



Sen. Pamela J. Althoff

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1 AMENDMENT TO HOUSE BILL 653

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 653, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This amendatory Act may be  
6 referred to as Paul's Law.

7 Section 5. The Community-Integrated Living Arrangements  
8 Licensure and Certification Act is amended by changing Sections  
9 4 and 9 and by adding Sections 13, 14, and 15 as follows:

10 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

11 Sec. 4. (a) Any community mental health or developmental  
12 services agency who wishes to develop and support a variety of  
13 community-integrated living arrangements may do so pursuant to  
14 a license issued by the Department under this Act. However,  
15 programs established under or otherwise subject to the Child

1 Care Act of 1969, the Nursing Home Care Act, or the MR/DD  
2 Community Care Act, as now or hereafter amended, shall remain  
3 subject thereto, and this Act shall not be construed to limit  
4 the application of those Acts.

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

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

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

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

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

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

1           (1) All recipients residing in community-integrated  
2 living arrangements are receiving appropriate  
3 community-based services, including treatment, training  
4 and habilitation or rehabilitation;

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

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

11          (d) An applicant for licensure as a community mental health  
12 or developmental services agency under this Act shall submit an  
13 application pursuant to the application process established by  
14 the Department by rule and shall pay an application fee in an  
15 amount established by the Department, which amount shall not be  
16 more than \$200.

17          (e) If an applicant meets the requirements established by  
18 the Department to be licensed as a community mental health or  
19 developmental services agency under this Act, after payment of  
20 the licensing fee, the Department shall issue a license valid  
21 for 3 years from the date thereof unless suspended or revoked  
22 by the Department or voluntarily surrendered by the agency.

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

1 (g) (1) The Department may conduct site visits to an agency  
2 licensed under this Act, or to any program or placement  
3 certified by the agency, and inspect the records or premises,  
4 or both, of such agency, program or placement as it deems  
5 appropriate, for the purpose of determining compliance with  
6 this Act, the Mental Health and Developmental Disabilities  
7 Code, and applicable Department rules and regulations.

8 (2) If the Department determines that an agency licensed  
9 under this Act is not in compliance with this Act or the rules  
10 and regulations promulgated under this Act, the Department  
11 shall serve a notice of violation upon the licensee. Each  
12 notice of violation shall be prepared in writing and shall  
13 specify the nature of the violation, the statutory provision or  
14 rule alleged to have been violated, and that the licensee  
15 submit a plan of correction to the Department if required. The  
16 notice shall also inform the licensee of any other action which  
17 the Department might take pursuant to this Act and of the right  
18 to a hearing.

19 (g-5) As determined by the Department, a disproportionate  
20 number or percentage of licensure complaints; a  
21 disproportionate number or percentage of substantiated cases  
22 of abuse, neglect, or exploitation involving an agency; an  
23 apparent unnatural death of an individual served by an agency;  
24 any egregious or life-threatening abuse or neglect within an  
25 agency; or any other significant event as determined by the  
26 Department shall initiate a review of the agency's license by

1 the Department, as well as a review of its service agreement  
2 for funding. The Department shall adopt rules to establish the  
3 process by which the determination to initiate a review shall  
4 be made and the timeframe to initiate a review upon the making  
5 of such determination.

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

12 (Source: P.A. 96-339, eff. 7-1-10.)

13 (210 ILCS 135/9) (from Ch. 91 1/2, par. 1709)

14 Sec. 9. By July 1, 1989, the Department shall adopt rules  
15 pursuant to the Illinois Administrative Procedure Act to  
16 establish minimum standards for licensing community-integrated  
17 living arrangements under this Act. These rules shall govern  
18 the operation and conduct of community-integrated living  
19 arrangements and shall provide for the license application  
20 process; agency standards and financial requirements;  
21 licensing, certification and license renewal procedures;  
22 revocation of licenses; notification to recipients of their  
23 rights and the ability to contact the Guardianship and Advocacy  
24 Commission; emergency actions which can be taken by the  
25 Department to protect recipients' rights, welfare, and safety;

1 and any other rules deemed necessary to implement the  
2 provisions of this Act.

3 By December 31, 1996, the Department shall adopt rules  
4 under the Illinois Administrative Procedure Act that specify  
5 the components of reimbursement for community-integrated  
6 living arrangements and include costs as reported on the  
7 Interagency Statistical and Financial Report.

8 By December 31, 2011, the Department shall adopt rules  
9 under the Illinois Administrative Procedure Act that govern the  
10 assignment and operations of monitors and receiverships for  
11 community-integrated living arrangements wherein the  
12 Department has identified systemic risks to individuals  
13 served. The rules shall specify the criteria for determining  
14 the need for independent monitors and receivers, their conduct  
15 once established, and their reporting requirements to the  
16 Department. These monitors and receivers shall be independent  
17 entities appointed by the Department and not staff from State  
18 agencies. This paragraph does not limit, however, the  
19 Department's authority to take necessary action through its own  
20 or other State staff.

21 (Source: P.A. 89-31, eff. 6-23-95.)

