

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 1. Short title. This Act may be cited as the
5 Community-based Alternatives to Institutionalization Act.

6 Section 5. Purpose. It is the purpose of this Act to
7 prevent or avoid unnecessary institutionalization of
8 individuals with mental or substance use disorders, or a
9 co-occurring disorder of mental illness and substance abuse.
10 Implementation of this Act will provide cost-effective
11 community residential settings and supports to enable
12 individuals with a mental or substance use disorder, or a
13 co-occurring disorder of mental illness and substance abuse,
14 to live successfully in the community.

15 Section 10. Definitions. In this Act:

16 "Department" means the Department of Human Services.

17 "Individual with a disability" means any of the
18 following:

19 (1) An adult individual who has an impairment of
20 drug addiction or alcoholism, or both, or a mental
21 impairment that substantially limits one or more of the
22 individual's major life activities.

23 (2) An adult individual who has a record of an
24 impairment of drug addiction or alcoholism, or both, or a
25 mental impairment that substantially limits one or more
26 of the individual's major life activities.

27 (3) An adult individual who is regarded as having
28 an impairment of drug addiction or alcoholism, or both,
29 or a mental impairment.

30 "Mental impairment" means a mental or psychological

1 disorder or emotional or mental illness.

2 "Program" means the Consumer Alternatives Program.

3 "Stakeholder" means an advocacy organization or service
4 provider whose mission includes advocacy for or provision of
5 quality services to individuals with a disability of mental
6 illness, substance abuse, or a co-occurring disorder of
7 mental illness and substance abuse.

8 "Substance abuse" means the excessive use of alcohol,
9 addiction to a controlled substance, or the habitual use of
10 cannabis.

11 Section 15. Consumer Alternatives Program. The
12 Department of Human Services shall implement the Consumer
13 Alternatives Program as described in this Act. The Department
14 of Public Aid, the Department of Public Health, the Bureau of
15 the Budget, and other State agencies as appropriate shall
16 cooperate fully with the Department of Human Services in
17 fulfilling the requirements of the Program.

18 Section 20. Community services. In order to prevent or
19 avoid institutionalization of individuals with a disability
20 due to mental or substance use disorder, or a co-occurring
21 disorder of mental illness and substance abuse, the
22 Department shall implement, coordinate, monitor, and evaluate
23 community services for individuals with disabilities in
24 Illinois in cooperation with all governmental and private
25 resources, organizations, and stakeholders. Services shall
26 address the needs of adult individuals with disabilities, in
27 the following disability areas:

- 28 (1) Mental illness.
- 29 (2) Alcoholism or substance abuse, or both.
- 30 (3) Mental illness and substance abuse.

31 Section 25. Program implementation.

1 (a) The Department shall implement the Program for
2 individuals with a mental or substance use disorder or
3 co-occurring disorder of mental illness and substance abuse.
4 The Program shall consist of a program for individuals with a
5 mental or substance use disorder or co-occurring disorder of
6 mental illness and substance abuse, designed to provide a
7 system of services and supports for those individuals to live
8 in the most integrated community-based integrated setting.

9 (b) The Department shall begin implementation of the
10 program during fiscal year 2004. The Department shall adopt
11 rules for the selection of the initial program participants.

12 (c) Subject to appropriations, the Department shall do
13 the following:

14 (1) Establish a comprehensive plan to develop and
15 maintain a statewide system of community-based services
16 that reflect the choices and needs of individuals with a
17 mental or substance use disorder or a co-occurring
18 disorder of mental illness and substance abuse and their
19 families, to prevent or avoid unnecessary
20 institutionalization.

21 (2) Carry out all functions and duties required by
22 law through collaboration with individuals with a mental
23 or substance use disorder or a co-occurring disorder of
24 mental illness and substance abuse, their families and
25 guardians, community organizations, and providers
26 throughout the State.

27 (3) Facilitate or provide technical assistance to
28 community service providers in planning, developing, and
29 implementing services and supports for individuals with a
30 mental or substance use disorder or a co-occurring
31 disorder of mental illness and substance abuse and their
32 families.

33 (4) Establish initiatives including, but not
34 limited to, the Consumer Alternatives Program as

1 described in this Act, to prevent and correct
2 inappropriate institutionalization to ensure that
3 individuals needing alternative services are served in
4 the most integrated setting.

5 Section 30. Program components. The Consumer
6 Alternatives Program must include the following components:

7 (1) Policies to avoid inappropriate placement of an
8 individual in an institution, including general acute
9 care hospitals, hospitals with distinct parts for
10 psychiatric care, free standing public or private
11 psychiatric hospitals, residential treatment facilities,
12 and nursing facilities.

13 (2) Additional community-based integrated
14 residential settings with appropriate community supports
15 in accordance with an individual program plan or an
16 individual treatment plan, or both.

17 (3) Programs to train institutional discharge staff
18 treating individuals with disabilities, including
19 training on community-based alternatives.

20 (4) A process to inform a person of all available
21 options for his or her care before that person makes a
22 decision on his or her placement.

23 (5) The assistance, before placement, of a
24 specialist who will assist a person in making the move
25 from an institution to a community setting.

