

HB0178



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0178

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

210 ILCS 135/4

from Ch. 91 1/2, par. 1704

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that licenses for community mental health or developmental services agencies are valid for one year (rather than 3 years). Provides that an agency licensed under the Act or a community-integrated living arrangement certified by an agency must maintain for public inspection copies of investigative reports and surveys conducted by the Department of Human Services. Provides that the Department must prepare a quarterly report detailing violations of the Act by an agency licensed under the Act or a community-integrated living arrangement certified by an agency and must publish the report on its website. Provides that the report must include the name and address of each agency and community-integrated living arrangement that violates the Act.

LRB101 04702 CPF 49711 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

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

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community mental health or developmental
9 services agency who wishes to develop and support a variety of
10 community-integrated living arrangements may do so pursuant to
11 a license issued by the Department under this Act. However,
12 programs established under or otherwise subject to the Child
13 Care Act of 1969, the Nursing Home Care Act, the Specialized
14 Mental Health Rehabilitation Act of 2013, the ID/DD Community
15 Care Act, or the MC/DD Act, as now or hereafter amended, shall
16 remain subject thereto, and this Act shall not be construed to
17 limit the application of those Acts.

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

20 (1) ensuring that all recipients residing in
21 community-integrated living arrangements are receiving
22 appropriate community-based services, including treatment,
23 training and habilitation or rehabilitation;

1 (2) ensuring that recipients' rights are protected and
2 that all programs provided to and placements arranged for
3 recipients comply with this Act, the Mental Health and
4 Developmental Disabilities Code, and applicable Department
5 rules and regulations;

6 (3) maintaining the integrity of communities by
7 requiring regular monitoring and inspection of placements
8 and other services provided in community-integrated living
9 arrangements.

10 The licensure system shall be administered by a quality
11 assurance unit within the Department which shall be
12 administratively independent of units responsible for funding
13 of agencies or community services.

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

17 (1) all recipients residing in community-integrated
18 living arrangements are receiving appropriate
19 community-based services, including treatment, training
20 and habilitation or rehabilitation;

21 (2) all programs provided to and placements arranged
22 for recipients are supervised by the agency; and

23 (3) all programs provided to and placements arranged
24 for recipients comply with this Act, the Mental Health and
25 Developmental Disabilities Code, and applicable Department
26 rules and regulations.

1 (d) An applicant for licensure as a community mental health
2 or developmental services agency under this Act shall submit an
3 application pursuant to the application process established by
4 the Department by rule and shall pay an application fee in an
5 amount established by the Department, which amount shall not be
6 more than \$200.

7 (e) If an applicant meets the requirements established by
8 the Department to be licensed as a community mental health or
9 developmental services agency under this Act, after payment of
10 the licensing fee, the Department shall issue a license valid
11 for one year ~~3 years~~ from the date thereof unless suspended or
12 revoked by the Department or voluntarily surrendered by the
13 agency.

14 (f) Upon application to the Department, the Department may
15 issue a temporary permit to an applicant for up to a 2-year
16 period to allow the holder of such permit reasonable time to
17 become eligible for a license under this Act.

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

1 certified under this Act at least once every 2 years. An agency
2 licensed under this Act or a community-integrated living
3 arrangement certified by an agency must maintain for public
4 inspection copies of investigative reports and surveys
5 conducted by the Department.

6 (2) If the Department determines that an agency licensed
7 under this Act is not in compliance with this Act or the rules
8 and regulations promulgated under this Act, the Department
9 shall serve a notice of violation upon the licensee. Each
10 notice of violation shall be prepared in writing and shall
11 specify the nature of the violation, the statutory provision or
12 rule alleged to have been violated, and that the licensee
13 submit a plan of correction to the Department if required. The
14 notice shall also inform the licensee of any other action which
15 the Department might take pursuant to this Act and of the right
16 to a hearing. The Department must prepare a quarterly report
17 detailing violations of this Act by an agency licensed under
18 this Act or a community-integrated living arrangement
19 certified by an agency and publish the report on its website;
20 the report must include the name and address of each agency and
21 community-integrated living arrangement that violates this
22 Act.

23 (g-5) As determined by the Department, a disproportionate
24 number or percentage of licensure complaints; a
25 disproportionate number or percentage of substantiated cases
26 of abuse, neglect, or exploitation involving an agency; an

1 apparent unnatural death of an individual served by an agency;
2 any egregious or life-threatening abuse or neglect within an
3 agency; or any other significant event as determined by the
4 Department shall initiate a review of the agency's license by
5 the Department, as well as a review of its service agreement
6 for funding. The Department shall adopt rules to establish the
7 process by which the determination to initiate a review shall
8 be made and the timeframe to initiate a review upon the making
9 of such determination.

10 (h) Upon the expiration of any license issued under this
11 Act, a license renewal application shall be required of and a
12 license renewal fee in an amount established by the Department
13 shall be charged to a community mental health or developmental
14 services agency, provided that such fee shall not be more than
15 \$200.

16 (i) A public or private agency, association, partnership,
17 corporation, or organization that has had a license revoked
18 under subsection (b) of Section 6 of this Act may not apply for
19 or possess a license under a different name.

20 (Source: P.A. 99-180, eff. 7-29-15; 100-58, eff. 8-11-17;
21 100-313, eff. 8-24-17; 100-863, eff. 8-14-18.)