

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 Developmental Disability and Mental  
5 Disability Services Act is amended by adding Article VII-A as  
6 follows:

7 (405 ILCS 80/Art. VII-A heading new)

8 VII-A. DIVERSION FROM FACILITY-BASED CARE PROGRAM

9 (405 ILCS 80/7A-1 new)

10 Sec. 7A-1. Diversion from Facility-based Care Pilot  
11 Program.

12 (a) The purposes of this Article are to:

13 (1) decrease the number of admissions to  
14 State-operated facilities;

15 (2) address the needs of individuals receiving Home and  
16 Community Based Services (HCBS) with intellectual  
17 disabilities or developmental disabilities who are at risk  
18 of facility-based care due to significant behavioral  
19 challenges, some with a dual diagnosis of mental illness,  
20 by providing a community-based residential alternative to  
21 facility-based care consistent with their individual  
22 plans, and to transition these individuals back to a

1 traditional community-integrated living arrangement or  
2 other HCBS community setting program;

3 (3) create greater capacity within the short-term  
4 stabilization homes by allowing individuals who need an  
5 extended period of treatment to transfer to a long-term  
6 stabilization home;

7 (4) stabilize the existing community-integrated living  
8 arrangement homes where the presence of individuals with  
9 complex behavioral challenges is disruptive to their  
10 housemates; and

11 (5) add support services to enhance community service  
12 providers who serve individuals with significant  
13 behavioral challenges.

14 (b) Subject to appropriation or the availability of other  
15 funds for these purposes at the discretion of the Department,  
16 the Department shall establish the Diversion from  
17 Facility-based Care Pilot Program consisting of at least 6  
18 homes in various locations in this State in accordance with  
19 this Article and the following model:

20 (1) the Diversion from Facility-based Care Model shall  
21 serve individuals with intellectual disabilities or  
22 developmental disabilities who are currently receiving  
23 HCBS services and are at risk of facility-based care due to  
24 significant behavioral challenges, some with a dual  
25 diagnosis of mental illness, for a period ranging from one  
26 to 2 years, or longer if appropriate for the individual;

1           (2) the Program shall be regulated in accordance with  
2           the community-integrated living arrangement guidelines;

3           (3) each home shall support no more than 4 residents,  
4           each having his or her own bedroom;

5           (4) if, at any point, an individual, his or her  
6           guardian, or family caregivers, in conjunction with the  
7           provider and clinical staff, believe the individual is  
8           capable of participating in a HCBS service, those  
9           opportunities shall be offered as they become available;

10          and

11          (5) providers shall have adequate resources,  
12          experience, and qualifications to serve the population  
13          target by the Program, as determined by the Department;

14          (6) participating Program providers and the Department  
15          shall participate in an ongoing collaborative whereby best  
16          practices and treatment experiences would be shared and  
17          utilized;

18          (7) home locations shall be proposed by the provider in  
19          collaboration with other community stakeholders;

20          (8) The Department, in collaboration with  
21          participating providers, by rule shall develop data  
22          collection and reporting requirements for participating  
23          community service providers. Beginning December 31, 2020  
24          the Department shall submit an annual report  
25          electronically to the General Assembly and Governor that  
26          outlines the progress and effectiveness of the pilot

1 program. The report to the General Assembly shall be filed  
2 with the Clerk of the House of Representatives and the  
3 Secretary of the Senate in electronic form only, in the  
4 manner that the Clerk and the Secretary shall direct;

5 (9) the staffing model shall allow for a high level of  
6 community integration and engagement and family  
7 involvement; and

8 (10) appropriate day services, staff training  
9 priorities, and home modifications shall be incorporated  
10 into the Program model, as allowed by HCBS authorization.

11 (c) This Section is repealed on January 1, 2023.

12 Section 99. Effective date. This Act takes effect July 1,  
13 2019.