

1 AN ACT in relation to health.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Community Services Act is amended by
5 adding Sections 4.4 and 4.5 as follows:

6 (405 ILCS 30/4.4 new)

7 Sec. 4.4. Funding reinvestment.

8 (a) The purposes of this Section are as follows:

9 (1) The General Assembly recognizes that the United
10 States Supreme Court in *Olmstead v. L.C. ex Rel. Zimring,*
11 119 S. Ct. 2176 (1999), affirmed that the unjustifiable
12 institutionalization of a person with a disability who
13 could live in the community with proper support, and
14 wishes to do so, is unlawful discrimination in violation
15 of the Americans with Disabilities Act (ADA). The State
16 of Illinois, along with all other states, is required to
17 provide appropriate residential and community-based
18 support services to persons with disabilities who wish to
19 live in a less restrictive setting.

20 (2) It is the purpose of this Section to help
21 fulfill the State's obligations under the *Olmstead*
22 decision by maximizing the level of funds for both
23 developmental disability and mental health services and
24 supports in order to maintain and create an array of
25 residential and supportive services for people with
26 mental health needs and developmental disabilities
27 whenever they are transferred into another facility or a
28 community-based setting.

29 (b) In this Section:

30 "Office of Developmental Disabilities" means the Office
31 of Developmental Disabilities within the Department of Human

1 Services.

2 "Office of Mental Health" means the Office of Mental
3 Health within the Department of Human Services.

4 (c) On and after the effective date of this amendatory
5 Act of the 93rd General Assembly, every appropriation of
6 State moneys relating to funding for the Office of
7 Developmental Disabilities or the Office of Mental Health
8 must comply with this Section.

9 (d) Whenever any appropriation, or any portion of an
10 appropriation, for any fiscal year relating to the funding of
11 any State-operated facility operated by the Office of
12 Developmental Disabilities or any mental health facility
13 operated by the Office of Mental Health is reduced because of
14 any of the reasons set forth in the following items (1)
15 through (3), to the extent that savings are realized from
16 these items, those moneys must be directed toward providing
17 other services and supports for persons with developmental
18 disabilities or mental health needs:

19 (1) The closing of any such State-operated facility
20 for the developmentally disabled or mental health
21 facility.

22 (2) Reduction in the number of available beds in
23 any such State-operated facility for the developmentally
24 disabled or mental health facility.

25 (3) Reduction in the number of staff employed in
26 any such State-operated facility for the developmentally
27 disabled or mental health facility.

28 (e) The purposes of redirecting this funding shall
29 include, but not be limited to, providing the following
30 services and supports for individuals with developmental
31 disabilities and mental health needs:

32 (1) Residence in the most integrated setting
33 possible, whether independent living in a private
34 residence, a Community Integrated Living Arrangement

1 (CILA), a supported residential program, an Intermediate
2 Care Facility for persons with Developmental Disabilities
3 (ICFDD), a supervised residential program, or supportive
4 housing, as appropriate.

5 (2) Rehabilitation and support services, including
6 assertive community treatment, case management,
7 supportive and supervised day treatment, and psychosocial
8 rehabilitation.

9 (3) Vocational or developmental training, as
10 appropriate, that contributes to the person's
11 independence and employment potential.

12 (4) Employment or supported employment, as
13 appropriate, free from discrimination pursuant to the
14 Constitution and laws of this State.

15 (5) In-home family supports, such as respite
16 services and client and family supports.

17 (6) Periodic reevaluation, as needed.

18 (f) An appropriation may not circumvent the purposes of
19 this Section by transferring moneys within the funding system
20 for services and supports for the developmentally disabled
21 and mentally ill and then compensating for this transfer by
22 redirecting other moneys away from these services to provide
23 funding for some other governmental purpose or to relieve
24 other State funding expenditures.

25 (405 ILCS 30/4.5 new)

26 Sec. 4.5. Funding Reinvestment Advisory Task Force.

27 (a) The Governor, in coordination with the Secretary of
28 Human Services, shall appoint a task force to assist the
29 Department of Human Services in implementing Section 4.4. The
30 task force shall consist of the following members:

31 (1) One Representative recommended by the Speaker
32 of the House of Representatives.

33 (2) One Representative recommended by the Minority

1 Leader of the House of Representatives.

2 (3) One Senator recommended by the President of the
3 Senate.

4 (4) One Senator recommended by the Minority Leader
5 of the Senate.

6 (5) One representative from the Office of
7 Developmental Disabilities within the Department of Human
8 Services.

9 (6) One representative from the Office of Mental
10 Health within the Department of Human Services.

11 (7) One representative from the Office of
12 Rehabilitation Services within the Department of Human
13 Services.

14 (8) One representative from the Department of
15 Public Aid.

16 (9) One community-based provider for individuals
17 with developmental disabilities.

18 (10) One community-based recreational provider for
19 individuals with developmental disabilities.

20 (11) One community-based provider for individuals
21 with mental health needs.

22 (12) One member representing entities that provide
23 funding for mental health services.

24 (13) Three members representing the advocate
25 community for the developmentally disabled.

26 (14) Three members representing the advocate
27 community for the mentally ill.

28 (b) In addition to assisting the Department in
29 implementing Section 4.4, the task force shall also assist
30 in, but not be limited to, the following:

31 (1) Quantifying the amount of money appropriated by
32 the legislature for expenditures relating to care for a
33 person in a State-operated facility for persons with
34 developmental disabilities or a mental health facility.

1 (2) Quantifying the amount of money appropriated by
2 the legislature for expenditures relating to care for a
3 person in a community-based setting.

4 (3) Identifying ways in which funding may be
5 redirected in total or in part to alternative services
6 and supports an individual transferring out of an
7 institution may be seeking.

8 (4) Identifying other state models and practices
9 that allow money to follow the individual throughout the
10 system of services and supports for individuals with
11 developmental disabilities and mental health needs.

12 (5) Identifying ways in which the Department can
13 maximize Medicaid funding and capture more federal
14 financial participation (FFP) for the purpose of
15 expanding developmental disability and mental health
16 services and supports.

17 (c) The task force shall be established no later than
18 June 1, 2003 and shall submit a written report of its
19 findings to the General Assembly and the Office of the
20 Governor no later than January 1, 2004.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.