**Section 117.120 Definitions**

Unless the context otherwise requires, the terms used in this Part have the meanings ascribed to them in this Section.

"Abuse." *Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means* (Section 1-101.1 of the Code).

Physical injury includes all injuries serious enough to require immediate medical treatment by a physician, such as fractures and lacerations which require suturing and all other injuries which because of the circumstances or nature of the injury indicate possible abuse or neglect;

Sexual abuse includes but is not limited to any sexual penetration or sexual conduct between an individual and other person if the individual has been adjudicated legally disabled, or has a guardian, or is unable to understand the nature of the act or is unable to give knowing consent, or is injured, or alleges that there is, or there is evidence of, use of force, coercion, or the exchange of money or anything of value; and

Mental injury includes use of words, signs, gestures or other actions by anyone against an individual which intimidates, demeans, harasses, causes emotional anguish or distress, ridicules, threatens, harms or shall knowingly incite or precipitate maladaptive behavior on the part of an individual. Mental injury also includes exploitation, which is any act that uses individuals, their resources or their possessions for an agency employee's personal gain or for an agency's benefit.

"Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Adult." A person between the ages of 18 and 60 years, inclusive.

"Agency." A community mental health or developmental services organization which is a sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not for profit.

"Autism." A lifelong developmental disability which is manifested by a combination of significant disturbances in intellectual, sensory, cognitive, social, psychological, and emotional functioning and is distinguished from other related disorders by impaired or disordered language and communication; failure to develop appropriate social relationships; ritualistic or compulsive behaviors.

"Cerebral palsy." A disorder dating from birth or early infancy, non-progressive, characterized by absence or aberrations of motor function (paralysis, weakness, incoordination) and of the other manifestations of organic brain damage such as sensory disorder, seizures, mental retardation, learning difficulty and behavior disorders

"Child." A person who is 17 years old or younger.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Crisis management." Emergency services of an intensive nature to alleviate stressful situations.

"Day." A calendar day unless otherwise specified.

"Department." The Department of Human Services.

"Department-funded out-of-home placement services." Those services for which the Department pays the partial or full cost of care of the residential placement.

"Developmental disability." *Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by a mentally retarded* person. *Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap* (Section 1-106 of the Code).

"Developmentally disabled." Having a developmental disability.

"DSM-III-R." The Diagnostic and Statistical Manual of Mental Disorders, Third Edition, revised (DMS-III-R, American Psychiatric Association, 1987 edition).

"Employment-related services." Services which allow an individual to participate in employment or which prepare an individual for future participation in employment.

"Epilepsy." A chronic disorder of the brain which is categorized by the tendency to have recurrent seizures. Seizures are sudden, uncontrolled episodes of excessive electrical discharges of brain cells with associated sensory, motor and/or behavioral changes.

"Family." The spouse and children and the parent or parent substitute, as defined by this Section, sister, and brother of an individual.

"Family Assistance Law." The Family Assistance Law for Mentally Disabled Children [405 ILCS 80/3-1].

"Goal." An expected result or condition that involves a specified period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific objectives directed toward its attainment.

"Habilitation." *An effort directed toward the remediation of a disability or toward increasing* an individual's *level of physical, mental, social or economic functioning,* independence and self-respect. *Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services* through interaction and participation in the community (Section 1-111 of the Code).

"Home-based services." *Services provided to a mentally disabled adult who lives in* *his or her* *own home. These services may include but are* not *limited to: home health services, service facilitation, crisis management, training and assistance in self-care, personal care services, habilitation and rehabilitation services, employment-related services, respite care, and other skill training that enables a person to become self-supporting* (Section 2-3 of the Home-Base Support Services Law).

"Home-Based Support Services Law." The Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-1].

"Illinois resident." an individual legally admitted to the United States who lives in Illinois, and has no present intention to move from Illinois.

"Individual" or "individuals." A person or persons who receives or receive services or support as described in this Part.

"Informed consent." Permission voluntarily granted by the individual or guardian for the release of information, for participation in the program services specified in the service/treatment plan or for the use of a specific procedure in the plan. Informed consent means full disclosure to the individual or guardian of the information required for him or her to make the decision intelligently.

"Legal guardian." *The court-appointed guardian or conservator of the person* (Section 1-110 of the Code).

