



Sen. Doris Turner

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1 AMENDMENT TO SENATE BILL 3434

2 AMENDMENT NO. _____. Amend Senate Bill 3434 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing Section
6 2 and by adding Section 77 as follows:

7 (20 ILCS 1705/2) (from Ch. 91 1/2, par. 100-2)

8 Sec. 2. Definitions; administrative subdivisions.

9 (a) For the purposes of this Act, unless the context
10 otherwise requires:

11 "Community day services" or "CDS" means a Home and
12 Community-Based Waiver day program that is certified by the
13 Department. Community day services provide assistance with
14 gaining, maintaining, or improving skills and functioning to
15 individuals with developmental disabilities. Services can
16 reinforce skills or strategies taught in other settings and

1 may include training and supports to help prevent or slow the
2 loss of skills. Community day services take place in a
3 non-residential setting, separate from the individual's
4 residential setting, whether individually owned, controlled,
5 or otherwise. Community day services can be provided in a site
6 certified by the Department (site-based CDS) or in community
7 locations where members of the general community typically
8 congregate (non-site-based CDS). CDS activities shall promote
9 greater independence and support full access to the general
10 community to the same degree as persons not receiving Home and
11 Community-Based Waiver services.

12 "Department" means the Department of Human Services,
13 successor to the former Department of Mental Health and
14 Developmental Disabilities.

15 "Developmental disability" means "developmental
16 disability" as defined in Section 1-106 of the Mental Health
17 and Developmental Disabilities Code.

18 "Intellectual disability" means the "intellectual
19 disability" as defined in Section 1-116 of the Mental Health
20 and Developmental Disabilities Code.

21 "Secretary" means the Secretary of Human Services.

22 (b) Unless the context otherwise requires:

23 (1) References in this Act to the programs or
24 facilities of the Department shall be construed to refer
25 only to those programs or facilities of the Department
26 that pertain to mental health or developmental

1 disabilities.

2 (2) References in this Act to the Department's service
3 providers or service recipients shall be construed to
4 refer only to providers or recipients of services that
5 pertain to the Department's mental health and
6 developmental disabilities functions.

7 (3) References in this Act to employees of the
8 Department shall be construed to refer only to employees
9 whose duties pertain to the Department's mental health and
10 developmental disabilities functions.

11 (c) The Secretary shall establish such subdivisions of the
12 Department as shall be desirable and shall assign to the
13 various subdivisions the responsibilities and duties placed
14 upon the Department by the Laws of the State of Illinois.

15 (d) There is established a coordinator of services to deaf
16 and hearing impaired persons with mental disabilities. In
17 hiring this coordinator, every consideration shall be given to
18 qualified deaf or hearing impaired individuals.

19 (e) Whenever the administrative director of the
20 subdivision for mental health services is not a
21 board-certified psychiatrist, the Secretary shall appoint a
22 Chief for Clinical Services who shall be a board-certified
23 psychiatrist with both clinical and administrative experience.
24 The Chief for Clinical Services shall be responsible for all
25 clinical and medical decisions for mental health services.

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

1 (20 ILCS 1705/77 new)

2 Sec. 77. Community day services.

3 (a) Community day services certification. An applicant for
4 certification as a CDS provider under this Act shall submit an
5 application in accordance with the application process
6 established by the Department by rule and shall pay an
7 application fee in an amount established by the Department,
8 which amount shall not be more than \$200.

9 (1) If an applicant meets the requirements established
10 by the Department to be certified as a CDS provider under
11 this Act, after payment of the certification fee, the
12 Department shall issue a certificate valid for 2 years
13 from the date thereof unless suspended or revoked by the
14 Department or voluntarily surrendered by the CDS provider.

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

20 (3) The Department may conduct site visits to a CDS
21 provider, program, or site certified under this Act to
22 inspect the records or premises, or both, of such
23 provider, program, or site as it deems appropriate, for
24 the purpose of determining compliance with this Act, the
25 Mental Health and Developmental Disabilities Code, and

1 applicable Department rules and regulations. The
2 Department shall conduct inspections of the records and
3 premises of each CDS provider certified under this Act at
4 least once every 2 years.

5 (4) If the Department determines that a CDS provider
6 certified under this Act is not in compliance with this
7 Act or the rules and regulations adopted in accordance
8 with this Act, the Department shall serve a notice of
9 deficiency upon the certified CDS provider. Each notice of
10 deficiency shall be prepared in writing and shall specify
11 the nature of the deficiency, the statutory provision or
12 rule alleged to have been violated, and, if required, that
13 the CDS provider submit a plan of correction to the
14 Department. The notice shall also inform the certified CDS
15 provider of any other action that the Department might
16 take in accordance with this Act and the CDS provider's
17 right to a hearing.

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

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

7 (6) Upon the expiration of a CDS provider's
8 certificate issued under this Act, the CDS provider shall
9 be required to submit a certification renewal application
10 and pay a certificate renewal fee in an amount to be
11 determined by the Department, which amount shall not be
12 more than \$200.

13 (7) A former CDS provider that has had a certification
14 revoked under this Act may not apply for or possess a
15 certificate under a different name.

