



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3747

Introduced 1/21/2022, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

| | |
|----------------------|-------------------------|
| 210 ILCS 85/6.2 new | |
| 225 ILCS 10/7.12 new | |
| 305 ILCS 5/9A-11 | from Ch. 23, par. 9A-11 |
| 325 ILCS 20/3 | from Ch. 23, par. 4153 |

Amends the Hospital Licensing Act. Provides that no later than January 1, 2023, the Department of Public Health shall convene a comprehensive stakeholder process to develop standards for hospitals to establish specialized units for children and adolescents with an autism spectrum disorder and other intellectual or developmental disabilities. Amends the Child Care Act of 1969. Provides that child welfare supervisors shall satisfy specified requirements. Provides that the Central Office of Licensing at the Department of Children and Family Services shall convene a 5 person panel to review all transcripts and course information and make a decision on the equivalency of the college degree to a human services degree. Provides that the panel must include representation from a community-based provider. Amends the Illinois Public Aid Code. Expands eligibility under the Department of Human Services' child care assistance program to youth in care and to families receiving Extended Family Support Program services from the Department of Children and Family Services. Amends the Early Intervention Services System Act. Provides that the definition of "eligible infants and toddlers" includes any child under the age of 3 who is the subject of a substantiated case of child abuse or neglect, as defined by the federal Child Abuse Prevention and Treatment Act. Effective immediately, except that changes to the Illinois Public Aid Code take effect July 1, 2023.

LRB102 25788 SPS 35121 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Hospital Licensing Act is amended by adding
5 Section 6.2 as follows:

6 (210 ILCS 85/6.2 new)

7 Sec. 6.2. Units for children and adolescents with
8 intellectual or developmental disabilities.

9 (a) No later than January 1, 2023, the Department shall
10 convene a comprehensive stakeholder process that includes
11 representatives from the Department of Human Services, the
12 Department of Children and Family Services, the Department of
13 Healthcare and Family Services, professional organizations
14 representing physicians, pediatricians, psychologists,
15 physical therapists, and speech therapists, community-based
16 providers serving and supporting children and adults with
17 intellectual or developmental disabilities, and other
18 individuals or organizations the Department deems appropriate
19 to develop standards for hospitals to establish specialized
20 units for children and adolescents with an autism spectrum
21 disorder and other intellectual or developmental disabilities.

22 (b) The criteria for admission to these units shall
23 include, but not be limited to:

1 (1) children and adolescents between 10 years of age
2 and 21 years of age;

3 (2) have a documented primary diagnosis of an autism
4 spectrum disorder or other intellectual or developmental
5 disability; and

6 (3) display self-injury, aggression, or other severe
7 behavior problems that impair functioning.

8 (c) Staffing for these specialized units should include a
9 multidisciplinary team of appropriately licensed or certified
10 professionals and paraprofessionals able to implement methods
11 including, but not limited to:

12 (1) medication review and medication therapy;

13 (2) medical assessment and referrals;

14 (3) individual, group, and family therapies;

15 (4) functional behavior assessment;

16 (5) behavioral interventions;

17 (6) behavior training with family and agencies;

18 (7) social skills training;

19 (8) adaptive and self-care skills training;

20 (9) educational and developmental learning center;

21 (10) disposition planning;

22 (11) parent or guardian management training;

23 (12) problem-solving training;

24 (13) self-management training;

25 (14) cognitive behavioral therapy; and

26 (15) dialectical behavior therapy.

1 Section 10. The Child Care Act of 1969 is amended by adding
2 Section 7.12 as follows:

3 (225 ILCS 10/7.12 new)

4 Sec. 7.12. Child welfare supervisors.

5 (a) Child welfare supervisors shall satisfy the following
6 requirements:

7 (1) a child welfare supervisor not working in a group
8 home, child care institution, or maternity center shall
9 have a bachelor's degree listed in subsection (b) and 5
10 years of experience in a child welfare setting;

11 (2) a child welfare supervisor working at a group home
12 shall have a high school diploma or high school
13 equivalency certificate and 2 years of experience within a
14 child or adult residential program or a bachelor's degree
15 listed in subsection (b) and one year of experience
16 working in child or adult residential programs; and

17 (3) a child welfare supervisor working at a child care
18 institution or maternity shall have a high school diploma
19 or high school equivalency certificate.

