



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 820

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 820 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Early Intervention Services System Act is  
5 amended by changing Sections 3, 4, 8, and 11 as follows:

6 (325 ILCS 20/3) (from Ch. 23, par. 4153)

7 Sec. 3. Definitions. As used in this Act:

8 (a) "Eligible infants and toddlers" means infants and  
9 toddlers under 36 months of age with any of the following  
10 conditions:

11 (1) Developmental delays.

12 (2) A physical or mental condition which typically  
13 results in developmental delay.

14 (3) Being at risk of having substantial developmental  
15 delays based on informed clinical judgment.

16 (4) Either (A) having entered the program under any of

1 the circumstances listed in paragraphs (1) through (3) of  
2 this subsection but no longer meeting the current  
3 eligibility criteria under those paragraphs, and  
4 continuing to have any measurable delay, or (B) not having  
5 attained a level of development in each area, including (i)  
6 cognitive, (ii) physical (including vision and hearing),  
7 (iii) language, speech, and communication, (iv)  
8 psycho-social, or (v) self-help skills, that is at least at  
9 the mean of the child's age equivalent peers; and, in  
10 addition to either item (A) or item (B), (C) having been  
11 determined by the multidisciplinary individualized family  
12 service plan team to require the continuation of early  
13 intervention services in order to support continuing  
14 developmental progress, pursuant to the child's needs and  
15 provided in an appropriate developmental manner. The type,  
16 frequency, and intensity of services shall differ from the  
17 initial individualized family services plan because of the  
18 child's developmental progress, and may consist of only  
19 service coordination, evaluation, and assessments.

20 (b) "Developmental delay" means a delay in one or more of  
21 the following areas of childhood development as measured by  
22 appropriate diagnostic instruments and standard procedures:  
23 cognitive; physical, including vision and hearing; language,  
24 speech and communication; psycho-social; or self-help skills.  
25 The term means a delay of 30% or more below the mean in  
26 function in one or more of those areas.

1 (c) "Physical or mental condition which typically results  
2 in developmental delay" means:

3 (1) a diagnosed medical disorder bearing a relatively  
4 well known expectancy for developmental outcomes within  
5 varying ranges of developmental disabilities; or

6 (2) a history of prenatal, perinatal, neonatal or early  
7 developmental events suggestive of biological insults to  
8 the developing central nervous system and which either  
9 singly or collectively increase the probability of  
10 developing a disability or delay based on a medical  
11 history.

12 (d) "Informed clinical judgment" means both clinical  
13 observations and parental participation to determine  
14 eligibility by a consensus of a multidisciplinary team of 2 or  
15 more members based on their professional experience and  
16 expertise.

17 (e) "Early intervention services" means services which:

18 (1) are designed to meet the developmental needs of  
19 each child eligible under this Act and the needs of his or  
20 her family;

21 (2) are selected in collaboration with the child's  
22 family;

23 (3) are provided under public supervision;

24 (4) are provided at no cost except where a schedule of  
25 sliding scale fees or other system of payments by families  
26 has been adopted in accordance with State and federal law;

1           (5) are designed to meet an infant's or toddler's  
2 developmental needs in any of the following areas:

3           (A) physical development, including vision and  
4 hearing,

5           (B) cognitive development,

6           (C) communication development,

7           (D) social or emotional development, or

8           (E) adaptive development;

9           (6) meet the standards of the State, including the  
10 requirements of this Act;

11          (7) include one or more of the following:

12          (A) family training,

13          (B) social work services, including counseling,  
14 and home visits,

15          (C) special instruction,

16          (D) speech, language pathology and audiology,

17          (E) occupational therapy,

18          (F) physical therapy,

19          (G) psychological services,

20          (H) service coordination services,

21          (I) medical services only for diagnostic or  
22 evaluation purposes,

23          (J) early identification, screening, and  
24 assessment services,

25          (K) health services specified by the lead agency as  
26 necessary to enable the infant or toddler to benefit

1 from the other early intervention services,  
2 (L) vision services,  
3 (M) transportation, and  
4 (N) assistive technology devices and services;  
5 (8) are provided by qualified personnel, including but  
6 not limited to:  
7 (A) child development specialists or special  
8 educators,  
9 (B) speech and language pathologists and  
10 audiologists,  
11 (C) occupational therapists,  
12 (D) physical therapists,  
13 (E) social workers,  
14 (F) nurses,  
15 (G) nutritionists,  
16 (H) optometrists,  
17 (I) psychologists, and  
18 (J) physicians;  
19 (9) are provided in conformity with an Individualized  
20 Family Service Plan;  
21 (10) are provided throughout the year; and  
22 (11) are provided in natural environments, to the  
23 maximum extent appropriate, which may include ~~including~~  
24 the home and community settings, unless justification is  
25 provided consistent with federal regulations adopted under  
26 Sections 1431 through 1444 of Title 20 of the United States

1        ~~Code in which infants and toddlers without disabilities~~  
2        ~~would participate to the extent determined by the~~  
3        ~~multidisciplinary Individualized Family Service Plan.~~

4        (f) "Individualized Family Service Plan" or "Plan" means a  
5        written plan for providing early intervention services to a  
6        child eligible under this Act and the child's family, as set  
7        forth in Section 11.

