufficient funds.

11 (20 ILCS 2407/28 new)

12 Sec. 28. Non-discriminatory access to services. A person
13 with a disability shall not be denied a disability service
14 because of sex, race, religion, ethnic origin, marital status,
15 ability to pay (except where contrary to law), or criminal
16 record. Specific program eligibility requirements with regard
17 to disability, level of need, age and other matters may be
18 established by the administering State agency by rule. An
19 administering State agency may set priorities for the provision
20 of services and for determining the need and eligibility for
21 services in accordance with available funding.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.