20 (b) The Department shall accept the following degrees as
21 human services degrees:

22 (1) applied behavioral services;

23 (2) behavioral analysis and therapy;

24 (3) child and adolescent development;

1 (4) communicative disorders, with a specialization in
2 rehabilitation counseling;

3 (5) community counseling;

4 (6) correctional counseling;

5 (7) counseling;

6 (8) counseling for child welfare specialists;

7 (9) counseling and organizational psychology;

8 (10) counseling studies;

9 (11) criminal justice;

10 (12) health and human services;

11 (13) education with a specialization in counseling,
12 counseling and human development, guidance and counseling,
13 curriculum development, family and consumer sciences, or
14 school counseling, or with coursework in early childhood,
15 childhood psycho-pathology, pre-school children, or
16 alcoholism and other drug abuse;

17 (14) health and wellness;

18 (15) human behavior;

19 (16) human development;

20 (17) human ecology, with specialization in human
21 development and family studies;

22 (18) human services and counseling;

23 (19) human services management;

24 (20) leadership and human services administration;

25 (21) non-profit management;

26 (22) professional counseling;

1 (23) public health administration;

2 (24) public management;

3 (25) rehabilitation counseling;

4 (26) social and behavioral psychology;

5 (27) social psychology;

6 (28) urban education and community counseling; and

7 (29) youth and family services and administration.

8 (c) The Central Office of Licensing at the Department
9 shall convene a 5 person panel to review all transcripts and
10 course information and make a decision on the equivalency of
11 the college degree to a human services degree. The panel must
12 include representation from a community-based provider.

13 Section 15. The Illinois Public Aid Code is amended by
14 changing Section 9A-11 as follows:

15 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

16 Sec. 9A-11. Child care.

17 (a) The General Assembly recognizes that families with
18 children need child care in order to work. Child care is
19 expensive and families with low incomes, including those who
20 are transitioning from welfare to work, often struggle to pay
21 the costs of day care. The General Assembly understands the
22 importance of helping low-income working families become and
23 remain self-sufficient. The General Assembly also believes
24 that it is the responsibility of families to share in the costs

1 of child care. It is also the preference of the General
2 Assembly that all working poor families should be treated
3 equally, regardless of their welfare status.

4 (b) To the extent resources permit, the Illinois
5 Department shall provide child care services to parents or
6 other relatives as defined by rule who are working or
7 participating in employment or Department approved education
8 or training programs. At a minimum, the Illinois Department
9 shall cover the following categories of families:

10 (1) recipients of TANF under Article IV participating
11 in work and training activities as specified in the
12 personal plan for employment and self-sufficiency;

13 (2) families transitioning from TANF to work;

14 (3) families at risk of becoming recipients of TANF;

15 (4) families with special needs as defined by rule;

16 (5) working families with very low incomes as defined
17 by rule;

18 (6) families that are not recipients of TANF and that
19 need child care assistance to participate in education and
20 training activities; ~~and~~

21 (6.5) youth in care as defined by Section 4d of the
22 Children and Family Services Act;

23 (7) families with children ~~under the age of 5~~ who have
24 an open intact family services case with the Department of
25 Children and Family Services. Any family that receives
26 child care assistance in accordance with this paragraph

1 shall remain eligible for child care assistance 6 months
2 after the child's intact family services case is closed,
3 regardless of whether the child's parents or other
4 relatives as defined by rule are working or participating
5 in Department approved employment or education or training
6 programs. The Department of Human Services, in
7 consultation with the Department of Children and Family
8 Services, shall adopt rules to protect the privacy of
9 families who are the subject of an open intact family
10 services case when such families enroll in child care
11 services. Additional rules shall be adopted to offer
12 children who have an open intact family services case the
13 opportunity to receive an Early Intervention screening and
14 other services that their families may be eligible for as
15 provided by the Department of Human Services; ~~and-~~

16 (8) families receiving Extended Family Support Program
17 services from the Department of Children and Family
18 Services.

19 The Department shall specify by rule the conditions of
20 eligibility, the application process, and the types, amounts,
21 and duration of services. Eligibility for child care benefits
22 and the amount of child care provided may vary based on family
23 size, income, and other factors as specified by rule.

24 The Department shall update the Child Care Assistance
25 Program Eligibility Calculator posted on its website to
26 include a question on whether a family is applying for child

1 care assistance for the first time or is applying for a
2 redetermination of eligibility.

3 A family's eligibility for child care services shall be
4 redetermined no sooner than 12 months following the initial
5 determination or most recent redetermination. During the
6 12-month periods, the family shall remain eligible for child
7 care services regardless of (i) a change in family income,
8 unless family income exceeds 85% of State median income, or
9 (ii) a temporary change in the ongoing status of the parents or
10 other relatives, as defined by rule, as working or attending a
11 job training or educational program.