"Licensed Clinical Psychologist." A clinical psychologist licensed by the Clinical Psychologist Licensing Act [225 ILCS 15].

"Mental disability." A developmental disability, a mental illness in an adult or an emotional disturbance in a child.

"Mentally disabled adult." *A person between the ages of 18 and 60 years who lives in his or her own home; who needs home-based services, but does not require 24-hour-a-day supervision; and who has one of the following conditions: severe autism, severe mental illness, severe or profound mental retardation, or severe and multiple impairments* (Section 2-3 of the Home-Based Support Services Law).

"Mental retardation." *Significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years* (Section 1-116 of the Code).

"Natural support network." a social circle affiliated with an individual that may include, but is not limited to, family members, friends, co-workers and peers.

"Neglect." *Failure to provide adequate medical or personal care or maintenance to* an individual, *which failure results in physical or mental injury to* an individual *or in the deterioration of the individual's physical or mental condition* (Section 1-117.1 of the Code).

"Objective." An expected result or condition that involves a specified period of time to achieve, that is specified in behavioral terms and that is related to the achievement of a goal.

"Own home." *In one's "own home" means that a mentally disabled adult lives alone; or that a mentally disabled adult is in full-time residence with his or her parents, legal guardian, or other relatives; or that a mentally disabled adult is in full-time residence in a setting not subject to licensure under the Nursing Home Care Act* [210 ILCS 45] *or the Child Care Act of 1969* [225 ILCS 10], *with* *three* *or fewer other adults unrelated to the mentally disabled adult who do not provide home-based services to the mentally disabled adult.* (Section 2-3 of the Home-Based Support Services Law).

"Parent" or "parent substitute." A person acting in the capacity of a parent with respect to an individual with mental disabilities who is 17 years old or younger. The parent shall be:

The legal guardian, if a legal guardian has been determined;

The natural or adoptive parent, if no legal guardian has been determined;

A person licensed as a foster parent and providing care under the Child Care Act of 1969; or

Another relative who is 21 years old or older who has a parent-like relationship with the individual with mental disabilities and who wishes to serve as the parent substitute. This relative shall be considered the parent for purposes of this Part if there is no objection from:

The individual;

The legal guardian, if a legal guardian has been determined; or

The natural or adoptive parent, if no legal guardian has been determined.

"Primary examiner." The licensed clinical psychologist and/or psychiatrist and/or physician asked to conduct an evaluation to determine whether an individual applying for programs under this Part meets the criteria for severe level of disability.

"Provider agency." (See "Agency.")

"Random selection." To ensure equal opportunity to the programs described in this Part, the Department shall use a random selection process. The selection process shall be implemented in the following manner: children and adults shall be selected separately, based on two programs and two line item appropriations; residents from each region of the State shall be selected in proportion to the population of that region; an equal number of adults with a developmental disability and mental illness shall be selected; and an equal number of children with a developmental disability and an emotional disturbance shall be selected. There shall be four pools within each region: children with an emotional disturbance; children with a developmental disability; adults with mental illness; adults with a developmental disability. Within each of the separate pools of applicants identified above, a computer shall randomly number all preliminary applications from one through the number of applications within that pool. The proper number of persons to be enrolled from each pool shall be chosen according to the per capita approach described above. This number of people (number one through the maximum permitted for each pool) shall be chosen as provisional participants. The provisional participants shall be requested to verify eligibility criteria and diagnosis through evaluation. If any provisional applicant is found ineligible, or for any other reason fails to enter the program, the next alternate based on the sequential numbering shall be selected for enrollment after undergoing verification of eligibility and diagnosis through evaluation.

"Region." A service division of the State created by the Department in accordance with Section 8 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/8].

"Rehabilitation." An effort toward the amelioration of a disability or toward restoring an individual's level of physical, mental, social or economic functioning, independence and self-respect.

"Relative." A person having *any of the following relationships by blood, marriage or adoption: parent, son, daughter, brother, sister, grandparent, uncle, aunt, nephew, niece, great grandparent, great uncle, great aunt, stepbrother, stepson, stepdaughter, stepparent or first cousin* (Section 2-3 of the Home-Based Support Services Law).

