

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 1. Short title. This Act may be cited as the  
5 Children's Mental Health Local Integrated Fund Act.

6 Section 5. Purpose. The General Assembly finds that  
7 children with emotional disturbances or who are at risk of  
8 suffering those disturbances often require services from  
9 multiple service systems including mental health, social  
10 services, education, corrections, juvenile court, health, and  
11 employment and economic development. To better meet the needs  
12 of these children, it is the intent of the General Assembly to  
13 establish an integrated children's mental health service  
14 system that:

15 (1) allows local service decision makers to draw  
16 funding from a single local source so that funds follow  
17 clients and eliminates the need to match clients, funds,  
18 services, and provider eligibilities;

19 (2) creates a local pool of State, local, and private  
20 funds to procure a greater medical assistance federal  
21 financial participation;

22 (3) improves the efficiency of use of existing  
23 resources;

1           (4) minimizes or eliminates the incentives for cost  
2           and risk shifting; and

3           (5) increases the incentives for earlier  
4           identification and intervention.

5           The children's mental health integrated fund established  
6           under this Act must be used to develop and support this  
7           integrated mental health service system. In developing this  
8           integrated service system, it is not the intent of the General  
9           Assembly to limit any rights available to children and their  
10          families through existing federal and State laws.

11          Section 10. Definitions. In this Act:

12          "Child" means a person under 18 years of age.

13          "Department" means the Department of Human Services.

14          "Emotional disturbance" means an organic disorder of the  
15          brain or a clinically significant disorder of thought, mood,  
16          perception, orientation, memory, or behavior that:

17                 (1) is detailed in a diagnostic code list published by  
18                 the Secretary; and

19                 (2) seriously limits a child's capacity to function in  
20                 primary aspects of daily living such as personal  
21                 relations, living arrangements, work, school, or  
22                 recreation.

23          "Emotional disturbance" is a generic term and is intended  
24          to reflect all categories of disorder described in the  
25          clinical code list published by the Secretary as usually first

1 evident in childhood or adolescence.

2 "Family" means a child and one or more of the following  
3 persons whose participation is necessary to accomplish the  
4 child's treatment goals:

5 (1) a person related to the child by blood, marriage,  
6 or adoption;

7 (2) a person who is the child's foster parent or  
8 significant other; or

9 (3) a person who is the child's legal guardian or  
10 custodian.

11 "Individualized rehabilitation services" means  
12 alternative, flexible, coordinated, and highly individualized  
13 services that are based on a multiagency plan of care. These  
14 services are designed to build on the strengths and respond to  
15 the needs identified in the child's multiagency assessment and  
16 to improve the child's ability to function in the home,  
17 school, and community. Individualized rehabilitation services  
18 may include, but are not limited to, residential services,  
19 respite services, services that assist the child or family in  
20 enrolling in or participating in recreational activities,  
21 assistance in purchasing otherwise unavailable items or  
22 services important to maintain a specific child in the family,  
23 and services that assist the child to participate in more  
24 traditional services and programs.

25 "Integrated fund" means a pool of both public and private  
26 local, State, and federal resources, consolidated at the local

1 level, to accomplish locally agreed-upon service goals for the  
2 target population. The fund shall be used to help the local  
3 children's mental health collaborative to serve the mental  
4 health needs of children in the target population by allowing  
5 the local children's mental health collaboratives to develop  
6 and implement an integrated service system.

7 "Integrated service system" means a coordinated set of  
8 procedures established by the local children's mental health  
9 collaborative for coordinating services and actions across  
10 categorical systems and agencies that results in:

11 (1) integrated funding;

12 (2) improved outreach, early identification, and  
13 intervention across systems;

14 (3) strong collaboration between parents and  
15 professionals in identifying children in the target  
16 population, facilitating access to the integrated system,  
17 and coordinating care and services for these children;

18 (4) a coordinated assessment process across systems  
19 that determines which children need multiagency care  
20 coordination and wraparound services;

21 (5) a multiagency plan of care; and

22 (6) individualized rehabilitation services.

23 Services provided by the integrated service system must  
24 meet the requirements set out in this Act. Children served by  
25 the integrated service system must be economically and  
26 culturally representative of children in the service delivery

1 area.

2 "Local children's mental health collaborative" or  
3 "collaborative" means an entity formed by the agreement of  
4 representatives of the local system of care including mental  
5 health services, social services, correctional services,  
6 education services, health services, and vocational services  
7 for the purpose of developing and governing an integrated  
8 service system.

