



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4853

Introduced 2/18/2020, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

20 ILCS 301/5-10
20 ILCS 301/10-10

Amends the Substance Use Disorder Act. In a provision concerning the functions of the Department of Human Services under the Act, requires the Department to act as the single State authority and subject matter expert for substance use disorder prevention, intervention, treatment, and recovery support services. Provides that in this role, the Department shall lead efforts and provide consultation regarding policy, funding, rules, and legislative changes that could impact existing and future substance use disorder initiatives. In a provision concerning the powers and duties of the Illinois Advisory Council established under the Act, provides that the Council shall: (i) identify substance use disorder policy, funding, service gaps, new and existing initiatives, and other related activities among State agencies that could reduce duplicative efforts and promote uniformity and consistency in service delivery; and (ii) recommend revisions and enhancements that may facilitate those objectives.

LRB101 17218 KTG 66621 b

1 AN ACT concerning State government.

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

4 Section 5. The Substance Use Disorder Act is amended by
5 changing Sections 5-10 and 10-10 as follows:

6 (20 ILCS 301/5-10)

7 Sec. 5-10. Functions of the Department.

8 (a) In addition to the powers, duties and functions vested
9 in the Department by this Act, or by other laws of this State,
10 the Department shall carry out the following activities:

11 (1) Act as the single State authority and subject
12 matter expert for substance use disorder prevention,
13 intervention, treatment, and recovery support services. In
14 this role, the Department shall lead efforts and provide
15 consultation regarding policy, funding, rules, and
16 legislative changes that could impact existing and future
17 substance use disorder initiatives.

18 (1.5) ~~(1)~~ Design, coordinate and fund comprehensive
19 community-based and culturally and gender-appropriate
20 services throughout the State. These services must include
21 prevention, early intervention, treatment, and other
22 recovery support services for substance use disorders that
23 are accessible and addresses the needs of at-risk

1 individuals and their families.

2 (2) Act as the exclusive State agency to accept,
3 receive and expend, pursuant to appropriation, any public
4 or private monies, grants or services, including those
5 received from the federal government or from other State
6 agencies, for the purpose of providing prevention, early
7 intervention, treatment, and other recovery support
8 services for substance use disorders.

9 (2.5) In partnership with the Department of Healthcare
10 and Family Services, act as one of the principal State
11 agencies for the sole purpose of calculating the
12 maintenance of effort requirement under Section 1930 of
13 Title XIX, Part B, Subpart II of the Public Health Service
14 Act (42 U.S.C. 300x-30) and the Interim Final Rule (45 CFR
15 96.134).

16 (3) Coordinate a statewide strategy for the
17 prevention, early intervention, treatment, and recovery
18 support of substance use disorders. This strategy shall
19 include the development of a comprehensive plan, submitted
20 annually with the application for federal substance use
21 disorder block grant funding, for the provision of an array
22 of such services. The plan shall be based on local
23 community-based needs and upon data including, but not
24 limited to, that which defines the prevalence of and costs
25 associated with substance use disorders. This
26 comprehensive plan shall include identification of

1 problems, needs, priorities, services and other pertinent
2 information, including the needs of minorities and other
3 specific priority populations in the State, and shall
4 describe how the identified problems and needs will be
5 addressed. For purposes of this paragraph, the term
6 "minorities and other specific priority populations" may
7 include, but shall not be limited to, groups such as women,
8 children, intravenous drug users, persons with AIDS or who
9 are HIV infected, veterans, African-Americans, Puerto
10 Ricans, Hispanics, Asian Americans, the elderly, persons
11 in the criminal justice system, persons who are clients of
12 services provided by other State agencies, persons with
13 disabilities and such other specific populations as the
14 Department may from time to time identify. In developing
15 the plan, the Department shall seek input from providers,
16 parent groups, associations and interested citizens.

17 The plan developed under this Section shall include an
18 explanation of the rationale to be used in ensuring that
19 funding shall be based upon local community needs,
20 including, but not limited to, the incidence and prevalence
21 of, and costs associated with, substance use disorders, as
22 well as upon demonstrated program performance.

23 The plan developed under this Section shall also
24 contain a report detailing the activities of and progress
25 made through services for the care and treatment of
26 substance use disorders among pregnant women and mothers

1 and their children established under subsection (j) of
2 Section 35-5.

3 As applicable, the plan developed under this Section
4 shall also include information about funding by other State
5 agencies for prevention, early intervention, treatment,
6 and other recovery support services.

7 (4) Lead, foster and develop cooperation, coordination
8 and agreements among federal and State governmental
9 agencies and local providers that provide assistance,
10 services, funding or other functions, peripheral or
11 direct, in the prevention, early intervention, treatment,
12 and recovery support for substance use disorders. This
13 shall include, but shall not be limited to, the following:

14 (A) Cooperate with and assist other State
15 agencies, as applicable, in establishing and
16 conducting substance use disorder services among the
17 populations they respectively serve.

