



Rep. Chapin Rose

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09700HB5927ham002

LRB097 17854 CEL 67998 a

1 AMENDMENT TO HOUSE BILL 5927

2 AMENDMENT NO. _____. Amend House Bill 5927, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Community-Integrated Living Arrangements
6 Licensure and Certification Act is amended by changing Section
7 4 as follows:

8 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

9 Sec. 4. (a) Any community mental health or developmental
10 services agency who wishes to develop and support a variety of
11 community-integrated living arrangements may do so pursuant to
12 a license issued by the Department under this Act. However,
13 programs established under or otherwise subject to the Child
14 Care Act of 1969, the Nursing Home Care Act, the Specialized
15 Mental Health Rehabilitation Act, or the ID/DD Community Care
16 Act, as now or hereafter amended, shall remain subject thereto,

1 and this Act shall not be construed to limit the application of
2 those Acts.

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

5 (1) Insuring that all recipients residing in
6 community-integrated living arrangements are receiving
7 appropriate community-based services, including treatment,
8 training and habilitation or rehabilitation;

9 (2) Insuring that recipients' rights are protected and
10 that all programs provided to and placements arranged for
11 recipients comply with this Act, the Mental Health and
12 Developmental Disabilities Code, and applicable Department
13 rules and regulations;

14 (3) Maintaining the integrity of communities by
15 requiring regular monitoring and inspection of placements
16 and other services provided in community-integrated living
17 arrangements.

18 The licensure system shall be administered by a quality
19 assurance unit within the Department which shall be
20 administratively independent of units responsible for funding
21 of agencies or community services.

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

25 (1) All recipients residing in community-integrated
26 living arrangements are receiving appropriate

1 community-based services, including treatment, training
2 and habilitation or rehabilitation;

3 (2) All programs provided to and placements arranged
4 for recipients are supervised by the agency; and

5 (3) All programs provided to and placements arranged
6 for recipients comply with this Act, the Mental Health and
7 Developmental Disabilities Code, and applicable Department
8 rules and regulations.

9 (d) An applicant for licensure as a community mental health
10 or developmental services agency under this Act shall submit an
11 application pursuant to the application process established by
12 the Department by rule and shall pay an application fee in an
13 amount established by the Department, which amount shall not be
14 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 (e-5) The Department may not adopt any rule that includes
22 any restriction or other requirement as to the distance between
23 facilities licensed under this Act. The Department shall adopt
24 and implement rules that promote community integration that
25 seeks to expand opportunities for additional
26 community-integrated living arrangements to rebalance the

1 service system toward community-based services. The Department
2 shall seek input from consumers, providers, and other advocates
3 before adopting any additional rules to promote community
4 integration. The Department's new rules shall include, but not
5 be limited to, opportunities to retrofit or expand physical
6 structures into independent facilities so that the structures
7 shall be eligible for licensure as a 4 or 8 bed facility.

8 (e-8) The Department shall incorporate geographic
9 distribution into the Department's selection process of
10 individuals to be served in a community-based living
11 arrangement from the Department's waiting list, the
12 Prioritization of Urgency of Need for Services (PUNS) database.

13 (f) Upon application to the Department, the Department may
14 issue a temporary permit to an applicant for a 6-month period
15 to allow the holder of such permit reasonable time to become
16 eligible for a license under this Act.

17 (g) (1) The Department may conduct site visits to an agency
18 licensed under this Act, or to any program or placement
19 certified by the agency, and inspect the records or premises,
20 or both, of such agency, program or placement as it deems
21 appropriate, for the purpose of determining compliance with
22 this Act, the Mental Health and Developmental Disabilities
23 Code, and applicable Department rules and regulations.

24 (2) If the Department determines that an agency licensed
25 under this Act is not in compliance with this Act or the rules
26 and regulations promulgated under this Act, the Department

1 shall serve a notice of violation upon the licensee. Each
2 notice of violation shall be prepared in writing and shall
3 specify the nature of the violation, the statutory provision or
4 rule alleged to have been violated, and that the licensee
5 submit a plan of correction to the Department if required. The
6 notice shall also inform the licensee of any other action which
7 the Department might take pursuant to this Act and of the right
8 to a hearing.

9 (g-5) As determined by the Department, a disproportionate
10 number or percentage of licensure complaints; a
11 disproportionate number or percentage of substantiated cases
12 of abuse, neglect, or exploitation involving an agency; an
13 apparent unnatural death of an individual served by an agency;
14 any egregious or life-threatening abuse or neglect within an
15 agency; or any other significant event as determined by the
16 Department shall initiate a review of the agency's license by
17 the Department, as well as a review of its service agreement
18 for funding. The Department shall adopt rules to establish the
19 process by which the determination to initiate a review shall
20 be made and the timeframe to initiate a review upon the making
21 of such determination.

22 (h) Upon the expiration of any license issued under this
23 Act, a license renewal application shall be required of and a
24 license renewal fee in an amount established by the Department
25 shall be charged to a community mental health or developmental
26 services agency, provided that such fee shall not be more than

1 \$200.

2 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,
3 eff. 1-1-12; 97-441, eff. 8-19-11; revised 9-28-11.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".