8        (g) "Local interagency agreement" means an agreement  
9        entered into by local community and State and regional agencies  
10       receiving early intervention funds directly from the State and  
11       made in accordance with State interagency agreements providing  
12       for the delivery of early intervention services within a local  
13       community area.

14       (h) "Council" means the Illinois Interagency Council on  
15       Early Intervention established under Section 4.

16       (i) "Lead agency" means the State agency responsible for  
17       administering this Act and receiving and disbursing public  
18       funds received in accordance with State and federal law and  
19       rules.

20       (i-5) "Central billing office" means the central billing  
21       office created by the lead agency under Section 13.

22       (j) "Child find" means a service which identifies eligible  
23       infants and toddlers.

24       (k) "Regional intake entity" means the lead agency's  
25       designated entity responsible for implementation of the Early  
26       Intervention Services System within its designated geographic

1 area.

2 (l) "Early intervention provider" means an individual who  
3 is qualified, as defined by the lead agency, to provide one or  
4 more types of early intervention services, and who has enrolled  
5 as a provider in the early intervention program.

6 (m) "Fully credentialed early intervention provider" means  
7 an individual who has met the standards in the State applicable  
8 to the relevant profession, and has met such other  
9 qualifications as the lead agency has determined are suitable  
10 for personnel providing early intervention services, including  
11 pediatric experience, education, and continuing education. The  
12 lead agency shall establish these qualifications by rule filed  
13 no later than 180 days after the effective date of this  
14 amendatory Act of the 92nd General Assembly.

15 (Source: P.A. 92-307, 8-9-01; 93-124, eff. 7-10-03.)

16 (325 ILCS 20/4) (from Ch. 23, par. 4154)

17 Sec. 4. Illinois Interagency Council on Early  
18 Intervention.

19 (a) There is established the Illinois Interagency Council  
20 on Early Intervention. The Council shall be composed of at  
21 least 20 ~~15~~ but not more than 30 ~~25~~ members. The members of the  
22 Council and the designated chairperson of the Council shall be  
23 appointed by the Governor. The Council member representing the  
24 lead agency may not serve as chairperson of the Council. The  
25 Council shall be composed of the following members:

1           (1) The Secretary of Human Services (or his or her  
2           designee) and 2 additional representatives of the  
3           Department of Human Services designated by the Secretary,  
4           plus the Directors (or their designees) of the following  
5           State agencies involved in the provision of or payment for  
6           early intervention services to eligible infants and  
7           toddlers and their families:

8                     ~~(A) Illinois State Board of Education;~~

9                     ~~(B) (Blank);~~

10                    ~~(C) (Blank);~~

11                    ~~(D) Illinois Department of Children and Family~~  
12                    ~~Services;~~

13                    ~~(E) University of Illinois Division of Specialized~~  
14                    ~~Care for Children;~~

15                    ~~(F) Illinois Department of Healthcare and Family~~  
16                    ~~Services;~~

17                    ~~(G) Illinois Department of Public Health;~~

18                    ~~(H) (Blank);~~

19                    ~~(I) Illinois Planning Council on Developmental~~  
20                    ~~Disabilities; and~~

21                    (A) (J) Illinois Department of Insurance; and

22                    (B) Department of Healthcare and Family Services.

23           (2) Other members as follows:

24                    (A) At least 20% of the members of the Council  
25                    shall be parents, including minority parents, of  
26                    infants or toddlers with disabilities or children with

1 disabilities aged 12 or younger, with knowledge of, or  
2 experience with, programs for infants and toddlers  
3 with disabilities. At least one such member shall be a  
4 parent of an infant or toddler with a disability or a  
5 child with a disability aged 6 or younger;

6 (B) At least 20% of the members of the Council  
7 shall be public or private providers of early  
8 intervention services;

9 (C) One member shall be a representative of the  
10 General Assembly; ~~and~~

11 (D) One member shall be involved in the preparation  
12 of professional personnel to serve infants and  
13 toddlers similar to those eligible for services under  
14 this Act; ~~and~~

