



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4542

Introduced 1/30/2026, by Rep. Amy L. Grant

#### SYNOPSIS AS INTRODUCED:

405 ILCS 80/2-3

from Ch. 91 1/2, par. 1802-3

Amends the Developmental Disability and Mental Disability Services Act. Provides that in one's "own home" means that an adult with a mental disability lives alone; or that an adult with a mental disability is in full-time residence with his or her parents, legal guardian, or other relatives; or that an adult with a mental disability is in full-time residence in a setting not subject to licensure under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, the MC/DD Act, or the Child Care Act of 1969 with 5 (rather than 3) or fewer other adults unrelated to the adult with a mental disability who do not provide home-based services to the adult with a mental disability.

LRB104 17801 KTG 31234 b

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 Developmental Disability and Mental  
5 Disability Services Act is amended by changing Section 2-3 as  
6 follows:

7 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

8 Sec. 2-3. As used in this Article, unless the context  
9 requires otherwise:

10 (a) "Agency" means an agency or entity licensed by the  
11 Department pursuant to this Article or pursuant to the  
12 Community Residential Alternatives Licensing Act.

13 (b) "Department" means the Department of Human Services,  
14 as successor to the Department of Mental Health and  
15 Developmental Disabilities.

16 (c) "Home-based services" means services provided to an  
17 adult with a mental disability who lives in his or her own  
18 home. These services include but are not limited to:

19 (1) home health services;

20 (2) case management;

21 (3) crisis management;

22 (4) training and assistance in self-care;

23 (5) personal care services;

- 1           (6) habilitation and rehabilitation services;
- 2           (7) employment-related services;
- 3           (8) respite care; and
- 4           (9) other skill training that enables a person to
- 5           become self-supporting.

6           (d) "Legal guardian" means a person appointed by a court

7           of competent jurisdiction to exercise certain powers on behalf

8           of an adult with a mental disability.

9           (e) "Adult with a mental disability" means a person over

10          the age of 18 years who lives in his or her own home; who needs

11          home-based services, but does not require 24-hour-a-day

12          supervision; and who has one of the following conditions:

13          severe autism, severe mental illness, a severe or profound

14          intellectual disability, or severe and multiple impairments.

15          (f) In one's "own home" means that an adult with a mental

16          disability lives alone; or that an adult with a mental

17          disability is in full-time residence with his or her parents,

18          legal guardian, or other relatives; or that an adult with a

19          mental disability is in full-time residence in a setting not

20          subject to licensure under the Nursing Home Care Act, the

21          Specialized Mental Health Rehabilitation Act of 2013, the

22          ID/DD Community Care Act, the MC/DD Act, or the Child Care Act

23          of 1969, as now or hereafter amended, with 3 or fewer other

24          adults unrelated to the adult with a mental disability who do

25          not provide home-based services to the adult with a mental

26          disability, or a facility licensed by a unit of local

1 government authority with 4 or 5 other adults unrelated to the  
2 adult with a mental disability who do not provide home-based  
3 services to the adult with a mental disability.

4 (g) "Parent" means the biological or adoptive parent of an  
5 adult with a mental disability, or a person licensed as a  
6 foster parent under the laws of this State who acts as a foster  
7 parent to an adult with a mental disability.

8 (h) "Relative" means any of the following relationships by  
9 blood, marriage or adoption: parent, son, daughter, brother,  
10 sister, grandparent, uncle, aunt, nephew, niece, great  
11 grandparent, great uncle, great aunt, stepbrother, stepsister,  
12 stepson, stepdaughter, stepparent or first cousin.

13 (i) "Severe autism" means a lifelong developmental  
14 disability which is typically manifested before 30 months of  
15 age and is characterized by severe disturbances in reciprocal  
16 social interactions; verbal and nonverbal communication and  
17 imaginative activity; and repertoire of activities and  
18 interests. A person shall be determined severely autistic, for  
19 purposes of this Article, if both of the following are  
20 present:

21 (1) Diagnosis consistent with the criteria for  
22 autistic disorder in the current edition of the Diagnostic  
23 and Statistical Manual of Mental Disorders.