18 (B) Cooperate with and assist the Illinois
19 Department of Public Health in the establishment,
20 funding and support of programs and services for the
21 promotion of maternal and child health and the
22 prevention and treatment of infectious diseases,
23 including but not limited to HIV infection, especially
24 with respect to those persons who are high risk due to
25 intravenous injection of illegal drugs, or who may have
26 been sexual partners of these individuals, or who may

1 have impaired immune systems as a result of a substance
2 use disorder.

3 (C) Supply to the Department of Public Health and
4 prenatal care providers a list of all providers who are
5 licensed to provide substance use disorder treatment
6 for pregnant women in this State.

7 (D) Assist in the placement of child abuse or
8 neglect perpetrators (identified by the Illinois
9 Department of Children and Family Services (DCFS)) who
10 have been determined to be in need of substance use
11 disorder treatment pursuant to Section 8.2 of the
12 Abused and Neglected Child Reporting Act.

13 (E) Cooperate with and assist DCFS in carrying out
14 its mandates to:

15 (i) identify substance use disorders among its
16 clients and their families; and

17 (ii) develop services to deal with such
18 disorders.

19 These services may include, but shall not be limited
20 to, programs to prevent or treat substance use
21 disorders with DCFS clients and their families,
22 identifying child care needs within such treatment,
23 and assistance with other issues as required.

24 (F) Cooperate with and assist the Illinois
25 Criminal Justice Information Authority with respect to
26 statistical and other information concerning the

1 incidence and prevalence of substance use disorders.

2 (G) Cooperate with and assist the State
3 Superintendent of Education, boards of education,
4 schools, police departments, the Illinois Department
5 of State Police, courts and other public and private
6 agencies and individuals in establishing prevention
7 programs statewide and preparing curriculum materials
8 for use at all levels of education.

9 (H) Cooperate with and assist the Illinois
10 Department of Healthcare and Family Services in the
11 development and provision of services offered to
12 recipients of public assistance for the treatment and
13 prevention of substance use disorders.

14 (I) (Blank).

15 (5) From monies appropriated to the Department from the
16 Drunk and Drugged Driving Prevention Fund, reimburse DUI
17 evaluation and risk education programs licensed by the
18 Department for providing indigent persons with free or
19 reduced-cost evaluation and risk education services
20 relating to a charge of driving under the influence of
21 alcohol or other drugs.

22 (6) Promulgate regulations to identify and disseminate
23 best practice guidelines that can be utilized by publicly
24 and privately funded programs as well as for levels of
25 payment to government funded programs that provide
26 prevention, early intervention, treatment, and other

1 recovery support services for substance use disorders and
2 those services referenced in Sections 15-10 and 40-5.

3 (7) In consultation with providers and related trade
4 associations, specify a uniform methodology for use by
5 funded providers and the Department for billing and
6 collection and dissemination of statistical information
7 regarding services related to substance use disorders.

8 (8) Receive data and assistance from federal, State and
9 local governmental agencies, and obtain copies of
10 identification and arrest data from all federal, State and
11 local law enforcement agencies for use in carrying out the
12 purposes and functions of the Department.

13 (9) Designate and license providers to conduct
14 screening, assessment, referral and tracking of clients
15 identified by the criminal justice system as having
16 indications of substance use disorders and being eligible
17 to make an election for treatment under Section 40-5 of
18 this Act, and assist in the placement of individuals who
19 are under court order to participate in treatment.

20 (10) Identify and disseminate evidence-based best
21 practice guidelines as maintained in administrative rule
22 that can be utilized to determine a substance use disorder
23 diagnosis.

24 (11) (Blank).

25 (12) Make grants with funds appropriated from the Drug
26 Treatment Fund in accordance with Section 7 of the

1 Controlled Substance and Cannabis Nuisance Act, or in
2 accordance with Section 80 of the Methamphetamine Control
3 and Community Protection Act, or in accordance with
4 subsections (h) and (i) of Section 411.2 of the Illinois
5 Controlled Substances Act, or in accordance with Section
6 6z-107 of the State Finance Act.

7 (13) Encourage all health and disability insurance
8 programs to include substance use disorder treatment as a
9 covered service and to use evidence-based best practice
10 criteria as maintained in administrative rule and as
11 required in Public Act 99-0480 in determining the necessity
12 for such services and continued stay.

13 (14) Award grants and enter into fixed-rate and
14 fee-for-service arrangements with any other department,
15 authority or commission of this State, or any other state
16 or the federal government or with any public or private
17 agency, including the disbursement of funds and furnishing
18 of staff, to effectuate the purposes of this Act.

19 (15) Conduct a public information campaign to inform
20 the State's Hispanic residents regarding the prevention
21 and treatment of substance use disorders.

22 (b) In addition to the powers, duties and functions vested
23 in it by this Act, or by other laws of this State, the
24 Department may undertake, but shall not be limited to, the
25 following activities:

26 (1) Require all organizations licensed or funded by the

1 Department to include an education component to inform
2 participants regarding the causes and means of
3 transmission and methods of reducing the risk of acquiring
4 or transmitting HIV infection and other infectious
5 diseases, and to include funding for such education
6 component in its support of the program.

