

AN ACT concerning regulation.

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

Section 5. The Developmental Disability and Mental Disability Services Act is amended by adding Article VII-A as follows:

(405 ILCS 80/Art. VII-A heading new)

VII-A. DIVERSION FROM FACILITY-BASED CARE PROGRAM

(405 ILCS 80/7A-1 new)

Sec. 7A-1. Diversion from Facility-based Care Pilot Program.

(a) The purposes of this Article are to:

(1) decrease the number of admissions to State-operated facilities;

(2) address the needs of individuals receiving Home and Community Based Services (HCBS) with intellectual disabilities or developmental disabilities who are at risk of facility-based care due to significant behavioral challenges, some with a dual diagnosis of mental illness, by providing a community-based residential alternative to facility-based care consistent with their individual plans, and to transition these individuals back to a

traditional community-integrated living arrangement or other HCBS community setting program;

(3) create greater capacity within the short-term stabilization homes by allowing individuals who need an extended period of treatment to transfer to a long-term stabilization home;

(4) stabilize the existing community-integrated living arrangement homes where the presence of individuals with complex behavioral challenges is disruptive to their housemates; and

(5) add support services to enhance community service providers who serve individuals with significant behavioral challenges.

(b) Subject to appropriation or the availability of other funds for these purposes at the discretion of the Department, the Department shall establish the Diversion from Facility-based Care Pilot Program consisting of at least 6 homes in various locations in this State in accordance with this Article and the following model:

(1) the Diversion from Facility-based Care Model shall serve individuals with intellectual disabilities or developmental disabilities who are currently receiving HCBS services and are at risk of facility-based care due to significant behavioral challenges, some with a dual diagnosis of mental illness, for a period ranging from one to 2 years, or longer if appropriate for the individual;

(2) the Program shall be regulated in accordance with the community-integrated living arrangement guidelines;

(3) each home shall support no more than 4 residents, each having his or her own bedroom;

(4) if, at any point, an individual, his or her guardian, or family caregivers, in conjunction with the provider and clinical staff, believe the individual is capable of participating in a HCBS service, those opportunities shall be offered as they become available;
and

(5) providers shall have adequate resources, experience, and qualifications to serve the population target by the Program, as determined by the Department;

(6) participating Program providers and the Department shall participate in an ongoing collaborative whereby best practices and treatment experiences would be shared and utilized;

(7) home locations shall be proposed by the provider in collaboration with other community stakeholders;

(8) The Department, in collaboration with participating providers, by rule shall develop data collection and reporting requirements for participating community service providers. Beginning December 31, 2020 the Department shall submit an annual report electronically to the General Assembly and Governor that outlines the progress and effectiveness of the pilot

program. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct;

(9) the staffing model shall allow for a high level of community integration and engagement and family involvement; and

(10) appropriate day services, staff training priorities, and home modifications shall be incorporated into the Program model, as allowed by HCBS authorization.

(c) This Section is repealed on January 1, 2023.

Section 99. Effective date. This Act takes effect July 1, 2019.