9 "Local system of care" means a coordinated network of  
10 community-based services and supports designed to meet the  
11 challenges of children and youth with serious mental health  
12 needs and their families. These partnerships of families,  
13 youth, public organizations, and private service providers  
14 work to more effectively deliver mental health services and  
15 supports that build on the strengths of individuals and fully  
16 address children's and youths' needs.

17 "Mental health services" has the meaning ascribed to it in  
18 Section 1-115 of the Mental Health and Developmental  
19 Disabilities Code.

20 "Multiagency plan of care" means a written plan of  
21 intervention and integrated services developed by a  
22 multiagency team in conjunction with the child and family  
23 based on their unique strengths and needs as determined by a  
24 multiagency assessment. The plan must outline measurable  
25 client outcomes and specific services needed to attain these  
26 outcomes, the agencies responsible for providing the specified

1 services, funding responsibilities, timelines, the judicial or  
2 administrative procedures needed to implement the plan of  
3 care, the agencies responsible for initiating these procedures  
4 and designate one person with lead responsibility for  
5 overseeing implementation of the plan.

6 "Respite care" means planned routine care to support the  
7 continued residence of a child with emotional disturbance with  
8 the child's family or long-term primary caretaker.

9 "Secretary" means the Secretary of Human Services.

10 "Service delivery area" means the geographic area to be  
11 served by the local children's mental health collaborative and  
12 must include at a minimum a part of a county and school  
13 district or a special education cooperative.

14 "Target population" means children under 18 years of age  
15 with an emotional disturbance or who are at risk of suffering  
16 an emotional disturbance as evidenced by a behavior or  
17 condition that affects the child's ability to function in a  
18 primary aspect of daily living including personal relations,  
19 living arrangements, work, school, and recreation, and a child  
20 who can benefit from:

21 (1) multiagency service coordination and wraparound  
22 services; or

23 (2) informal coordination of traditional mental health  
24 services provided on a temporary basis.

25 Persons between the ages of 18 and 21 who meet these  
26 criteria may be included in the target population at the

1 option of the local children's mental health collaborative.

2 Section 15. Local children's mental health collaborative.

3 (a) To qualify as a local children's mental health  
4 collaborative and be eligible to receive start-up funds, the  
5 representatives of the local system of care and  
6 nongovernmental entities such as parents of children in the  
7 target population; parent and consumer organizations;  
8 community, civic, and religious organizations; private and  
9 nonprofit mental and physical health care providers;  
10 culturally specific organizations; local foundations; and  
11 businesses, or at a minimum one county, one school district or  
12 special education cooperative, one mental health entity, and  
13 one juvenile justice or corrections entity, must agree to the  
14 following:

15 (1) to establish a local children's mental health  
16 collaborative and develop an integrated service system;

17 (2) to commit resources to providing services through  
18 the local children's mental health cooperative; and

19 (3) to develop a plan to contribute funds to the  
20 children's mental health collaborative.

21 (b) Two or more children's mental health collaboratives  
22 may consolidate decision making, pool resources, and  
23 collectively act on behalf of the individual collaboratives,  
24 based on a written agreement among the participating  
25 collaboratives.

1           (c) Each local children's mental health collaborative  
2 must:

3           (1) notify the Secretary within 10 days of formation  
4 by signing a collaborative agreement and providing the  
5 Secretary with a copy of the signed agreement;

6           (2) identify a service delivery area and an  
7 operational target population within that service delivery  
8 area. The operational target population must be  
9 economically and culturally representative of children in  
10 the service delivery area to be served by the local  
11 children's mental health collaborative. The size of the  
12 operational target population must also be economically  
13 viable for the service delivery area;

14           (3) seek to maximize federal revenues available to  
15 serve children in the target population by designating  
16 local expenditures for services for these children and  
17 their families that can be matched with federal dollars;

18           (4) design, develop, and ensure implementation of an  
19 integrated service system that meets the requirements for  
20 State and federal reimbursement and develop interagency  
21 agreements necessary to implement the system;

22           (5) expand membership to include representatives of  
23 other services in the local system of care including  
24 prepaid health plans under contract with the Secretary to  
25 serve the needs of children in the target population and  
26 their families;



1           (6) create or designate a management structure for  
2           fiscal and clinical responsibility and outcome evaluation;

3           (7) spend funds generated by the local children's  
4           mental health collaborative as required in this Act;

5           (8) explore methods and recommend changes needed at  
6           the State level to reduce duplication and promote  
7           coordination of services, including the use of uniform  
8           forms for reporting, billing, and planning of services;

9           (9) submit its integrated service system design to the  
10          Department for approval within one year of notifying the  
11          Secretary of its formation;

12          (10) provide an annual report and the collaborative's  
13          planned timeline to expand its operational target  
14          population to the Department; and

15          (11) expand its operational target population.

