



Sen. Jennifer Bertino-Tarrant

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1 AMENDMENT TO HOUSE BILL 3161

2 AMENDMENT NO. _____. Amend House Bill 3161 on page 1, by
3 replacing lines 4 through 5 with the following:

4 "Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 5-10 and by
6 adding Section 20-30 as follows:

7 (20 ILCS 301/5-10)

8 Sec. 5-10. Functions of the Department.

9 (a) In addition to the powers, duties and functions vested
10 in the Department by this Act, or by other laws of this State,
11 the Department shall carry out the following activities:

12 (1) Design, coordinate and fund a comprehensive and
13 coordinated community-based and culturally and
14 gender-appropriate array of services throughout the State
15 for the prevention, intervention, treatment and
16 rehabilitation of alcohol and other drug abuse and

1 dependency that is accessible and addresses the needs of
2 at-risk or addicted individuals and their families.

3 (2) Act as the exclusive State agency to accept,
4 receive and expend, pursuant to appropriation, any public
5 or private monies, grants or services, including those
6 received from the federal government or from other State
7 agencies, for the purpose of providing an array of services
8 for the prevention, intervention, treatment and
9 rehabilitation of alcoholism or other drug abuse or
10 dependency. Monies received by the Department shall be
11 deposited into appropriate funds as may be created by State
12 law or administrative action.

13 (2.5) In partnership with the Department of Healthcare
14 and Family Services, act as one of the principal State
15 agencies for the sole purpose of calculating the
16 maintenance of effort requirement under Section 1930 of
17 Title XIX, Part B, Subpart II of the Public Health Service
18 Act (42 U.S.C. 300x-30) and the Interim Final Rule (45 CFR
19 96.134).

20 (3) Coordinate a statewide strategy among State
21 agencies for the prevention, intervention, treatment and
22 rehabilitation of alcohol and other drug abuse and
23 dependency. This strategy shall include the development of
24 an annual comprehensive State plan for the provision of an
25 array of services for education, prevention, intervention,
26 treatment, relapse prevention and other services and

1 activities to alleviate alcoholism and other drug abuse and
2 dependency. The plan shall be based on local
3 community-based needs and upon data including, but not
4 limited to, that which defines the prevalence of and costs
5 associated with the abuse of and dependency upon alcohol
6 and other drugs. This comprehensive State plan shall
7 include identification of problems, needs, priorities,
8 services and other pertinent information, including the
9 needs of minorities and other specific populations in the
10 State, and shall describe how the identified problems and
11 needs will be addressed. For purposes of this paragraph,
12 the term "minorities and other specific populations" may
13 include, but shall not be limited to, groups such as women,
14 children, intravenous drug users, persons with AIDS or who
15 are HIV infected, African-Americans, Puerto Ricans,
16 Hispanics, Asian Americans, the elderly, persons in the
17 criminal justice system, persons who are clients of
18 services provided by other State agencies, persons with
19 disabilities and such other specific populations as the
20 Department may from time to time identify. In developing
21 the plan, the Department shall seek input from providers,
22 parent groups, associations and interested citizens.

23 Beginning with State fiscal year 1996, the annual
24 comprehensive State plan developed under this Section
25 shall include an explanation of the rationale to be used in
26 ensuring that funding shall be based upon local community

1 needs, including, but not limited to, the incidence and
2 prevalence of, and costs associated with, the abuse of and
3 dependency upon alcohol and other drugs, as well as upon
4 demonstrated program performance.

5 The annual comprehensive State plan developed under
6 this Section shall contain a report detailing the
7 activities of and progress made by the programs for the
8 care and treatment of addicted pregnant women, addicted
9 mothers and their children established under subsection
10 (j) of Section 35-5 of this Act.

11 Each State agency which provides or funds alcohol or
12 drug prevention, intervention and treatment services shall
13 annually prepare an agency plan for providing such
14 services, and these shall be used by the Department in
15 preparing the annual comprehensive statewide plan. Each
16 agency's annual plan for alcohol and drug abuse services
17 shall contain a report on the activities and progress of
18 such services in the prior year. The Department may provide
19 technical assistance to other State agencies, as required,
20 in the development of their agency plans.

21 (4) Lead, foster and develop cooperation, coordination
22 and agreements among federal and State governmental
23 agencies and local providers that provide assistance,
24 services, funding or other functions, peripheral or
25 direct, in the prevention, intervention, treatment or
26 rehabilitation of alcoholism and other drug abuse and

1 dependency. This shall include, but shall not be limited
2 to, the following:

3 (A) Cooperate with and assist the Department of
4 Corrections and the Department on Aging in
5 establishing and conducting programs relating to
6 alcoholism and other drug abuse and dependency among
7 those populations which they respectively serve.

8 (B) Cooperate with and assist the Illinois
9 Department of Public Health in the establishment,
10 funding and support of programs and services for the
11 promotion of maternal and child health and the
12 prevention and treatment of infectious diseases,
13 including but not limited to HIV infection, especially
14 with respect to those persons who may abuse drugs by
15 intravenous injection, or may have been sexual
16 partners of drug abusers, or may have abused substances
17 so that their immune systems are impaired, causing them
18 to be at high risk.

