



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1298

Introduced 1/31/2023, by Rep. Charles Meier

#### SYNOPSIS AS INTRODUCED:

210 ILCS 135/4

from Ch. 91 1/2, par. 1704

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Removes provisions allowing the Department of Human Services to conduct site visits to an agency licensed under the Act, or to any program or placement certified by the agency, and inspect the records or premises, or both, of such agency, program or placement as it deems appropriate, for the purpose of determining compliance with the Act, the Mental Health and Developmental Disabilities Code, and applicable Department rules and regulations. Requires the Department to establish a system of regular and ongoing on-site inspections, that shall occur at least annually, of each agency licensed under the Act or any program or placement certified by an agency licensed under the Act under the Department's jurisdiction. Provides that the inspections shall be conducted by the Department's central office to achieve specified goals.

LRB103 05618 CPF 50637 b

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 changing Section  
6 4 as follows:

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community mental health or developmental  
9 services agency who wishes to develop and support a variety of  
10 community-integrated living arrangements may do so pursuant to  
11 a license issued by the Department under this Act. However,  
12 programs established under or otherwise subject to the Child  
13 Care Act of 1969, the Nursing Home Care Act, the Specialized  
14 Mental Health Rehabilitation Act of 2013, the ID/DD Community  
15 Care Act, or the MC/DD Act, as now or hereafter amended, shall  
16 remain subject thereto, and this Act shall not be construed to  
17 limit the application of those Acts.

18 (b) The system of licensure established under this Act  
19 shall be for the purposes of:

20 (1) ensuring that all recipients residing in  
21 community-integrated living arrangements are receiving  
22 appropriate community-based services, including  
23 treatment, training and habilitation or rehabilitation;

1           (2) ensuring that recipients' rights are protected and  
2           that all programs provided to and placements arranged for  
3           recipients comply with this Act, the Mental Health and  
4           Developmental Disabilities Code, and applicable Department  
5           rules and regulations;

6           (3) maintaining the integrity of communities by  
7           requiring regular monitoring and inspection of placements  
8           and other services provided in community-integrated living  
9           arrangements.

10          The licensure system shall be administered by a quality  
11          assurance unit within the Department which shall be  
12          administratively independent of units responsible for funding  
13          of agencies or community services.

14          (c) As a condition of being licensed by the Department as a  
15          community mental health or developmental services agency under  
16          this Act, the agency shall certify to the Department that:

17                 (1) all recipients residing in community-integrated  
18                 living arrangements are receiving appropriate  
19                 community-based services, including treatment, training  
20                 and habilitation or rehabilitation;

21                 (2) all programs provided to and placements arranged  
22                 for recipients are supervised by the agency; and

23                 (3) all programs provided to and placements arranged  
24                 for recipients comply with this Act, the Mental Health and  
25                 Developmental Disabilities Code, and applicable Department  
26                 rules and regulations.

1 (c-5) Each developmental services agency licensed under  
2 this Act shall submit an annual report to the Department, as a  
3 contractual requirement between the Department and the  
4 developmental services agency, certifying that all  
5 legislatively or administratively mandated wage increases to  
6 benefit workers are passed through in accordance with the  
7 legislative or administrative mandate. The Department shall  
8 determine the manner and form of the annual report.

9 (d) An applicant for licensure as a community mental  
10 health or developmental services agency under this Act shall  
11 submit an application pursuant to the application process  
12 established by the Department by rule and shall pay an  
13 application fee in an amount established by the Department,  
14 which amount shall not be more than \$200.

15 (e) If an applicant meets the requirements established by  
16 the Department to be licensed as a community mental health or  
17 developmental services agency under this Act, after payment of  
18 the licensing fee, the Department shall issue a license valid  
19 for 3 years from the date thereof unless suspended or revoked  
20 by the Department or voluntarily surrendered by the agency.

21 (f) Upon application to the Department, the Department may  
22 issue a temporary permit to an applicant for up to a 2-year  
23 period to allow the holder of such permit reasonable time to  
24 become eligible for a license under this Act.

25 (g) (1) (Blank). ~~The Department may conduct site visits to~~  
26 ~~an agency licensed under this Act, or to any program or~~

1 ~~placement certified by the agency, and inspect the records or~~  
2 ~~premises, or both, of such agency, program or placement as it~~  
3 ~~deems appropriate, for the purpose of determining compliance~~  
4 ~~with this Act, the Mental Health and Developmental~~  
5 ~~Disabilities Code, and applicable Department rules and~~  
6 ~~regulations. The Department shall conduct inspections of the~~  
7 ~~records and premises of each community integrated living~~  
8 ~~arrangement certified under this Act at least once every 2~~  
9 ~~years.~~

10 (1.5) The Department shall establish a system of regular  
11 and ongoing on-site inspections, that shall occur at least  
12 annually, of each agency licensed under this Act or any  
13 program or placement certified by an agency licensed under  
14 this Act under its jurisdiction. The inspections shall be  
15 conducted by the Department's central office to:

16 (A) determine the compliance of an agency licensed  
17 under this Act or any program or placement certified by an  
18 agency licensed under this Act with Department policies  
19 and procedures;

20 (B) determine the compliance of an agency licensed  
21 under this Act or any program or placement certified by an  
22 agency licensed under this Act with audit recommendations;

23 (C) evaluate the compliance of an agency licensed  
24 under this Act or any program or placement certified by an  
25 agency licensed under this Act with applicable federal  
26 standards;

1           (D) review and follow up on complaints made by  
2           community mental health agencies and advocates, and on  
3           findings of the Human Rights Authority division of the  
4           Illinois Guardianship and Advocacy Commission;

5           (E) review administrative and management problems  
6           identified by other sources; and

7           (F) identify and prevent abuse and neglect.

8           (2) If the Department determines that an agency licensed  
9           under this Act is not in compliance with this Act or the rules  
10          and regulations promulgated under this Act, the Department  
11          shall serve a notice of violation upon the licensee. Each  
12          notice of violation shall be prepared in writing and shall  
13          specify the nature of the violation, the statutory provision  
14          or rule alleged to have been violated, and that the licensee  
15          submit a plan of correction to the Department if required. The  
16          notice shall also inform the licensee of any other action  
17          which the Department might take pursuant to this Act and of the  
18          right to a hearing.

19          (g-5) As determined by the Department, a disproportionate  
20          number or percentage of licensure complaints; a  
21          disproportionate number or percentage of substantiated cases  
22          of abuse, neglect, or exploitation involving an agency; an  
23          apparent unnatural death of an individual served by an agency;  
24          any egregious or life-threatening abuse or neglect within an  
25          agency; or any other significant event as determined by the  
26          Department shall initiate a review of the agency's license by

1 the Department, as well as a review of its service agreement  
2 for funding. The Department shall adopt rules to establish the  
3 process by which the determination to initiate a review shall  
4 be made and the timeframe to initiate a review upon the making  
5 of such determination.

6 (h) Upon the expiration of any license issued under this  
7 Act, a license renewal application shall be required of and a  
8 license renewal fee in an amount established by the Department  
9 shall be charged to a community mental health or developmental  
10 services agency, provided that such fee shall not be more than  
11 \$200.

12 (i) A public or private agency, association, partnership,  
13 corporation, or organization that has had a license revoked  
14 under subsection (b) of Section 6 of this Act may not apply for  
15 or possess a license under a different name.

16 (Source: P.A. 102-944, eff. 1-1-23.)