22 (210 ILCS 135/13 new)

23 Sec. 13. Registry checks for employees.

24 (a) Within 60 days after the effective date of this  
25 amendatory Act of the 97th General Assembly, the Department

1 shall require all of its community developmental services  
2 agencies to conduct required registry checks on employees at  
3 the time of hire and annually thereafter during employment. The  
4 required registries to be checked are the Health Care Worker  
5 Registry, the Department of Children and Family Services' State  
6 Central Register, and the Illinois Sex Offender Registry. A  
7 person may not be employed if he or she is found to have  
8 disqualifying convictions or substantiated cases of abuse or  
9 neglect. At the time of the annual registry checks, if a  
10 current employee's name has been placed on a registry with  
11 disqualifying convictions or disqualifying substantiated cases  
12 of abuse or neglect, then the employee must be terminated.  
13 Disqualifying convictions or disqualifying substantiated cases  
14 of abuse or neglect are defined for the Department of Children  
15 and Family Services' State Central Register by the Department  
16 of Children and Family Services' standards for background  
17 checks in Part 385 of Title 89 of the Illinois Administrative  
18 Code. Disqualifying convictions or disqualifying substantiated  
19 cases of abuse or neglect are defined for the Health Care  
20 Worker Registry by the Health Care Worker Background Check Act  
21 and the Department's standards for abuse and neglect  
22 investigations in Section 1-17 of the Department of Human  
23 Services Act.

24 (b) In collaboration with the Department of Children and  
25 Family Services and the Department of Public Health, the  
26 Department of Human Services shall establish a waiver process

1 from the prohibition of employment or termination of employment  
2 requirements in subsection (a) of this Section for any  
3 applicant or employee listed under the Department of Children  
4 and Family Services' State Central Register seeking to be hired  
5 or maintain his or her employment with a community  
6 developmental services agency under this Act. The waiver  
7 process for applicants and employees outlined under Section 40  
8 of the Health Care Worker Background Check Act shall remain in  
9 effect for individuals listed on the Health Care Worker  
10 Registry.

11 (c) In order to effectively and efficiently comply with  
12 subsection (a), the Department of Children and Family Services  
13 shall take immediate actions to streamline the process for  
14 checking the State Central Register for employees hired by  
15 community developmental services agencies referenced in this  
16 Act. These actions may include establishing a website for  
17 registry checks or establishing a registry check process  
18 similar to the Health Care Worker Registry.

19 (210 ILCS 135/14 new)

20 Sec. 14. Transparency for individuals and guardians. By  
21 October 1, 2011, the Department shall make available to  
22 individuals and guardians upon enrollment a document listing  
23 telephone numbers and other contact information to report  
24 suspected cases of abuse, neglect, or exploitation. The  
25 information provided shall include a delineation of the

1 individuals' rights. By July 1, 2012, the Department shall make  
2 available through its website information on each agency  
3 regarding licensure and quality assurance survey results;  
4 licensure and contract status; and substantiated findings of  
5 abuse, egregious neglect, and exploitation. The Department  
6 shall adopt rules regarding the posting of this information and  
7 shall inform individuals and guardians of its availability  
8 during the initial provider selection process.

9 (210 ILCS 135/15 new)

10 Sec. 15. Designation of representative. Any adult resident  
11 of a community-integrated living arrangement who does not have  
12 a legal guardian and has not been adjudicated incompetent may  
13 designate another adult of his or her choice to serve as the  
14 representative of the resident for the sole purpose of  
15 receiving notification from the agency or from the Department  
16 concerning any incident or condition regarding the health,  
17 safety, or well-being of the resident. The designation shall be  
18 made in writing and signed by the resident, the designated  
19 representative, and a representative of the agency. The agency  
20 shall inform the resident of his or her right to designate  
21 another adult as a representative for such purposes. The  
22 designation may be revoked in writing by the resident at any  
23 time. The agency shall provide a designation of representative  
24 form that is substantially the same as the following:

1 "DESIGNATION OF REPRESENTATIVE

2 I, (insert name), am..... years old and reside at.....

3 I have not been adjudicated incompetent and do not have a legal  
4 guardian.

5 I hereby delegate (insert name, phone number, and e-mail  
6 address of designated representative), an adult who resides  
7 at....., as my representative for the sole purpose of  
8 receiving notification of any incident that may affect my  
9 health, safety or well-being while a resident at....., and  
10 hereby give my consent to (insert name of agency) to  
11 communicate with (insert name of designated representative)  
12 about any such incident.

13 I understand that I may revoke this Designation of  
14 Representative at any time by notifying (insert name of agency)  
15 in writing that I wish to do so.

16 I also understand that by executing this document I am waiving  
17 my right to confidentiality, but only to the extent of the  
18 authority conveyed in this document.

19 (Insert Name of Resident)

1 .....

2 Signature of Resident

3 (Insert Name of Representative)

4 .....

5 Signature of Representative

6 (Insert Name of Agency Representative)

7 .....

8 Signature of Representative".

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