12 In determining income eligibility for child care benefits,
13 the Department annually, at the beginning of each fiscal year,
14 shall establish, by rule, one income threshold for each family
15 size, in relation to percentage of State median income for a
16 family of that size, that makes families with incomes below
17 the specified threshold eligible for assistance and families
18 with incomes above the specified threshold ineligible for
19 assistance. Through and including fiscal year 2007, the
20 specified threshold must be no less than 50% of the
21 then-current State median income for each family size.
22 Beginning in fiscal year 2008, the specified threshold must be
23 no less than 185% of the then-current federal poverty level
24 for each family size. Notwithstanding any other provision of
25 law or administrative rule to the contrary, beginning in
26 fiscal year 2019, the specified threshold for working families

1 with very low incomes as defined by rule must be no less than
2 185% of the then-current federal poverty level for each family
3 size. Notwithstanding any other provision of law or
4 administrative rule to the contrary, beginning in State fiscal
5 year 2022, the specified income threshold shall be no less
6 than 200% of the then-current federal poverty level for each
7 family size.

8 In determining eligibility for assistance, the Department
9 shall not give preference to any category of recipients or
10 give preference to individuals based on their receipt of
11 benefits under this Code.

12 Nothing in this Section shall be construed as conferring
13 entitlement status to eligible families.

14 The Illinois Department is authorized to lower income
15 eligibility ceilings, raise parent co-payments, create waiting
16 lists, or take such other actions during a fiscal year as are
17 necessary to ensure that child care benefits paid under this
18 Article do not exceed the amounts appropriated for those child
19 care benefits. These changes may be accomplished by emergency
20 rule under Section 5-45 of the Illinois Administrative
21 Procedure Act, except that the limitation on the number of
22 emergency rules that may be adopted in a 24-month period shall
23 not apply.

24 The Illinois Department may contract with other State
25 agencies or child care organizations for the administration of
26 child care services.

1 (c) Payment shall be made for child care that otherwise
2 meets the requirements of this Section and applicable
3 standards of State and local law and regulation, including any
4 requirements the Illinois Department promulgates by rule in
5 addition to the licensure requirements promulgated by the
6 Department of Children and Family Services and Fire Prevention
7 and Safety requirements promulgated by the Office of the State
8 Fire Marshal, and is provided in any of the following:

9 (1) a child care center which is licensed or exempt
10 from licensure pursuant to Section 2.09 of the Child Care
11 Act of 1969;

12 (2) a licensed child care home or home exempt from
13 licensing;

14 (3) a licensed group child care home;

15 (4) other types of child care, including child care
16 provided by relatives or persons living in the same home
17 as the child, as determined by the Illinois Department by
18 rule.

19 (c-5) Solely for the purposes of coverage under the
20 Illinois Public Labor Relations Act, child and day care home
21 providers, including licensed and license exempt,
22 participating in the Department's child care assistance
23 program shall be considered to be public employees and the
24 State of Illinois shall be considered to be their employer as
25 of January 1, 2006 (the effective date of Public Act 94-320),
26 but not before. The State shall engage in collective

1 bargaining with an exclusive representative of child and day
2 care home providers participating in the child care assistance
3 program concerning their terms and conditions of employment
4 that are within the State's control. Nothing in this
5 subsection shall be understood to limit the right of families
6 receiving services defined in this Section to select child and
7 day care home providers or supervise them within the limits of
8 this Section. The State shall not be considered to be the
9 employer of child and day care home providers for any purposes
10 not specifically provided in Public Act 94-320, including, but
11 not limited to, purposes of vicarious liability in tort and
12 purposes of statutory retirement or health insurance benefits.
13 Child and day care home providers shall not be covered by the
14 State Employees Group Insurance Act of 1971.

15 In according child and day care home providers and their
16 selected representative rights under the Illinois Public Labor
17 Relations Act, the State intends that the State action
18 exemption to application of federal and State antitrust laws
19 be fully available to the extent that their activities are
20 authorized by Public Act 94-320.

21 (d) The Illinois Department shall establish, by rule, a
22 co-payment scale that provides for cost sharing by families
23 that receive child care services, including parents whose only
24 income is from assistance under this Code. The co-payment
25 shall be based on family income and family size and may be
26 based on other factors as appropriate. Co-payments may be

1 waived for families whose incomes are at or below the federal
2 poverty level.