7 (2) Review all State agency applications for federal
8 funds that include provisions relating to the prevention,
9 early intervention and treatment of substance use
10 disorders in order to ensure consistency.

11 (3) Prepare, publish, evaluate, disseminate and serve
12 as a central repository for educational materials dealing
13 with the nature and effects of substance use disorders.
14 Such materials may deal with the educational needs of the
15 citizens of Illinois, and may include at least pamphlets
16 that describe the causes and effects of fetal alcohol
17 spectrum disorders.

18 (4) Develop and coordinate, with regional and local
19 agencies, education and training programs for persons
20 engaged in providing services for persons with substance
21 use disorders, which programs may include specific HIV
22 education and training for program personnel.

23 (5) Cooperate with and assist in the development of
24 education, prevention, early intervention, and treatment
25 programs for employees of State and local governments and
26 businesses in the State.

1 (6) Utilize the support and assistance of interested
2 persons in the community, including recovering persons, to
3 assist individuals and communities in understanding the
4 dynamics of substance use disorders, and to encourage
5 individuals with substance use disorders to voluntarily
6 undergo treatment.

7 (7) Promote, conduct, assist or sponsor basic
8 clinical, epidemiological and statistical research into
9 substance use disorders and research into the prevention of
10 those problems either solely or in conjunction with any
11 public or private agency.

12 (8) Cooperate with public and private agencies,
13 organizations and individuals in the development of
14 programs, and to provide technical assistance and
15 consultation services for this purpose.

16 (9) (Blank).

17 (10) (Blank).

18 (11) Fund, promote, or assist entities dealing with
19 substance use disorders.

20 (12) With monies appropriated from the Group Home Loan
21 Revolving Fund, make loans, directly or through
22 subcontract, to assist in underwriting the costs of housing
23 in which individuals recovering from substance use
24 disorders may reside, pursuant to Section 50-40 of this
25 Act.

26 (13) Promulgate such regulations as may be necessary to

1 carry out the purposes and enforce the provisions of this
2 Act.

3 (14) Provide funding to help parents be effective in
4 preventing substance use disorders by building an
5 awareness of the family's role in preventing substance use
6 disorders through adjusting expectations, developing new
7 skills, and setting positive family goals. The programs
8 shall include, but not be limited to, the following
9 subjects: healthy family communication; establishing rules
10 and limits; how to reduce family conflict; how to build
11 self-esteem, competency, and responsibility in children;
12 how to improve motivation and achievement; effective
13 discipline; problem solving techniques; and how to talk
14 about drugs and alcohol. The programs shall be open to all
15 parents.

16 (Source: P.A. 100-494, eff. 6-1-18; 100-759, eff. 1-1-19;
17 101-10, eff. 6-5-19.)

18 (20 ILCS 301/10-10)

19 Sec. 10-10. Powers and duties of the Council. The Council
20 shall:

21 (a) Advise the Department on ways to encourage public
22 understanding and support of the Department's programs.

23 (b) Advise the Department on regulations and licensure
24 proposed by the Department.

25 (c) Advise the Department in the formulation,

1 preparation, and implementation of the annual plan
2 submitted with the federal Substance Use Disorder Block
3 Grant application for prevention, early intervention,
4 treatment, and other recovery support services for
5 substance use disorders.

6 (d) Advise the Department on implementation of
7 substance use disorder education and prevention programs
8 throughout the State.

9 (e) Assist with incorporating into the annual plan
10 submitted with the federal Substance Use Disorder Block
11 Grant application, planning information specific to
12 Illinois' female population. The information shall
13 contain, but need not be limited to, the types of services
14 funded, the population served, the support services
15 available, and the goals, objectives, proposed methods of
16 achievement, service projections and cost estimate for the
17 upcoming year.

18 (f) Perform other duties as requested by the Secretary.

19 (g) Advise the Department in the planning,
20 development, and coordination of programs among all
21 agencies and departments of State government, including
22 programs to reduce substance use disorders, prevent the
23 misuse of illegal and legal drugs by persons of all ages,
24 and prevent the use of alcohol by minors.

25 (h) Promote and encourage participation by the private
26 sector, including business, industry, labor, and the

1 media, in programs to prevent substance use disorders.

2 (i) Encourage the implementation of programs to
3 prevent substance use disorders in the public and private
4 schools and educational institutions.

5 (j) Gather information, conduct hearings, and make
6 recommendations to the Secretary concerning additions,
7 deletions, or rescheduling of substances under the
8 Illinois Controlled Substances Act.

9 (k) Report as requested to the General Assembly
10 regarding the activities and recommendations made by the
11 Council.

12 (l) Identify substance use disorder policy, funding,
13 service gaps, new and existing initiatives, and other
14 related activities among State agencies that could reduce
15 duplicative efforts and promote uniformity and consistency
16 in service delivery. Recommend revisions and enhancements
17 that may facilitate those objectives.

18 (Source: P.A. 100-759, eff. 1-1-19.)