16          (d) The members of a local children's mental health  
17          collaborative may share data on persons being served by the  
18          collaborative or its members if the person gives written  
19          informed consent and the information sharing is necessary in  
20          order for the collaborative to carry out its duties under this  
21          Section. Data on persons shared under this subsection (d)  
22          retain the original classification as to each member of the  
23          collaborative with whom the data is shared. If a federal law or  
24          regulation impedes information sharing that is necessary in  
25          order for a collaborative to carry out duties under this  
26          Section, the appropriate State agencies shall attempt to

1 obtain a waiver or exemption from the applicable law or  
2 regulation.

3 Section 20. Integrated local service system. The  
4 integrated service system established by the local children's  
5 mental health collaborative must:

6 (1) include a process for communicating to agencies in  
7 the local system of care eligibility criteria for services  
8 received through the local children's mental health  
9 collaborative and a process for determining eligibility.  
10 The process shall place strong emphasis on outreach to  
11 families, respecting the family role in identifying  
12 children in need, and valuing families as partners;

13 (2) include measurable outcomes, timelines for  
14 evaluating progress, and mechanisms for quality assurance  
15 and appeals;

16 (3) involve the family, and when appropriate the  
17 child, in developing multiagency service plans to the  
18 extent required by law;

19 (4) meet all standards and provide all mental health  
20 services as required in this Act, and ensure that the  
21 services provided are culturally appropriate;

22 (5) spend funds generated by the local children's  
23 mental health collaborative as required in this Act; and

24 (6) encourage public-private partnerships to increase  
25 efficiency, reduce redundancy, and promote quality of

1 care.

2 Section 25. Revenue enhancement; authority and  
3 responsibilities. The children's mental health collaborative  
4 shall have the following authority and responsibilities  
5 regarding federal revenue enhancement:

6 (1) the collaborative must establish an integrated  
7 fund;

8 (2) the collaborative shall designate a lead county or  
9 other qualified entity as the fiscal agency for reporting,  
10 claiming, and receiving payments;

11 (3) the collaborative or lead county may enter into  
12 subcontracts with other counties, school districts,  
13 special education cooperatives, municipalities, and other  
14 public and nonprofit entities for purposes of identifying  
15 and claiming eligible expenditures to enhance federal  
16 reimbursement;

17 (4) the collaborative shall use any enhanced revenue  
18 attributable to the activities of the collaborative,  
19 including administrative and service revenue, solely to  
20 provide mental health services or to expand the  
21 operational target population. The lead county or other  
22 qualified entity may not use enhanced federal revenue for  
23 any other purpose;

24 (5) the collaborative or lead county must develop and  
25 maintain an accounting and financial management system

1 adequate to support all claims for federal reimbursement,  
2 including a clear audit trail and any provisions specified  
3 in the contract with the Secretary;

4 (6) the collaborative or its members may elect to pay  
5 the nonfederal share of the medical assistance costs for  
6 services designated by the collaborative; and

7 (7) the lead county or other qualified entity may not  
8 use federal funds or local funds designated as matching  
9 for other federal funds to provide the nonfederal share of  
10 medical assistance.

11 Section 30. Additional federal revenues. Each local  
12 children's mental health collaborative shall report  
13 expenditures eligible for federal reimbursement in a manner  
14 prescribed by the Secretary. The Secretary shall pay all funds  
15 earned by each local children's mental health collaborative to  
16 the collaborative. Each local children's mental health  
17 collaborative must use these funds to expand the operational  
18 target population or to develop or provide mental health  
19 services through the local integrated service system to  
20 children in the target population. Funds may not be used to  
21 supplant funding for services to children in the target  
22 population. As used in this Section, "mental health services"  
23 are community-based, nonresidential services, which may  
24 include respite care, that are identified in the child's  
25 multiagency plan of care.