3 (d-5) The Illinois Department, in consultation with its
4 Child Care and Development Advisory Council, shall develop a
5 plan to revise the child care assistance program's co-payment
6 scale. The plan shall be completed no later than February 1,
7 2008, and shall include:

8 (1) findings as to the percentage of income that the
9 average American family spends on child care and the
10 relative amounts that low-income families and the average
11 American family spend on other necessities of life;

12 (2) recommendations for revising the child care
13 co-payment scale to assure that families receiving child
14 care services from the Department are paying no more than
15 they can reasonably afford;

16 (3) recommendations for revising the child care
17 co-payment scale to provide at-risk children with complete
18 access to Preschool for All and Head Start; and

19 (4) recommendations for changes in child care program
20 policies that affect the affordability of child care.

21 (e) (Blank).

22 (f) The Illinois Department shall, by rule, set rates to
23 be paid for the various types of child care. Child care may be
24 provided through one of the following methods:

25 (1) arranging the child care through eligible
26 providers by use of purchase of service contracts or

1 vouchers;

2 (2) arranging with other agencies and community
3 volunteer groups for non-reimbursed child care;

4 (3) (blank); or

5 (4) adopting such other arrangements as the Department
6 determines appropriate.

7 (f-1) Within 30 days after June 4, 2018 (the effective
8 date of Public Act 100-587), the Department of Human Services
9 shall establish rates for child care providers that are no
10 less than the rates in effect on January 1, 2018 increased by
11 4.26%.

12 (f-5) (Blank).

13 (g) Families eligible for assistance under this Section
14 shall be given the following options:

15 (1) receiving a child care certificate issued by the
16 Department or a subcontractor of the Department that may
17 be used by the parents as payment for child care and
18 development services only; or

19 (2) if space is available, enrolling the child with a
20 child care provider that has a purchase of service
21 contract with the Department or a subcontractor of the
22 Department for the provision of child care and development
23 services. The Department may identify particular priority
24 populations for whom they may request special
25 consideration by a provider with purchase of service
26 contracts, provided that the providers shall be permitted

1 to maintain a balance of clients in terms of household
2 incomes and families and children with special needs, as
3 defined by rule.

4 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;
5 102-491, eff. 8-20-21; revised 11-8-21.)

6 Section 20. The Early Intervention Services System Act is
7 amended by changing Section 3 as follows:

8 (325 ILCS 20/3) (from Ch. 23, par. 4153)

9 Sec. 3. Definitions. As used in this Act:

10 (a) "Eligible infants and toddlers" means infants and
11 toddlers under 36 months of age with any of the following
12 conditions:

13 (1) Developmental delays.

14 (2) A physical or mental condition which typically
15 results in developmental delay.

16 (3) Being at risk of having substantial developmental
17 delays based on informed clinical opinion.

18 (4) Either (A) having entered the program under any of
19 the circumstances listed in paragraphs (1) through (3) of
20 this subsection but no longer meeting the current
21 eligibility criteria under those paragraphs, and
22 continuing to have any measurable delay, or (B) not having
23 attained a level of development in each area, including
24 (i) cognitive, (ii) physical (including vision and

1 hearing), (iii) language, speech, and communication, (iv)
2 social or emotional, or (v) adaptive, that is at least at
3 the mean of the child's age equivalent peers; and, in
4 addition to either item (A) or item (B), (C) having been
5 determined by the multidisciplinary individualized family
6 service plan team to require the continuation of early
7 intervention services in order to support continuing
8 developmental progress, pursuant to the child's needs and
9 provided in an appropriate developmental manner. The type,
10 frequency, and intensity of services shall differ from the
11 initial individualized family services plan because of the
12 child's developmental progress, and may consist of only
13 service coordination, evaluation, and assessments.

14 "Eligible infants and toddlers" includes any child under
15 the age of 3 who is the subject of a substantiated case of
16 child abuse or neglect, as defined by the federal Child Abuse
17 Prevention and Treatment Act.

18 (b) "Developmental delay" means a delay in one or more of
19 the following areas of childhood development as measured by
20 appropriate diagnostic instruments and standard procedures:
21 cognitive; physical, including vision and hearing; language,
22 speech and communication; social or emotional; or adaptive.
23 The term means a delay of 30% or more below the mean in
24 function in one or more of those areas.

25 (c) "Physical or mental condition which typically results
26 in developmental delay" means:

1 (1) a diagnosed medical disorder or exposure to a
2 toxic substance bearing a relatively well known expectancy
3 for developmental outcomes within varying ranges of
4 developmental disabilities; or

5 (2) a history of prenatal, perinatal, neonatal or
6 early developmental events suggestive of biological
7 insults to the developing central nervous system and which
8 either singly or collectively increase the probability of
9 developing a disability or delay based on a medical
10 history.

