**Section 115.200 Description**

a) A CILA is a residence where an individual with developmental disabilities may reside and receive services and supports coordinated by a licensed CILA agency as outlined in their Personal Plan and Implementation Strategy. The individual or guardian actively participates in choosing CILA services and in choosing a home from among those available to the general public and/or housing owned or controlled by a CILA agency.

b) CILA agencies shall comply with Person-Centered Planning requirements outlined in 42 CFR 441.301(c)(1) through (c)(3); 59 Ill. Adm. Code 120; Section 115.230; the provider agreement; and attachments to the provider agreement.

c) CILAs shall comply with 42 CFR 441.301(c)(4), which specifies settings requirements for individuals receiving services through the Medicaid HCBS Waiver. CILA settings shall have all of the following qualities, and other qualities as determined to be appropriate, based on the needs of the individual as indicated in their Personal Plan. A CILA setting and/or services shall:

1) Be integrated in, and support full access of individuals receiving Medicaid HCBS to, the greater community, including opportunities to:

A) engage in community life to the extent chosen by the individual;

B) control personal resources; and

C) receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS;

2) Ensure an individual's rights of privacy, dignity, and respect;

3) Ensure freedom from coercion and restraint (except as specified in Section 115.245);

4) Optimize, but not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact; and

5) Facilitate individual choice, with the assistance of an ISC agency, regarding services and supports and who provides them.

d) A provider-owned or controlled living arrangement shall also meet the following additional conditions:

1) Be a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement, as determined by the Department and by the individual receiving services. The individual shall have, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity. For settings in which landlord/tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement, as determined by the Department, will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.

2) Each individual shall have privacy in their living arrangement:

A) Entrance doors shall be lockable by the individual, with only the individual and appropriate staff having keys to doors.

B) Individuals sharing living arrangements shall have a choice of roommates in that setting.

C) Individuals shall have the freedom to furnish and decorate their living arrangements within the lease or other agreement.

3) Individuals shall have the freedom and support to control their own schedules and activities and have access to food at any time.

4) Individuals shall be able to have visitors of their choosing at any time.

5) The setting shall be physically accessible to the individual. All communal areas must meet standards set forth by the Americans with Disabilities Act (ADA) and other federal, State, or municipal regulations. CILA providers must ensure sites are certified and have capacity for individuals who use wheelchairs or other mobility devices before offering placement. The capacity for individuals who use wheelchairs or other mobility devices is indicated in the certification letter given to each CILA provider by the Department for every site.

6) Any modification of the additional conditions under subsections (d)(1) through (5) must be supported by a specific assessed need and justified in the Personal Plan. The Personal Plan shall:

A) Identify a specific and individualized assessed need.

B) Document the positive interventions and supports used prior to any modifications to the Personal Plan.

C) Document less intrusive methods of meeting the need that have been tried but did not work.

D) Include a clear description of the condition that is directly proportionate to the specific assessed need.

E) Include regular collection and review of data to measure the ongoing effectiveness of the modification.

F) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.

G) Include the informed consent of the individual and guardian.

H) Include an assurance that interventions and supports will cause no harm to the individual.

e) CILA services are intended to promote the safety, well-being, and involvement of the individual in community life.

f) CILA providers:

1) Shall thoroughly assess the needs of the individual to determine if the provider's CILA setting and services are appropriate. No otherwise qualified individual shall be denied placement in a CILA solely on the basis of their diagnosis.

2) Shall assess their ability to serve individuals and shall not deny placement unless and until the provider has worked with the Division to explore all possible options and alternatives.

3) Must provide reasonable accommodations or modifications for individuals who reside in the CILA home and require such accommodations or modifications. Providers should access all available resources, including but not limited to, home modifications available in the DD Adult waiver and community resources.

g) Based on their needs, individuals shall receive supervision and supportive services which may range from continuous to intermittent. A CILA setting shall promote maximum independence, choice-making, access to the community and skill building for each individual as indicated in their Personal Plan.

h) The CILA agency shall request in writing to the Department for approval to change the staffing model from the one funded and in use (e.g., from 24-hour-shift staff to host family home, or from 24-hour-shift staff to intermittent supports), for a person receiving CILA service. The Department shall review and act upon the request within 15 working days. The Department shall make its decision based on the needs of the individuals receiving services and the ability of the proposed staffing model to equally provide for their needs.

i) Once accepted for service by a CILA agency, termination of services may only occur pursuant to Section 115.215.

(Source: Amended at 47 Ill. Reg. 8485, effective May 31, 2023)