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Service facilitation." Assisting an adult individual participating in the Home-Based Support program with the development and modification of a service/treatment plan, helping the individual gain access to the services identified in the plan, and advocating on the individual's behalf if services are not being provided as prescribed in the plan or assisting a family participating in the Family Assistance Program in determining the most appropriate use of resources to address the needs of the child with a severe mental disability within the context of the family. Assisting families also includes providing information about local support services, locating, advocating for or creating services that conform to the individual family's desires.

"Service facilitator." An agency representative with experience in working with mentally disabled persons and who provides service facilitation.

"Service/treatment plan" or "plan." The basis on which services shall be planned by the individual, a service facilitator and other persons chosen by the individual, provided by a service agency, an organization, or an individual and reimbursed by the Department for purposes of the Home-Based Support Services Program.

"Services." Services which are rendered and are partially or wholly funded by the Department.

"Severe autism." *A lifelong developmental disability which is typically* manifested *before 30 months of age and is characterized by disturbances* in the rate and sequences of cognitive, affective, psychomotor, language and speech development. *A person shall be determined severely autistic,* for purposes of this Part, *if* he or she manifests all of the following characteristics: disturbance in the capacity to relate appropriately to people, events and objects; absence, disorder or delay of language; speech or meaningful communication; unusual or inconsistent response to sensory stimuli in one or more of the following: sight, hearing, touch, pain, balance, smell, taste, or the way the person holds his or her body; and insistence on sameness as shown by stereotyped or repetitive behavioral patterns, repetitive movements, abnormal preoccupation, or resistance to change. There shall be an absence of the characteristics associated with schizophrenia, such as delusions, hallucinations, loosening of associations and incoherence. (Section 2-3 of the Home-Based Support Services Law and Section 3-3 of the Family Assistance Law)

"Severe emotional disturbance." A child with a severe emotional disturbance is one who, on the basis of a psychosis or other emotional or behavioral disorder, suffers from severe disability which requires sustained treatment interventions for a year or more, and which generally requires attention from two or more agencies.

"Severe mental illness." *The manifestation of both the following characteristics:* the presence of a *major mental disorder in* adults, or *a mental disorder in children or adolescents,* classified in the DSM-III-R, excluding alcohol or substance abuse, Alzheimer's disease, or other forms of dementia based upon organic or physical disorders; and a functional disability of an extended duration for adults, or any duration for children or adolescents, which results in substantial limitations in major life activities. (Section 2-3 of the Home-Based Support Services Law and Section 3-3 of the Family Assistance Law)

"Severe or profound mental retardation." The *manifestation of all of the following characteristics:* development at a rate approximately four and one-half or more standard deviations below the mean as determined through intellectual assessment; lack of development primarily in the cognitive domain; and impairment of adaptive behavior. This impairment constitutes a substantial disability and can be expected to continue indefinitely. (Section 2-3 of the Home-Based Support Services Law and Section 3-3 of the Family Assistance Law)

"Severe and multiple impairments." *The manifestation of all the following characteristics:* multiple handicaps in the physical, sensory, behavioral or cognitive domains which constitute a severe or profound handicap; development at substantially less than expected rate for the age group in the cognitive, affective or psychomotor domains; and a diagnosis of a developmental disability as defined in Section 1-106 of the Code. (Section 2-3 of the Home-Based Support Services Law and Section 3-3 of the Family Assistance Law)

"Skills training." Services aimed at improving an individual's ability to perform the activities of daily living and/or community living and/or work-related proficiencies.

"Special education program." Specially designed instruction, at no cost to the parent or individual, to meet the unique needs of an individual with a disability up to age 21, including classroom instruction, instruction in physical education, home instruction and instruction in hospitals and institutions (Education for the Handicapped Act (20 U.S.C.A. 1400 (1996)) and the rules of the State Board of Education at 23 Ill. Adm. Code 226).

"Substantial disability." A physical and mental disability, resulting from mental retardation, cerebral palsy, epilepsy, or autism, of such severity that, alone or in connection with social, legal, or economic constraints, it requires the provision of specialized services over an extended period of time directed toward the individual's social, personal or economic habilitation or rehabilitation.

"Supported employment." Competitive work in integrated work settings for incidivuals with severe mental disabilities for whom competitive employment has not traditionally occurred or for individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability and who need ongoing support services to perform such work.

"Twenty-four-hour-a-day-supervision." *Care by a trained mental health or developmental disability professional on an ongoing basis* (Section 2-3 of the Home-Based Support Services Law).