16 (b) Registry checks for employees. The Department shall
17 require all certified and funded CDS providers to conduct, for
18 each employee, checks of the Health Care Worker Registry, the
19 Illinois Sex Offender Registry, and the Provider Sanctions
20 List maintained by the Department of Healthcare and Family
21 Services' Office of the Inspector General. The Department
22 shall also require certified and funded CDS agencies to
23 conduct a Child Abuse and Neglect Tracking System (CANTS)
24 check of the Department of Children and Family Services' State
25 Central Register, and to initiate a criminal history
26 background check conducted by the Illinois State Police. These

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

20 (1) The CANTS check must be submitted to the
21 Department of Children and Family Services and be in the
22 review process prior to the new employee's start date.

23 (2) A new employee may begin employment while the
24 outcome of the CANTS check is pending.

25 (3) CANTS inquiries shall not occur more than 30 days
26 prior to the first day of employment.

1 (c) CANTS or Health Care Worker Registry waiver. In
2 collaboration with the Department of Children and Family
3 Services, the Department of Human Services shall establish a
4 waiver process from the prohibition of employment or
5 termination of employment requirements in subsection (b) for
6 any applicant or employee listed in CANTS. The waiver process
7 for applicants and employees outlined under Section 40 of the
8 Health Care Worker Background Check Act shall remain in effect
9 for individuals listed on the Health Care Worker Registry.

10 (d) Reports. In collaboration with the Department of
11 Children and Family Services and that Department's Office of
12 Inspector General, as necessary, the Department of Human
13 Services shall review intake and investigation reports.

14 Section 10. The Community Services Act is amended by
15 changing Section 2 as follows:

16 (405 ILCS 30/2) (from Ch. 91 1/2, par. 902)

17 Sec. 2. Community services system. Services should be
18 planned, developed, delivered and evaluated as part of a
19 comprehensive and coordinated system. The Department of Human
20 Services shall encourage the establishment of services in each
21 area of the State which cover the services categories
22 described below. What specific services are provided under
23 each service category shall be based on local needs; special
24 attention shall be given to unserved and underserved

1 populations, including children and youth, racial and ethnic
2 minorities, and the elderly. The service categories shall
3 include:

4 (a) Prevention: services designed primarily to reduce
5 the incidence and ameliorate the severity of developmental
6 disabilities, mental illness, and substance use disorders
7 as defined in the Substance Use Disorder Act;

8 (b) Client Assessment and Diagnosis: services designed
9 to identify persons with developmental disabilities,
10 mental illness, and substance use disorders; to determine
11 the extent of the disability and the level of functioning;
12 to ensure that the individual's need for treatment of
13 mental disorders or substance use disorders or
14 co-occurring substance use and mental health disorders is
15 determined using a uniform screening, assessment, and
16 evaluation process inclusive of criteria; for purposes of
17 this subsection (b), a uniform screening, assessment, and
18 evaluation process refers to a process that includes an
19 appropriate evaluation and, as warranted, a referral;
20 "uniform" does not mean the use of a singular instrument,
21 tool, or process that all must utilize; information
22 obtained through client evaluation can be used in
23 individual treatment and habilitation plans; to assure
24 appropriate placement and to assist in program evaluation;

25 (c) Case Coordination: services to provide information
26 and assistance to persons with disabilities to ensure that

1 they obtain needed services provided by the private and
2 public sectors; case coordination services should be
3 available to individuals whose functioning level or
4 history of institutional recidivism or long-term care
5 indicate that such assistance is required for successful
6 community living;

7 (d) Crisis and Emergency: services to assist
8 individuals and their families through crisis periods, to
9 stabilize individuals under stress and to prevent
10 unnecessary institutionalization;

11 (e) Treatment, Habilitation and Support: services
12 designed to help individuals develop skills which promote
13 independence and improved levels of social and vocational
14 functioning and personal growth; and to provide
15 non-treatment support services which are necessary for
16 successful community living;

17 (f) Community Residential Alternatives to
18 Institutional Settings: services to provide living
19 arrangements for persons unable to live independently; the
20 level of supervision, services provided and length of stay
21 at community residential alternatives will vary by the
22 type of program and the needs and functioning level of the
23 residents; other services may be provided in a community
24 residential alternative which promote the acquisition of
25 independent living skills and integration with the
26 community.

1 (g) Community Day Services or CDS: a Home and
2 Community-Based Waiver day program that is certified by
3 the Department. Community day services provide assistance
4 with gaining, maintaining, or improving skills and
5 functioning to individuals with developmental
6 disabilities. Services can reinforce skills or strategies
7 taught in other settings and may include training and
8 supports to help prevent or slow the loss of skills.
9 Community day services take place in a non-residential
10 setting, separate from the individual's residential
11 setting, whether individually owned, controlled, or
12 otherwise. Community day services can be provided in a
13 site certified by the Department (site-based CDS) or in
14 community locations where members of the general community
15 typically congregate (non-site-based CDS). CDS activities
16 shall promote greater independence and support full access
17 to the general community to the same degree as persons not
18 receiving Home and Community-Based Waiver services.

19 (Source: P.A. 99-143, eff. 7-27-15; 100-759, eff. 1-1-19.)".