24 (2) Severe disturbances in reciprocal social  
25 interactions; verbal and nonverbal communication and  
26 imaginative activity; repertoire of activities and

1 interests. A determination of severe autism shall be based  
2 upon a comprehensive, documented assessment with an  
3 evaluation by a licensed clinical psychologist or  
4 psychiatrist. A determination of severe autism shall not  
5 be based solely on behaviors relating to environmental,  
6 cultural or economic differences.

7 (j) "Severe mental illness" means the manifestation of all  
8 of the following characteristics:

9 (1) A primary diagnosis of one of the major mental  
10 disorders in the current edition of the Diagnostic and  
11 Statistical Manual of Mental Disorders listed below:

- 12 (A) Schizophrenia disorder.
- 13 (B) Delusional disorder.
- 14 (C) Schizo-affective disorder.
- 15 (D) Bipolar affective disorder.
- 16 (E) Atypical psychosis.
- 17 (F) Major depression, recurrent.

18 (2) The individual's mental illness must substantially  
19 impair his or her functioning in at least 2 of the  
20 following areas:

- 21 (A) Self-maintenance.
- 22 (B) Social functioning.
- 23 (C) Activities of community living.
- 24 (D) Work skills.

25 (3) Disability must be present or expected to be  
26 present for at least one year.

1           A determination of severe mental illness shall be based  
2 upon a comprehensive, documented assessment with an evaluation  
3 by a licensed clinical psychologist or psychiatrist, and shall  
4 not be based solely on behaviors relating to environmental,  
5 cultural or economic differences.

6           (k) "Severe or profound intellectual disability" means a  
7 manifestation of all of the following characteristics:

8           (1) A diagnosis which meets Classification in Mental  
9 Retardation or criteria in the current edition of the  
10 Diagnostic and Statistical Manual of Mental Disorders for  
11 severe or profound mental retardation (an IQ of 40 or  
12 below). This must be measured by a standardized instrument  
13 for general intellectual functioning.

14           (2) A severe or profound level of disturbed adaptive  
15 behavior. This must be measured by a standardized adaptive  
16 behavior scale or informal appraisal by the professional  
17 in keeping with illustrations in Classification in Mental  
18 Retardation, 1983.

19           (3) Disability diagnosed before age of 18.

20           A determination of a severe or profound intellectual  
21 disability shall be based upon a comprehensive, documented  
22 assessment with an evaluation by a licensed clinical  
23 psychologist or certified school psychologist or a  
24 psychiatrist, and shall not be based solely on behaviors  
25 relating to environmental, cultural or economic differences.

26           (1) "Severe and multiple impairments" means the

1 manifestation of all of the following characteristics:

2 (1) The evaluation determines the presence of a  
3 developmental disability which is expected to continue  
4 indefinitely, constitutes a substantial disability and is  
5 attributable to any of the following:

6 (A) Intellectual disability as defined in Section  
7 1-116 of the Mental Health and Developmental  
8 Disabilities Code.

9 (B) Cerebral palsy.

10 (C) Epilepsy.

11 (D) Autism.

12 (E) Any other condition which results in  
13 impairment similar to that caused by an intellectual  
14 disability and which requires services similar to  
15 those required by persons with intellectual  
16 disabilities.

17 (2) The evaluation determines multiple disabilities in  
18 physical, sensory, behavioral or cognitive functioning  
19 which constitute a severe or profound impairment  
20 attributable to one or more of the following:

21 (A) Physical functioning, which severely impairs  
22 the individual's motor performance that may be due to:

23 (i) Neurological, psychological or physical  
24 involvement resulting in a variety of disabling  
25 conditions such as hemiplegia, quadriplegia or  
26 ataxia,

1           (ii) Severe organ systems involvement such as  
2 congenital heart defect,

3           (iii) Physical abnormalities resulting in the  
4 individual being non-mobile and non-ambulatory or  
5 confined to bed and receiving assistance in  
6 transferring, or

7           (iv) The need for regular medical or nursing  
8 supervision such as gastrostomy care and feeding.

