

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 15f as follows:

7 (20 ILCS 1705/15f new)

8 Sec. 15f. Individualized behavioral support plan.

9 (a) As used in this Section:

10 "Behavioral challenges" means episodes of significant
11 property destruction, self-injurious behavior, assaultive
12 behavior, or any other behavior that prevents a person from
13 successful participation in a community-based residential
14 program, as determined by the community support team.

15 "Community-based residential program" means one of a
16 variety of living arrangements in which no more than 8
17 individuals reside together and the setting is designed to
18 promote independence. This includes existing categories, such
19 as community integrated living arrangements, community
20 residential alternatives, assisted residential care, supported
21 residential care, and adult foster care and may also include
22 newly developed settings that are consistent with this
23 definition.

24 (b) Each individual in a community-based residential
25 program for persons with developmental disabilities who
26 exhibits behavioral challenges shall have an individualized
27 behavioral support plan. Each individualized support plan
28 shall: (i) be designed to meet individual needs; (ii) be in the
29 immediate and long-term best interests of the individual; (iii)
30 be non-aversive; (iv) teach the individual new skills; (v)
31 provide alternatives to behavioral challenges; (vi) offer
32 opportunities for choice and social integration; and (vii)

1 allow for environmental modifications. The plan must be based
2 on a functional behavioral assessment conducted by a
3 professional trained in its use. The plan shall be implemented
4 by staff who have been trained in and are qualified to
5 effectively apply positive non-aversive intervention. All
6 behavioral supports required by the plan shall be applied in a
7 humane and caring manner that respects the dignity of the
8 individual and shall be implemented in a positive and
9 socially-supportive environment, including the home.

10 Interventions must not: (1) include electric shock; (2)
11 withhold essential food and drink; (3) cause physical or
12 psychological pain; (4) use drugs as restraints; or (5) produce
13 humiliation or discomfort.

14 Nothing in this subsection shall preclude, for therapeutic
15 purposes, variant scheduling of food or drink or the
16 application of safe and appropriate time-out procedures.

17 (c) The Department of Human Services shall be responsible
18 for developing and promulgating rules to implement the
19 provisions of this Section and to carry out the intent of this
20 Section.

21 (d) To the extent this Section conflicts with Article I of
22 Chapter II of the Mental Health and Developmental Disabilities
23 Code, that Article controls.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.