19 (C) Supply to the Department of Public Health and
20 prenatal care providers a list of all alcohol and other
21 drug abuse service providers for addicted pregnant
22 women in this State.

23 (D) Assist in the placement of child abuse or
24 neglect perpetrators (identified by the Illinois
25 Department of Children and Family Services) who have
26 been determined to be in need of alcohol or other drug

1 abuse services pursuant to Section 8.2 of the Abused
2 and Neglected Child Reporting Act.

3 (E) Cooperate with and assist the Illinois
4 Department of Children and Family Services in carrying
5 out its mandates to:

6 (i) identify alcohol and other drug abuse
7 issues among its clients and their families; and

8 (ii) develop programs and services to deal
9 with such problems.

10 These programs and services may include, but shall not
11 be limited to, programs to prevent the abuse of alcohol
12 or other drugs by DCFS clients and their families,
13 rehabilitation services, identifying child care needs
14 within the array of alcohol and other drug abuse
15 services, and assistance with other issues as
16 required.

17 (F) Cooperate with and assist the Illinois
18 Criminal Justice Information Authority with respect to
19 statistical and other information concerning drug
20 abuse incidence and prevalence.

21 (G) Cooperate with and assist the State
22 Superintendent of Education, boards of education,
23 schools, police departments, the Illinois Department
24 of State Police, courts and other public and private
25 agencies and individuals in establishing prevention
26 programs statewide and preparing curriculum materials

1 for use at all levels of education. An agreement shall
2 be entered into with the State Superintendent of
3 Education to assist in the establishment of such
4 programs.

5 (H) Cooperate with and assist the Illinois
6 Department of Healthcare and Family Services in the
7 development and provision of services offered to
8 recipients of public assistance for the treatment and
9 prevention of alcoholism and other drug abuse and
10 dependency.

11 (I) Provide training recommendations to other
12 State agencies funding alcohol or other drug abuse
13 prevention, intervention, treatment or rehabilitation
14 services.

15 (5) From monies appropriated to the Department from the
16 Drunk and Drugged Driving Prevention Fund, make grants to
17 reimburse DUI evaluation and remedial education programs
18 licensed by the Department for the costs of providing
19 indigent persons with free or reduced-cost services
20 relating to a charge of driving under the influence of
21 alcohol or other drugs.

22 (6) Promulgate regulations to provide appropriate
23 standards for publicly and privately funded programs as
24 well as for levels of payment to government funded programs
25 which provide an array of services for prevention,
26 intervention, treatment and rehabilitation for alcoholism

1 and other drug abuse or dependency.

2 (7) In consultation with local service providers,
3 specify a uniform statistical methodology for use by
4 agencies, organizations, individuals and the Department
5 for collection and dissemination of statistical
6 information regarding services related to alcoholism and
7 other drug use and abuse. This shall include prevention
8 services delivered, the number of persons treated,
9 frequency of admission and readmission, and duration of
10 treatment.

11 (8) Receive data and assistance from federal, State and
12 local governmental agencies, and obtain copies of
13 identification and arrest data from all federal, State and
14 local law enforcement agencies for use in carrying out the
15 purposes and functions of the Department.

16 (9) Designate and license providers to conduct
17 screening, assessment, referral and tracking of clients
18 identified by the criminal justice system as having
19 indications of alcoholism or other drug abuse or dependency
20 and being eligible to make an election for treatment under
21 Section 40-5 of this Act, and assist in the placement of
22 individuals who are under court order to participate in
23 treatment.

24 (10) Designate medical examination and other programs
25 for determining alcoholism and other drug abuse and
26 dependency.

1 (11) Encourage service providers who receive financial
2 assistance in any form from the State to assess and collect
3 fees for services rendered.

4 (12) Make grants with funds appropriated from the Drug
5 Treatment Fund in accordance with Section 7 of the
6 Controlled Substance and Cannabis Nuisance Act, or in
7 accordance with Section 80 of the Methamphetamine Control
8 and Community Protection Act, or in accordance with
9 subsections (h) and (i) of Section 411.2 of the Illinois
10 Controlled Substances Act.

11 (13) Encourage all health and disability insurance
12 programs to include alcoholism and other drug abuse and
13 dependency as a covered illness.

14 (14) Make such agreements, grants-in-aid and
15 purchase-care arrangements with any other department,
16 authority or commission of this State, or any other state
17 or the federal government or with any public or private
18 agency, including the disbursement of funds and furnishing
19 of staff, to effectuate the purposes of this Act.

20 (15) Conduct a public information campaign to inform
21 the State's Hispanic residents regarding the prevention
22 and treatment of alcoholism.

23 (b) In addition to the powers, duties and functions vested
24 in it by this Act, or by other laws of this State, the
25 Department may undertake, but shall not be limited to, the
26 following activities:

1 (1) Require all programs funded by the Department to
2 include an education component to inform participants
3 regarding the causes and means of transmission and methods
4 of reducing the risk of acquiring or transmitting HIV
5 infection, and to include funding for such education
6 component in its support of the program.

