

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by adding Section 73
6 as follows:

7 (20 ILCS 1705/73 new)

8 Sec. 73. Report; Williams v. Quinn consent decree.

9 (a) Annual Report.

10 (1) No later than December 31, 2011, and on December
11 31st of each of the following 4 years, the Department of
12 Human Services shall prepare and submit an annual report to
13 the General Assembly concerning the implementation of the
14 Williams v. Quinn consent decree and other efforts to move
15 persons with mental illnesses from institutional settings
16 to community-based settings. This report shall include:

17 (A) The number of persons who have been moved from
18 long-term care facilities to community-based settings
19 during the previous year and the number of persons
20 projected to be moved during the next year.

21 (B) Any implementation or compliance reports
22 prepared by the State for the Court or the
23 court-appointed monitor in Williams v. Quinn.

1 (C) Any reports from the court-appointed monitor
2 or findings by the Court reflecting the Department's
3 compliance or failure to comply with the Williams v.
4 Quinn consent decree and any other order issued during
5 that proceeding.

6 (D) Statistics reflecting the number and types of
7 community-based services provided to persons who have
8 been moved from long-term care facilities to
9 community-based settings.

10 (E) Any additional community-based services which
11 are or will be needed in order to ensure maximum
12 community integration as provided for by the Williams
13 v. Quinn consent decree, and the Department's plan for
14 providing these services.

15 (F) Any and all costs associated with
16 transitioning residents from institutional settings to
17 community-based settings, including, but not limited
18 to, the cost of residential services, the cost of
19 outpatient treatment, and the cost of all community
20 support services facilitating the community-based
21 setting.

22 (2) The requirement for reporting to the General
23 Assembly shall be satisfied by filing copies of the report
24 with the Speaker, Minority Leader, and Clerk of the House
25 of Representatives; the President, Minority Leader, and
26 Secretary of the Senate; and the Legislative Research Unit,

1 as required by Section 3.1 of the General Assembly
2 Organization Act, and by filing additional copies with the
3 State Government Report Distribution Center for the
4 General Assembly as required under paragraph (t) of Section
5 7 of the State Library Act.

6 (b) Department rule. The Department of Human Services shall
7 draft and promulgate a new rule governing community-based
8 residential settings. The new rule for community-based
9 residential settings shall include settings that offer to
10 persons with serious mental illness (i) community-based
11 residential recovery-oriented mental health care, treatment,
12 and services; and (ii) community-based residential mental
13 health and co-occurring substance use disorder care,
14 treatment, and services.

15 Community-based residential settings shall honor a
16 consumer's choice as well as a consumer's right to live in the:

17 (1) Least restrictive environment.

18 (2) Most appropriate integrated setting.

19 (3) Least restrictive environment and most appropriate
20 integrated setting designed to assist the individual in
21 living in a safe, appropriate, and therapeutic
22 environment.

23 (4) Least restrictive environment and most appropriate
24 integrated setting that affords the person the opportunity
25 to live similarly to persons without serious mental
26 illness.

1 The new rule for community-based residential settings
2 shall be drafted in such a manner as to delineate
3 State-supported care, treatment, and services appropriately
4 governed within the new rule, and shall continue eligibility
5 for eligible individuals in programs governed by Title 59, Part
6 132 of the Illinois Administrative Code. The Department shall
7 draft a new rule for community-based residential settings by
8 January 1, 2012. The new rule must include, but shall not be
9 limited to, standards for:

10 (i) Administrative requirements.

11 (ii) Monitoring, review, and reporting.

12 (iii) Certification requirements.

13 (iv) Life safety.

14 (c) Study of housing and residential services. By no later
15 than October 1, 2011, the Department shall conduct a statewide
16 study to assess the existing types of community-based housing
17 and residential services currently being provided to
18 individuals with mental illnesses in Illinois. This study shall
19 include State-funded and federally funded housing and
20 residential services. The results of this study shall be used
21 to inform the rulemaking process outlined in subsection (b).

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