11 (d) "Informed clinical opinion" means both clinical
12 observations and parental participation to determine
13 eligibility by a consensus of a multidisciplinary team of 2 or
14 more members based on their professional experience and
15 expertise.

16 (e) "Early intervention services" means services which:

17 (1) are designed to meet the developmental needs of
18 each child eligible under this Act and the needs of his or
19 her family;

20 (2) are selected in collaboration with the child's
21 family;

22 (3) are provided under public supervision;

23 (4) are provided at no cost except where a schedule of
24 sliding scale fees or other system of payments by families
25 has been adopted in accordance with State and federal law;

26 (5) are designed to meet an infant's or toddler's

1 developmental needs in any of the following areas:

2 (A) physical development, including vision and
3 hearing,

4 (B) cognitive development,

5 (C) communication development,

6 (D) social or emotional development, or

7 (E) adaptive development;

8 (6) meet the standards of the State, including the
9 requirements of this Act;

10 (7) include one or more of the following:

11 (A) family training,

12 (B) social work services, including counseling,
13 and home visits,

14 (C) special instruction,

15 (D) speech, language pathology and audiology,

16 (E) occupational therapy,

17 (F) physical therapy,

18 (G) psychological services,

19 (H) service coordination services,

20 (I) medical services only for diagnostic or
21 evaluation purposes,

22 (J) early identification, screening, and
23 assessment services,

24 (K) health services specified by the lead agency
25 as necessary to enable the infant or toddler to
26 benefit from the other early intervention services,

1 (L) vision services,
2 (M) transportation,
3 (N) assistive technology devices and services,
4 (O) nursing services,
5 (P) nutrition services, and
6 (Q) sign language and cued language services;
7 (8) are provided by qualified personnel, including but
8 not limited to:

9 (A) child development specialists or special
10 educators, including teachers of children with hearing
11 impairments (including deafness) and teachers of
12 children with vision impairments (including
13 blindness),

14 (B) speech and language pathologists and
15 audiologists,

16 (C) occupational therapists,

17 (D) physical therapists,

18 (E) social workers,

19 (F) nurses,

20 (G) dietitian nutritionists,

21 (H) vision specialists, including ophthalmologists
22 and optometrists,

23 (I) psychologists, and

24 (J) physicians;

25 (9) are provided in conformity with an Individualized
26 Family Service Plan;

1 (10) are provided throughout the year; and

2 (11) are provided in natural environments, to the
3 maximum extent appropriate, which may include the home and
4 community settings, unless justification is provided
5 consistent with federal regulations adopted under Sections
6 1431 through 1444 of Title 20 of the United States Code.

7 (f) "Individualized Family Service Plan" or "Plan" means a
8 written plan for providing early intervention services to a
9 child eligible under this Act and the child's family, as set
10 forth in Section 11.

11 (g) "Local interagency agreement" means an agreement
12 entered into by local community and State and regional
13 agencies receiving early intervention funds directly from the
14 State and made in accordance with State interagency agreements
15 providing for the delivery of early intervention services
16 within a local community area.

17 (h) "Council" means the Illinois Interagency Council on
18 Early Intervention established under Section 4.

19 (i) "Lead agency" means the State agency responsible for
20 administering this Act and receiving and disbursing public
21 funds received in accordance with State and federal law and
22 rules.

23 (i-5) "Central billing office" means the central billing
24 office created by the lead agency under Section 13.

25 (j) "Child find" means a service which identifies eligible
26 infants and toddlers.

1 (k) "Regional intake entity" means the lead agency's
2 designated entity responsible for implementation of the Early
3 Intervention Services System within its designated geographic
4 area.

5 (l) "Early intervention provider" means an individual who
6 is qualified, as defined by the lead agency, to provide one or
7 more types of early intervention services, and who has
8 enrolled as a provider in the early intervention program.

9 (m) "Fully credentialed early intervention provider" means
10 an individual who has met the standards in the State
11 applicable to the relevant profession, and has met such other
12 qualifications as the lead agency has determined are suitable
13 for personnel providing early intervention services, including
14 pediatric experience, education, and continuing education. The
15 lead agency shall establish these qualifications by rule filed
16 no later than 180 days after the effective date of this
17 amendatory Act of the 92nd General Assembly.

18 (n) "Telehealth" has the meaning given to that term in
19 Section 5 of the Telehealth Act.

20 (Source: P.A. 101-10, eff. 6-5-19; 102-104, eff. 7-22-21.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law, except that the changes to Section 15 take
23 effect on July 1, 2023.