



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2535

by Rep. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

210 ILCS 135/9.5 new

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that the Director of the Division of Developmental Disabilities within the Department of Human Services shall appoint a Community Regulatory Advisory Board to consult with the Department. Provides for Advisory Board membership. Requires that the Advisory Board meet at least 4 times each year. Provides that the Advisory Board shall advise the Department on all aspects of the Department's responsibilities under the Act, including the format and content of any rules proposed by the Division of Developmental Disabilities, as requested by the Department. Provides that with certain exceptions, no rule of the Department implementing the Act that is proposed by the Department on or after the effective date of the amendatory Act is valid or effective against any person or party, nor may it be invoked by the Department for any purpose, unless the Department has first sought the advice of the Advisory Board with respect to that rule. Provides that if the Department requests the Advisory Board's advice with respect to a proposed rule, and if the Advisory Board fails to advise the Department as to that proposed rule within 90 days after the Department's request, the Advisory Board shall be deemed to have given its approval of that proposed rule. Provides for Department staff and technical support to the Advisory Board. Effective immediately.

LRB098 06407 DRJ 40613 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Community-Integrated Living Arrangements  
5 Licensure and Certification Act is amended by adding Section  
6 9.5 as follows:

7 (210 ILCS 135/9.5 new)

8 Sec. 9.5. Community Regulatory Advisory Board.

9 (a) The Director of the Division of Developmental  
10 Disabilities within the Department shall appoint a Community  
11 Regulatory Advisory Board to consult with the Department as  
12 provided in this Section.

13 (b) The Advisory Board shall be composed of the following  
14 persons:

15 (1) The Director of the Division of Developmental  
16 Disabilities, who shall serve as an ex officio, non-voting  
17 member and shall serve as chairperson of the Advisory  
18 Board.

19 (2) One representative of the Department of Healthcare  
20 and Family Services and one representative of the Office of  
21 the State Fire Marshal, each of whom shall serve as a  
22 non-voting member.

23 (3) A physician licensed to practice medicine in all

1 its branches.

2 (4) A behavioral specialist, selected from  
3 recommendations of the Department of Human Services.

4 (5) Four persons selected from recommendations of  
5 organizations whose membership consists of  
6 community-integrated living arrangement providers.

7 (6) One person who represents the general public and  
8 who has no responsibility for management or formation of  
9 policy in connection with a community-integrated living  
10 arrangement program and no financial interest in a  
11 community-integrated living arrangement program.

12 (7) Two persons who receive community-integrated  
13 living arrangement services and are capable of actively  
14 participating on the Advisory Board.

15 (8) One person selected from recommendations of  
16 consumer organizations that engage solely in advocacy or  
17 legal representation on behalf of individuals with  
18 developmental disabilities and their immediate families.

19 (c) The Advisory Board shall meet as frequently as the  
20 chairperson deems necessary, but not less than 4 times each  
21 year. Upon request of 4 or more members, the chairperson shall  
22 call a meeting of the Advisory Board. The affirmative vote of 6  
23 members of the Advisory Board shall be necessary for Advisory  
24 Board action. A member of the Advisory Board may designate a  
25 replacement to serve at an Advisory Board meeting and vote in  
26 place of the member by submitting a letter of designation to

1 the chairperson before or at the Advisory Board meeting.

2 (d) The Advisory Board shall advise the Department of Human  
3 Services on all aspects of the Department's responsibilities  
4 under this Act, including the format and content of any rules  
5 proposed by the Division of Developmental Disabilities within  
6 the Department, as requested by the Department. Except for (i)  
7 an emergency rule adopted pursuant to Section 5-45 of the  
8 Illinois Administrative Procedure Act or (ii) a rule which the  
9 Advisory Board is deemed to have approved as provided in  
10 subsection (f), no rule of the Department implementing this Act  
11 that is proposed by the Department on or after the effective  
12 date of this amendatory Act of the 98th General Assembly is  
13 valid or effective against any person or party, nor may it be  
14 invoked by the Department for any purpose, unless the  
15 Department has first sought the advice of the Advisory Board  
16 with respect to that rule as provided in this Section. If the  
17 Department fails to follow the advice of the Advisory Board in  
18 proposing any rule implementing this Act, the Department shall,  
19 before adopting that rule, transmit to the Advisory Board a  
20 written explanation of the reason or reasons for the  
21 Department's failure to follow the Advisory Board's advice.

22 (e) During its review of proposed rules as requested by the  
23 Department, the Advisory Board shall analyze the economic  
24 impact of those rules.

25 (f) If the Department requests the Advisory Board's advice  
26 with respect to a proposed rule, and if the Advisory Board

1 fails to advise the Department as to that proposed rule within  
2 90 days after the Department's request, the Advisory Board  
3 shall be deemed to have given its approval of that proposed  
4 rule.

5 (g) The Department shall provide staff and technical  
6 support to the Advisory Board as necessary to enable the  
7 Advisory Board to perform its functions under this Section.

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