7 (2) Review all State agency applications for federal
8 funds which include provisions relating to the prevention,
9 early intervention and treatment of alcoholism and other
10 drug abuse and dependency in order to ensure consistency
11 with the comprehensive statewide plan developed pursuant
12 to this Act.

13 (3) Prepare, publish, evaluate, disseminate and serve
14 as a central repository for educational materials dealing
15 with the nature and effects of alcoholism and other drug
16 abuse and dependency. Such materials may deal with the
17 educational needs of the citizens of Illinois, and may
18 include at least pamphlets which describe the causes and
19 effects of fetal alcohol syndrome, which the Department may
20 distribute free of charge to each county clerk in
21 sufficient quantities that the county clerk may provide a
22 pamphlet to the recipients of all marriage licenses issued
23 in the county.

24 (4) Develop and coordinate, with regional and local
25 agencies, education and training programs for persons
26 engaged in providing the array of services for persons

1 having alcoholism or other drug abuse and dependency
2 problems, which programs may include specific HIV
3 education and training for program personnel.

4 (5) Cooperate with and assist in the development of
5 education, prevention and treatment programs for employees
6 of State and local governments and businesses in the State.

7 (6) Utilize the support and assistance of interested
8 persons in the community, including recovering addicts and
9 alcoholics, to assist individuals and communities in
10 understanding the dynamics of addiction, and to encourage
11 individuals with alcohol or other drug abuse or dependency
12 problems to voluntarily undergo treatment.

13 (7) Promote, conduct, assist or sponsor basic
14 clinical, epidemiological and statistical research into
15 alcoholism and other drug abuse and dependency, and
16 research into the prevention of those problems either
17 solely or in conjunction with any public or private agency.

18 (8) Cooperate with public and private agencies,
19 organizations and individuals in the development of
20 programs, and to provide technical assistance and
21 consultation services for this purpose.

22 (9) Publish or provide for the publishing of a manual
23 to assist medical and social service providers in
24 identifying alcoholism and other drug abuse and dependency
25 and coordinating the multidisciplinary delivery of
26 services to addicted pregnant women, addicted mothers and

1 their children. The manual may be used only to provide
2 information and may not be used by the Department to
3 establish practice standards. The Department may not
4 require recipients to use specific providers nor may they
5 require providers to refer recipients to specific
6 providers. The manual may include, but need not be limited
7 to, the following:

8 (A) Information concerning risk assessments of
9 women seeking prenatal, natal, and postnatal medical
10 care.

11 (B) Information concerning risk assessments of
12 infants who may be substance-affected.

13 (C) Protocols that have been adopted by the
14 Illinois Department of Children and Family Services
15 for the reporting and investigation of allegations of
16 child abuse or neglect under the Abused and Neglected
17 Child Reporting Act.

18 (D) Summary of procedures utilized in juvenile
19 court in cases of children alleged or found to be
20 abused or neglected as a result of being born to
21 addicted women.

22 (E) Information concerning referral of addicted
23 pregnant women, addicted mothers and their children by
24 medical, social service, and substance abuse treatment
25 providers, by the Departments of Children and Family
26 Services, Public Aid, Public Health, and Human

1 Services.

2 (F) Effects of substance abuse on infants and
3 guidelines on the symptoms, care, and comfort of
4 drug-withdrawing infants.

5 (G) Responsibilities of the Illinois Department of
6 Public Health to maintain statistics on the number of
7 children in Illinois addicted at birth.

8 (10) To the extent permitted by federal law or
9 regulation, establish and maintain a clearinghouse and
10 central repository for the development and maintenance of a
11 centralized data collection and dissemination system and a
12 management information system for all alcoholism and other
13 drug abuse prevention, early intervention and treatment
14 services.

15 (11) Fund, promote or assist programs, services,
16 demonstrations or research dealing with addictive or
17 habituating behaviors detrimental to the health of
18 Illinois citizens.

19 (12) With monies appropriated from the Group Home Loan
20 Revolving Fund, make loans, directly or through
21 subcontract, to assist in underwriting the costs of housing
22 in which individuals recovering from alcohol or other drug
23 abuse or dependency may reside in groups of not less than 6
24 persons, pursuant to Section 50-40 of this Act.

25 (13) Promulgate such regulations as may be necessary
26 for the administration of grants or to otherwise carry out

1 the purposes and enforce the provisions of this Act.

2 (14) Fund programs to help parents be effective in
3 preventing substance abuse by building an awareness of
4 drugs and alcohol and the family's role in preventing abuse
5 through adjusting expectations, developing new skills, and
6 setting positive family goals. The programs shall include,
7 but not be limited to, the following subjects: healthy
8 family communication; establishing rules and limits; how
9 to reduce family conflict; how to build self-esteem,
10 competency, and responsibility in children; how to improve
11 motivation and achievement; effective discipline; problem
12 solving techniques; and how to talk about drugs and
13 alcohol. The programs shall be open to all parents.

14 (Source: P.A. 94-556, eff. 9-11-05; 95-331, eff. 8-21-07.)".