



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4716

Introduced 2/3/2012, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

325 ILCS 20/3
325 ILCS 20/11

from Ch. 23, par. 4153
from Ch. 23, par. 4161

Amends the Early Intervention Services System Act. Changes the definition of the term "eligible infants and toddlers" to mean infants and toddlers under 60 (rather than 36) months of age with any of the specified conditions. Provides that an eligible infant or toddler's individualized family service plan shall serve as the child's individualized educational plan (IEP) until an IEP is developed and implementation of IEP services is commenced, if an IEP is not developed and implemented for the child by the child's 3rd birthday. Provides that the individualized family service plan may be modified by agreement between the local educational agency and the parents. Effective immediately.

LRB097 18157 KTG 63381 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The Early Intervention Services System Act is
5 amended by changing Sections 3 and 11 as follows:

6 (325 ILCS 20/3) (from Ch. 23, par. 4153)

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

8 (a) "Eligible infants and toddlers" means infants and
9 toddlers under 60 ~~36~~ months of age with any of the following
10 conditions:

11 (1) Developmental delays.

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

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

16 (4) Either (A) having entered the program under any of
17 the circumstances listed in paragraphs (1) through (3) of
18 this subsection but no longer meeting the current
19 eligibility criteria under those paragraphs, and
20 continuing to have any measurable delay, or (B) not having
21 attained a level of development in each area, including (i)
22 cognitive, (ii) physical (including vision and hearing),
23 (iii) language, speech, and communication, (iv)

1 psycho-social, or (v) self-help skills, that is at least at
2 the mean of the child's age equivalent peers; and, in
3 addition to either item (A) or item (B), (C) having been
4 determined by the multidisciplinary individualized family
5 service plan team to require the continuation of early
6 intervention services in order to support continuing
7 developmental progress, pursuant to the child's needs and
8 provided in an appropriate developmental manner. The type,
9 frequency, and intensity of services shall differ from the
10 initial individualized family services plan because of the
11 child's developmental progress, and may consist of only
12 service coordination, evaluation, and assessments.

13 (b) "Developmental delay" means a delay in one or more of
14 the following areas of childhood development as measured by
15 appropriate diagnostic instruments and standard procedures:
16 cognitive; physical, including vision and hearing; language,
17 speech and communication; psycho-social; or self-help skills.
18 The term means a delay of 30% or more below the mean in
19 function in one or more of those areas.

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

22 (1) a diagnosed medical disorder bearing a relatively
23 well known expectancy for developmental outcomes within
24 varying ranges of developmental disabilities; or

25 (2) a history of prenatal, perinatal, neonatal or early
26 developmental events suggestive of biological insults to

1 the developing central nervous system and which either
2 singly or collectively increase the probability of
3 developing a disability or delay based on a medical
4 history.

5 (d) "Informed clinical judgment" means both clinical
6 observations and parental participation to determine
7 eligibility by a consensus of a multidisciplinary team of 2 or
8 more members based on their professional experience and
9 expertise.

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

11 (1) are designed to meet the developmental needs of
12 each child eligible under this Act and the needs of his or
13 her family;

14 (2) are selected in collaboration with the child's
15 family;

16 (3) are provided under public supervision;

17 (4) are provided at no cost except where a schedule of
18 sliding scale fees or other system of payments by families
19 has been adopted in accordance with State and federal law;

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

22 (A) physical development, including vision and
23 hearing,

24 (B) cognitive development,

25 (C) communication development,

26 (D) social or emotional development, or

- 1 (E) adaptive development;
- 2 (6) meet the standards of the State, including the
3 requirements of this Act;
- 4 (7) include one or more of the following:
- 5 (A) family training,
- 6 (B) social work services, including counseling,
7 and home visits,
- 8 (C) special instruction,
- 9 (D) speech, language pathology and audiology,
- 10 (E) occupational therapy,
- 11 (F) physical therapy,
- 12 (G) psychological services,
- 13 (H) service coordination services,
- 14 (I) medical services only for diagnostic or
15 evaluation purposes,
- 16 (J) early identification, screening, and
17 assessment services,
- 18 (K) health services specified by the lead agency as
19 necessary to enable the infant or toddler to benefit
20 from the other early intervention services,
- 21 (L) vision services,
- 22 (M) transportation, and
- 23 (N) assistive technology devices and services;
- 24 (8) are provided by qualified personnel, including but
25 not limited to:
- 26 (A) child development specialists or special

1 educators,
2 (B) speech and language pathologists and
3 audiologists,
4 (C) occupational therapists,
5 (D) physical therapists,
6 (E) social workers,
7 (F) nurses,
8 (G) nutritionists,
9 (H) optometrists,
10 (I) psychologists, and
11 (J) physicians;

12 (9) are provided in conformity with an Individualized
13 Family Service Plan;

14 (10) are provided throughout the year; and

15 (11) are provided in natural environments, including
16 the home and community settings in which infants and
17 toddlers without disabilities would participate to the
18 extent determined by the multidisciplinary Individualized
19 Family Service Plan.

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

24 (g) "Local interagency agreement" means an agreement
25 entered into by local community and State and regional agencies
26 receiving early intervention funds directly from the State and

1 made in accordance with State interagency agreements providing
2 for the delivery of early intervention services within a local
3 community area.

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

6 (i) "Lead agency" means the State agency responsible for
7 administering this Act and receiving and disbursing public
8 funds received in accordance with State and federal law and
9 rules.