9           Assessment of physical functioning must be based  
10 on clinical medical assessment by a physician licensed  
11 to practice medicine in all its branches, using the  
12 appropriate instruments, techniques and standards of  
13 measurement required by the professional.

14           (B) Sensory, which involves severe restriction due  
15 to hearing or visual impairment limiting the  
16 individual's movement and creating dependence in  
17 completing most daily activities. Hearing impairment  
18 is defined as a loss of 70 decibels aided or speech  
19 discrimination of less than 50% aided. Visual  
20 impairment is defined as 20/200 corrected in the  
21 better eye or a visual field of 20 degrees or less.  
22 Sensory functioning must be based on clinical medical  
23 assessment by a physician licensed to practice  
24 medicine in all its branches using the appropriate  
25 instruments, techniques and standards of measurement  
26 required by the professional.

1           (C) Behavioral, which involves behavior that is  
2           maladaptive and presents a danger to self or others,  
3           is destructive to property by deliberately breaking,  
4           destroying or defacing objects, is disruptive by  
5           fighting, or has other socially offensive behaviors in  
6           sufficient frequency or severity to seriously limit  
7           social integration. Assessment of behavioral  
8           functioning may be measured by a standardized scale or  
9           informal appraisal by a clinical psychologist or  
10          psychiatrist.

11          (D) Cognitive, which involves intellectual  
12          functioning at a measured IQ of 70 or below.  
13          Assessment of cognitive functioning must be measured  
14          by a standardized instrument for general intelligence.

15          (3) The evaluation determines that development is  
16          substantially less than expected for the age in cognitive,  
17          affective or psychomotor behavior as follows:

18          (A) Cognitive, which involves intellectual  
19          functioning at a measured IQ of 70 or below.  
20          Assessment of cognitive functioning must be measured  
21          by a standardized instrument for general intelligence.

22          (B) Affective behavior, which involves over and  
23          under responding to stimuli in the environment and may  
24          be observed in mood, attention to awareness, or in  
25          behaviors such as euphoria, anger or sadness that  
26          seriously limit integration into society. Affective

1 behavior must be based on clinical assessment using  
2 the appropriate instruments, techniques and standards  
3 of measurement required by the professional.

4 (C) Psychomotor, which includes a severe  
5 developmental delay in fine or gross motor skills so  
6 that development in self-care, social interaction,  
7 communication or physical activity will be greatly  
8 delayed or restricted.

9 (4) A determination that the disability originated  
10 before the age of 18 years.

11 A determination of severe and multiple impairments shall  
12 be based upon a comprehensive, documented assessment with an  
13 evaluation by a licensed clinical psychologist or  
14 psychiatrist.

15 If the examiner is a licensed clinical psychologist,  
16 ancillary evaluation of physical impairment, cerebral palsy or  
17 epilepsy must be made by a physician licensed to practice  
18 medicine in all its branches.

19 Regardless of the discipline of the examiner, ancillary  
20 evaluation of visual impairment must be made by an  
21 ophthalmologist or a licensed optometrist.

22 Regardless of the discipline of the examiner, ancillary  
23 evaluation of hearing impairment must be made by an  
24 otolaryngologist or an audiologist with a certificate of  
25 clinical competency.

26 The only exception to the above is in the case of a person

1 with cerebral palsy or epilepsy who, according to the  
2 eligibility criteria listed below, has multiple impairments  
3 which are only physical and sensory. In such a case, a  
4 physician licensed to practice medicine in all its branches  
5 may serve as the examiner.

6 (m) "Twenty-four-hour-a-day supervision" means  
7 24-hour-a-day care by a trained mental health or developmental  
8 disability professional on an ongoing basis.

9 (Source: P.A. 102-972, eff. 1-1-23.)