

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 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by adding Section
6 8.1 as follows:

7 (20 ILCS 1705/8.1 new)

8 Sec. 8.1. Admission to State-operated facilities for
9 persons with developmental disabilities.

10 (a) For any individual or guardian, or both, if
11 applicable, seeking admission for the individual to a
12 State-operated facility for persons with developmental
13 disabilities the individual must meet the following criteria
14 in order to be approved for admission:

15 (1) the individual is at least 18 years of age;

16 (2) the individual has received or attempted to
17 receive community-based services and supports;

18 (3) the individual meets the intermediate care
19 facility level of care definition; and

20 (4) the individual meets all clinical eligibility
21 requirements including having an intellectual disability
22 as defined in this Act.

23 (b) Upon admission to a State-operated facility for

1 persons with developmental disabilities, the facility shall
2 complete at least annual reviews of the individual's clinical
3 need for continued services in order to determine if these
4 needs are able to be met in a less restrictive setting.
5 Comprehensive and integrated assessments shall be used to
6 assist in determining the level of care and services most
7 appropriate to meet the individual's needs.

8 (c) All individuals shall have the right to know their
9 options for supports and shall be provided the opportunity to
10 learn about the full spectrum of care, including the range of
11 possible living environments available as provided by
12 entities, including, but not limited to, State-operated
13 facilities and case management agencies. If an individual
14 indicates that the individual would like to move to a less
15 restrictive environment, activities to explore and take steps
16 regarding the range of options shall be provided to the
17 individual and guardian, if applicable. The interdisciplinary
18 team shall assist the individual and guardian, if applicable,
19 to identify placements that are able to meet the individual's
20 needs, excluding when there are severe safety concerns
21 identified by the interdisciplinary team that cannot be easily
22 mitigated with interventions that are commonly used in the
23 community.

24 An individual's support plan shall include services to
25 address identified needs if the individual is clinically
26 determined to no longer meet the intermediate care facility

1 level of care, or be at risk of harm to the individual or
2 others. Thoughtful transition planning shall take place to
3 assist with finding a less restrictive environment of the
4 individual's choosing, and guardian's choosing, if applicable.

5 Section 10. The Mental Health and Developmental
6 Disabilities Code is amended by adding Article VIII to Chapter
7 IV as follows:

8 (405 ILCS 5/Ch. IV Art. VIII heading new)

9 ARTICLE VIII. SERVICE PROVIDER SANCTIONS

10 (405 ILCS 5/4-800 new)

11 Sec. 4-800. Provider sanctions and appeals. The Department
12 of Human Services may impose progressive sanctions on
13 providers that fail to comply with conditions specified by
14 rule, or contract agreement, as determined by the Department.
15 Sanctions include, but are not limited to, payment suspension,
16 loss of payment, enrollment limitations, admission holds,
17 removal of individuals currently served, or other actions up
18 to and including contract termination, certification
19 revocation, or licensure revocation. In situations in which
20 recipients of services are placed at imminent risk of harm,
21 steps to ensure the safety of individuals and any provider
22 sanctions shall be taken expeditiously and not progressively.
23 A service provider that has received a sanction may appeal the

1 sanction in writing to the Department of Healthcare and Family
2 Services within 30 days of receipt of the sanction. Steps to
3 ensure the safety of individuals may be taken regardless of a
4 service provider appeal. The Department shall adopt rules as
5 necessary to implement this Section.

6 (405 ILCS 5/4-801 new)

7 Sec. 4-801. Provider appeals and fair hearings. After an
8 informal review of a discharge by the Department of Human
9 Services, a provider may appeal the decision to the Department
10 of Healthcare and Family Services. The appeal must be received
11 within 10 working days after the provider receives the written
12 notification, following the informal review decision from the
13 Department of Human Services. The Department of Human Services
14 and the Department of Healthcare and Family Services shall
15 adopt rules as necessary to implement this Section.