10 (i-5) "Central billing office" means the central billing
11 office created by the lead agency under Section 13.

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

14 (k) "Regional intake entity" means the lead agency's
15 designated entity responsible for implementation of the Early
16 Intervention Services System within its designated geographic
17 area.

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

22 (m) "Fully credentialed early intervention provider" means
23 an individual who has met the standards in the State applicable
24 to the relevant profession, and has met such other
25 qualifications as the lead agency has determined are suitable
26 for personnel providing early intervention services, including

1 pediatric experience, education, and continuing education. The
2 lead agency shall establish these qualifications by rule filed
3 no later than 180 days after the effective date of this
4 amendatory Act of the 92nd General Assembly.

5 (Source: P.A. 92-307, 8-9-01; 93-124, eff. 7-10-03.)

6 (325 ILCS 20/11) (from Ch. 23, par. 4161)

7 Sec. 11. Individualized Family Service Plans.

8 (a) Each eligible infant or toddler and that infant's or
9 toddler's family shall receive:

10 (1) timely, comprehensive, multidisciplinary
11 assessment of the unique needs of each eligible infant and
12 toddler, and assessment of the concerns and priorities of
13 the families to appropriately assist them in meeting their
14 needs and identify services to meet those needs; and

15 (2) a written Individualized Family Service Plan
16 developed by a multidisciplinary team which includes the
17 parent or guardian. The individualized family service plan
18 shall be based on the multidisciplinary team's assessment
19 of the resources, priorities, and concerns of the family
20 and its identification of the supports and services
21 necessary to enhance the family's capacity to meet the
22 developmental needs of the infant or toddler, and shall
23 include the identification of services appropriate to meet
24 those needs, including the frequency, intensity, and
25 method of delivering services. During and as part of the

1 initial development of the individualized family services
2 plan, and any periodic reviews of the plan, the
3 multidisciplinary team shall consult the lead agency's
4 therapy guidelines and its designated experts, if any, to
5 help determine appropriate services and the frequency and
6 intensity of those services. All services in the
7 individualized family services plan must be justified by
8 the multidisciplinary assessment of the unique strengths
9 and needs of the infant or toddler and must be appropriate
10 to meet those needs. At the periodic reviews, the team
11 shall determine whether modification or revision of the
12 outcomes or services is necessary.

13 (b) The Individualized Family Service Plan shall be
14 evaluated once a year and the family shall be provided a review
15 of the Plan at 6 month intervals or more often where
16 appropriate based on infant or toddler and family needs. The
17 lead agency shall create a quality review process regarding
18 Individualized Family Service Plan development and changes
19 thereto, to monitor and help assure that resources are being
20 used to provide appropriate early intervention services.

21 (c) The evaluation and initial assessment and initial Plan
22 meeting must be held within 45 days after the initial contact
23 with the early intervention services system. With parental
24 consent, early intervention services may commence before the
25 completion of the comprehensive assessment and development of
26 the Plan.

1 (d) Parents must be informed that, at their discretion,
2 early intervention services shall be provided to each eligible
3 infant and toddler in the natural environment, which may
4 include the home or other community settings. Parents shall
5 make the final decision to accept or decline early intervention
6 services. A decision to decline such services shall not be a
7 basis for administrative determination of parental fitness, or
8 other findings or sanctions against the parents. Parameters of
9 the Plan shall be set forth in rules.

10 (e) The regional intake offices shall explain to each
11 family, orally and in writing, all of the following:

12 (1) That the early intervention program will pay for
13 all early intervention services set forth in the
14 individualized family service plan that are not covered or
15 paid under the family's public or private insurance plan or
16 policy and not eligible for payment through any other third
17 party payor.

18 (2) That services will not be delayed due to any rules
19 or restrictions under the family's insurance plan or
20 policy.

21 (3) That the family may request, with appropriate
22 documentation supporting the request, a determination of
23 an exemption from private insurance use under Section
24 13.25.

25 (4) That responsibility for co-payments or
26 co-insurance under a family's private insurance plan or

1 policy will be transferred to the lead agency's central
2 billing office.

3 (5) That families will be responsible for payments of
4 family fees, which will be based on a sliding scale
5 according to income, and that these fees are payable to the
6 central billing office, and that if the family encounters a
7 catastrophic circumstance, as defined under subsection (f)
8 of Section 13 of this Act, making it unable to pay the
9 fees, the lead agency may, upon proof of inability to pay,
10 waive the fees.

11 (f) The individualized family service plan must state
12 whether the family has private insurance coverage and, if the
13 family has such coverage, must have attached to it a copy of
14 the family's insurance identification card or otherwise
15 include all of the following information:

16 (1) The name, address, and telephone number of the
17 insurance carrier.

18 (2) The contract number and policy number of the
19 insurance plan.

20 (3) The name, address, and social security number of
21 the primary insured.

22 (4) The beginning date of the insurance benefit year.

23 (g) A copy of the individualized family service plan must
24 be provided to each enrolled provider who is providing early
25 intervention services to the child who is the subject of that
26 plan.

1 (h) If an individualized educational plan (IEP) is not
2 developed and implemented for the child by the child's 3rd
3 birthday, the individualized family service plan shall serve as
4 the child's IEP until an IEP is developed and implementation of
5 IEP services is commenced. The individualized family service
6 plan may be modified by agreement between the local educational
7 agency and the parents.

8 (Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01;
9 92-307, eff. 8-9-01; 92-651, eff. 7-11-02.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.