

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.