



Sen. David Koehler

Filed: 3/28/2019

10100SB0155sam001

LRB101 07066 KTG 58738 a

1 AMENDMENT TO SENATE BILL 155

2 AMENDMENT NO. _____. Amend Senate Bill 155 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 Section 3 and by adding Section 3a as
6 follows:

7 (325 ILCS 20/3) (from Ch. 23, par. 4153)

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

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

12 (1) Developmental delays.

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

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

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

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

1 one or more of those areas.

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

4 (1) a diagnosed medical disorder or exposure to a toxic
5 substance bearing a relatively well known expectancy for
6 developmental outcomes within varying ranges of
7 developmental disabilities; or

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

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

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

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

23 (2) are selected in collaboration with the child's
24 family;

25 (3) are provided under public supervision;

26 (4) are provided at no cost except where a schedule of

1 sliding scale fees or other system of payments by families
2 has been adopted in accordance with State and federal law;

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

5 (A) physical development, including vision and
6 hearing,

7 (B) cognitive development,

8 (C) communication development,

9 (D) social or emotional development, or

10 (E) adaptive development;

11 (6) meet the standards of the State, including the
12 requirements of this Act;

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

14 (A) family training,

15 (B) social work services, including counseling,
16 and home visits,

17 (C) special instruction,

18 (D) speech, language pathology and audiology,

19 (E) occupational therapy,

20 (F) physical therapy,

21 (G) psychological services,

22 (H) service coordination services,

23 (I) medical services only for diagnostic or
24 evaluation purposes,

25 (J) early identification, screening, and
26 assessment services,

1 (K) health services specified by the lead agency as
2 necessary to enable the infant or toddler to benefit
3 from the other early intervention services,

4 (L) vision services,

5 (M) transportation,

6 (N) assistive technology devices and services,

7 (O) nursing services,

8 (P) nutrition services, and

9 (Q) sign language and cued language services;

10 (8) are provided by qualified personnel, including but
11 not limited to:

12 (A) child development specialists or special
13 educators, including teachers of children with hearing
14 impairments (including deafness) and teachers of
15 children with vision impairments (including
16 blindness),

17 (B) speech and language pathologists and
18 audiologists,

19 (C) occupational therapists,

20 (D) physical therapists,

21 (E) social workers,

22 (F) nurses,

23 (G) dietitian nutritionists,

24 (H) vision specialists, including ophthalmologists
25 and optometrists,

26 (I) psychologists, and

1 (J) physicians;

2 (9) are provided in conformity with an Individualized
3 Family Service Plan;

4 (10) are provided throughout the year; and

5 (11) are provided in natural environments, to the
6 maximum extent appropriate, which may include the home and
7 community settings, unless justification is provided
8 consistent with federal regulations adopted under Sections
9 1431 through 1444 of Title 20 of the United States Code.

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

14 (g) "Local interagency agreement" means an agreement
15 entered into by local community and State and regional agencies
16 receiving early intervention funds directly from the State and
17 made in accordance with State interagency agreements providing
18 for the delivery of early intervention services within a local
19 community area.

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

22 (i) "Lead agency" means the State agency responsible for
23 administering this Act and receiving and disbursing public
24 funds received in accordance with State and federal law and
25 rules.

26 (i-5) "Central billing office" means the central billing

1 office created by the lead agency under Section 13.

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

4 (k) "Regional intake entity" means the lead agency's
5 designated entity responsible for implementation of the Early
6 Intervention Services System within its designated geographic
7 area.

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

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

21 (Source: P.A. 97-902, eff. 8-6-12; 98-41, eff. 6-28-13.)

22 (325 ILCS 20/3a new)

23 Sec. 3a. Lead poisoning. No later than 180 days after the
24 effective date of this amendatory Act of the 101st General
25 Assembly, the lead agency shall adopt rules to update 89 Ill.

1 Adm. Code 500.Appendix E by: (i) expanding the list of Medical
2 Conditions Resulting in High Probability of Developmental
3 Delay to include lead poisoning as a medical condition approved
4 by the lead agency for the purposes of this Act; and (ii)
5 defining "confirmed blood lead level" and "elevated blood lead
6 level" or "EBL" to have the same meanings ascribed to those
7 terms by the Department of Public Health in 77 Ill. Adm. Code
8 845.20.".