15 (E) Two members shall be from advocacy  
16 organizations with expertise in improving health,  
17 development, and educational outcomes for infants and  
18 toddlers with disabilities;

19 (F) One member shall be a Child and Family  
20 Connections manager from a rural district;

21 (G) One member shall be a Child and Family  
22 Connections manager from an urban district;

23 (H) One member shall be the co-chair of the  
24 Illinois Early Learning Council (or his or her  
25 designee); and

26 (I) Members representing the following agencies or

1           entities: the State Board of Education; the Department  
2           of Public Health; the Department of Children and Family  
3           Services; the University of Illinois Division of  
4           Specialized Care for Children; the Illinois Council on  
5           Developmental Disabilities; Head Start or Early Head  
6           Start; and the Department of Human Services' Division  
7           of Mental Health. A member may represent one or more of  
8           the listed agencies or entities.

9           The Council shall meet at least quarterly and in such  
10          places as it deems necessary. Terms of the initial members  
11          appointed under paragraph (2) shall be determined by lot at the  
12          first Council meeting as follows: of the persons appointed  
13          under subparagraphs (A) and (B), one-third shall serve one year  
14          terms, one-third shall serve 2 year terms, and one-third shall  
15          serve 3 year terms; and of the persons appointed under  
16          subparagraphs (C) and (D), one shall serve a 2 year term and  
17          one shall serve a 3 year term. Thereafter, successors appointed  
18          under paragraph (2) shall serve 3 year terms. Once appointed,  
19          members shall continue to serve until their successors are  
20          appointed. No member shall be appointed to serve more than 2  
21          consecutive terms.

22          Council members shall serve without compensation but shall  
23          be reimbursed for reasonable costs incurred in the performance  
24          of their duties, including costs related to child care, and  
25          parents may be paid a stipend in accordance with applicable  
26          requirements.

1           The Council shall prepare and approve a budget using funds  
2 appropriated for the purpose to hire staff, and obtain the  
3 services of such professional, technical, and clerical  
4 personnel as may be necessary to carry out its functions under  
5 this Act. This funding support and staff shall be directed by  
6 the lead agency.

7           (b) The Council shall:

8           (1) advise and assist the lead agency in the  
9 performance of its responsibilities including but not  
10 limited to the identification of sources of fiscal and  
11 other support services for early intervention programs,  
12 and the promotion of interagency agreements which assign  
13 financial responsibility to the appropriate agencies;

14           (2) advise and assist the lead agency in the  
15 preparation of applications and amendments to  
16 applications;

17           (3) review and advise on relevant regulations and  
18 standards proposed by the related State agencies;

19           (4) advise and assist the lead agency in the  
20 development, implementation and evaluation of the  
21 comprehensive early intervention services system; and

22           (5) prepare and submit an annual report to the Governor  
23 and to the General Assembly on the status of early  
24 intervention programs for eligible infants and toddlers  
25 and their families in Illinois. The annual report shall  
26 include (i) the estimated number of eligible infants and

1 toddlers in this State, (ii) the number of eligible infants  
2 and toddlers who have received services under this Act and  
3 the cost of providing those services, (iii) the estimated  
4 cost of providing services under this Act to all eligible  
5 infants and toddlers in this State, and (iv) data and other  
6 information as is requested to be included by the  
7 Legislative Advisory Committee established under Section  
8 13.50 of this Act. The report shall be posted by the lead  
9 agency on the early intervention website as required under  
10 paragraph (f) of Section 5 of this Act.

11 No member of the Council shall cast a vote on or  
12 participate substantially in any matter which would provide a  
13 direct financial benefit to that member or otherwise give the  
14 appearance of a conflict of interest under State law. All  
15 provisions and reporting requirements of the Illinois  
16 Governmental Ethics Act shall apply to Council members.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (325 ILCS 20/8) (from Ch. 23, par. 4158)

19 Sec. 8. Authority to Promulgate Rules and Regulations. The  
20 lead agency shall develop rules and regulations under this Act  
21 within one year of the effective date of this Act. These rules  
22 shall reflect the intent of federal regulations adopted under  
23 Part C of the Individuals with Disabilities Education  
24 Improvement Act of 2004 (Sections 1431 through 1444 of Title 20  
25 of the United States Code) ~~Part II of the Individuals with~~

1 ~~Disabilities Education Act (20 United States Code 1471 through~~  
2 ~~1485).~~

3 (Source: P.A. 87-680.)