26 (6) Outreach activities to identify persons in
27 institutions who may wish to move. The Department shall
28 establish the qualifications for persons and
29 organizations that perform the outreach for
30 community-based organizations funded through the Program.
31 With respect to a resident of an institution, the
32 resident's guardian of the person, if any, must be
33 afforded the opportunity to be involved with the outreach

1 process and the resident.

2 Section 35. Provision of services. In accordance with an
3 individual program plan or an individual treatment plan, or
4 both, based on a comprehensive evaluation, individuals with a
5 mental or substance use disorder, or a co-occurring disorder
6 of mental illness and substance abuse, may be provided the
7 services described in the Sections following this Section.

8 Section 40. Comprehensive evaluation and diagnosis. An
9 individual with a mental or substance use disorder, or a
10 co-occurring disorder of mental illness and substance abuse,
11 who is applying for services is entitled to receive a
12 comprehensive evaluation and diagnosis including an
13 assessment of skills, abilities, and potential for
14 residential and work placement, adapted to his or her primary
15 language, cultural background, and ethnic origin.

16 Section 45. Individual program or treatment plan. An
17 individual with a mental or substance use disorder, or a
18 co-occurring disorder of mental illness and substance abuse,
19 is entitled to receive services in accordance with a current
20 individual program plan or an individual treatment plan, or
21 both. An individual with a disability who is receiving
22 services shall be provided with periodic reevaluation and
23 review of the individual program plan or individual treatment
24 plan, or both, in order to measure progress, to modify or
25 change objectives, if necessary, and to provide guidance and
26 remediation techniques. An individual with a disability and
27 his or her representatives have the right (i) to participate
28 in the planning and decision-making process regarding the
29 individual's program plan and (ii) to be informed in writing,
30 or in that individual's mode of communication, of progress at
31 reasonable time intervals. Each individual must be given the

1 opportunity to make decisions and exercise options regarding
2 the plan, consistent with the individual's capabilities.

3 Section 50. Nondiscriminatory access to services. An
4 individual with a mental or substance use disorder, or a
5 co-occurring disorder of mental illness and substance abuse,
6 may not be denied program services because of age, sex,
7 ethnic origin, marital status, ability to pay (except when
8 contrary to law), record, degree of disability, or illness.

9 Section 55. Family or individual support. An individual
10 with a mental or substance use disorder, or a co-occurring
11 disorder of mental illness and substance abuse, must be
12 provided family or individual support services, or both, and
13 services in accordance with a current individual program plan
14 or an individual treatment plan, or both, to prevent
15 unnecessary out-of-home placement and to foster independent
16 living skills.

17 Section 60. Residential choices. An individual with a
18 mental or substance use disorder, or a co-occurring disorder
19 of mental illness and substance abuse, who requires
20 residential placement in a supervised or supported setting
21 must be provided a choice among available, clinically
22 appropriate, residential options. The placement must be
23 offered in the most integrated community setting possible.

24 Section 65. Vocational training. An individual with a
25 mental or substance use disorder, or a co-occurring disorder
26 of mental illness and substance abuse, must be provided with
27 vocational training, when appropriate, in accordance with a
28 current individual program plan or an individual treatment
29 plan, or both, that contributes to the individual's
30 independence and employment potential. This training must

1 include strategies and activities in programs that lead to
2 employment and reemployment.

3 Section 70. Employment. An individual with a mental or
4 substance use disorder, or a co-occurring disorder of mental
5 illness and substance abuse, has the right to be employed
6 free from discrimination, pursuant to the Constitution and
7 laws of this State and the United States.

8 Section 75. Case coordination services. An individual
9 with a mental or substance use disorder, or a co-occurring
10 disorder of mental illness and substance abuse, must be
11 provided with case coordination services, as appropriate, in
12 accordance with a current individual program plan or an
13 individual treatment plan, or both.

14 Section 80. Due process; judicial review.

15 (a) An individual with a mental or substance use
16 disorder, or a co-occurring disorder of mental illness and
17 substance abuse, retains the rights of citizenship. Any
18 individual aggrieved by a decision of a department of State
19 government regarding services provided under this Act must be
20 given an opportunity to present complaints at a due-process
21 hearing before a hearing officer designated by the head of
22 that department.

23 (b) Any individual aggrieved by a final administrative
24 decision rendered following the due-process hearing may seek
25 judicial review of that decision pursuant to the
26 Administrative Review Law. The term "administrative decision"
27 is defined as in Section 3-101 of the Code of Civil
28 Procedure. Reasonable attorney's fees and costs may be
29 awarded to the successful plaintiff in any formal
30 administrative or judicial action under this program.

31 (c) The right to a hearing under this Section is in

1 addition to any other rights under federal, State, or local
2 laws.

3 Section 85. Transitional living assistance. The
4 Department of Human Services shall lead a coordinated effort
5 with the Department of Commerce and Community Affairs to
6 further develop housing assistance programs to promote the
7 ability of individuals with a mental or substance use
8 disorder, or a co-occurring disorder of mental illness and
9 substance abuse, to move from institutions to the most
10 integrated community residence. The housing assistance
11 program shall address eligibility criteria, the period for
12 which a person may receive assistance, the types of housing
13 expenses to be covered, and the locations of the programs.
14 The Department of Human Services shall administer the program
15 and may seek the advice of the Department of Commerce and
16 Community Affairs for this purpose.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.