4 (325 ILCS 20/11) (from Ch. 23, par. 4161)

5 Sec. 11. Individualized Family Service Plans.

6 (a) Each eligible infant or toddler and that infant's or  
7 toddler's family shall receive:

8 (1) timely, comprehensive, multidisciplinary  
9 assessment of the unique needs of each eligible infant and  
10 toddler, and assessment of the concerns and priorities of  
11 the families to appropriately assist them in meeting their  
12 needs and identify services to meet those needs; and

13 (2) a written Individualized Family Service Plan  
14 developed by a multidisciplinary team which includes the  
15 parent or guardian. The individualized family service plan  
16 shall be based on the multidisciplinary team's assessment  
17 of the resources, priorities, and concerns of the family  
18 and its identification of the supports and services  
19 necessary to enhance the family's capacity to meet the  
20 developmental needs of the infant or toddler, and shall  
21 include the identification of services appropriate to meet  
22 those needs, including the frequency, intensity, and  
23 method of delivering services. During and as part of the  
24 initial development of the individualized family services  
25 plan, and any periodic reviews of the plan, the

1 multidisciplinary team shall consult the lead agency's  
2 therapy guidelines and its designated experts, if any, to  
3 help determine appropriate services and the frequency and  
4 intensity of those services. All services in the  
5 individualized family services plan must be justified by  
6 the multidisciplinary assessment of the unique strengths  
7 and needs of the infant or toddler and must be appropriate  
8 to meet those needs. At the periodic reviews, the team  
9 shall determine whether modification or revision of the  
10 outcomes or services is necessary.

11 (b) The Individualized Family Service Plan shall be  
12 evaluated once a year and the family shall be provided a review  
13 of the Plan at 6 month intervals or more often where  
14 appropriate based on infant or toddler and family needs. The  
15 lead agency shall create a quality review process regarding  
16 Individualized Family Service Plan development and changes  
17 thereto, to monitor and help assure that resources are being  
18 used to provide appropriate early intervention services.

19 (c) The evaluation and initial assessment and initial Plan  
20 meeting must be held within 45 days after the initial contact  
21 with the early intervention services system. With parental  
22 consent, early intervention services may commence before the  
23 completion of the comprehensive assessment and development of  
24 the Plan.

25 (d) Parents must be informed that, at their discretion,  
26 early intervention services shall be provided to each eligible

1 infant and toddler in the natural environment, which may  
2 include the home or other community settings. Parents shall  
3 make the final decision to accept or decline early intervention  
4 services. A decision to decline such services shall not be a  
5 basis for administrative determination of parental fitness, or  
6 other findings or sanctions against the parents. Parameters of  
7 the Plan shall be set forth in rules.

8 (e) The regional intake offices shall explain to each  
9 family, orally and in writing, all of the following:

10 (1) That the early intervention program will pay for  
11 all early intervention services set forth in the  
12 individualized family service plan that are not covered or  
13 paid under the family's public or private insurance plan or  
14 policy and not eligible for payment through any other third  
15 party payor.

16 (2) That services will not be delayed due to any rules  
17 or restrictions under the family's insurance plan or  
18 policy.

19 (3) That the family may request, with appropriate  
20 documentation supporting the request, a determination of  
21 an exemption from private insurance use under Section  
22 13.25.

23 (4) That responsibility for co-payments or  
24 co-insurance under a family's private insurance plan or  
25 policy will be transferred to the lead agency's central  
26 billing office.

1           (5) That families will be responsible for payments of  
2 family fees, which will be based on a sliding scale  
3 according to income, and that these fees are payable to the  
4 central billing office, and that if the family encounters a  
5 catastrophic circumstance, as defined under subsection (f)  
6 of Section 13 of this Act, making it unable to pay the  
7 fees, the lead agency may, upon proof of inability to pay,  
8 waive the fees.

9           (f) The individualized family service plan must state  
10 whether the family has private insurance coverage and, if the  
11 family has such coverage, must have attached to it a copy of  
12 the family's insurance identification card or otherwise  
13 include all of the following information:

14           (1) The name, address, and telephone number of the  
15 insurance carrier.

16           (2) The contract number and policy number of the  
17 insurance plan.

18           (3) The name, address, and social security number of  
19 the primary insured.

20           (4) The beginning date of the insurance benefit year.

21           (g) A copy of the individualized family service plan must  
22 be provided to each enrolled provider who is providing early  
23 intervention services to the child who is the subject of that  
24 plan.

25           (h) Children receiving services under this Act shall  
26 receive a smooth and effective transition by their third

1 birthday consistent with federal regulations adopted pursuant  
2 to Sections 1431 through 1444 of Title 20 of the United States  
3 Code.

4 (Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01;  
5 92-307, eff. 8-9-01; 92-651, eff. 7-11-02.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".