



Rep. Lou Lang

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09400HB1197ham002

LRB094 06321 MKM 44342 a

1 AMENDMENT TO HOUSE BILL 1197

2 AMENDMENT NO. _____. Amend House Bill 1197, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Mental Health and Developmental
6 Disabilities Administrative Act is amended by adding Section
7 15f as follows:

8 (20 ILCS 1705/15f new)
9 Sec. 15f. Individualized behavioral support plan.

10 (a) As used in this Section:

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

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

1 (b) Each individual in a community-based residential
2 program for persons with developmental disabilities who
3 exhibits behavioral challenges shall have an individualized
4 behavioral support plan. Each individualized support plan
5 shall: (i) be designed to meet individual needs; (ii) be in the
6 immediate and long-term best interests of the individual; (iii)
7 be non-aversive; (iv) teach the individual new skills; (v)
8 provide alternatives to behavioral challenges; (vi) offer
9 opportunities for choice and social integration; and (vii)
10 allow for environmental modifications. The plan must be based
11 on a functional behavioral assessment conducted by a
12 professional trained in its use in behavioral analysis. The
13 plan shall be implemented by staff who have been trained in and
14 are qualified to effectively apply positive non-aversive
15 intervention. All behavioral supports required by the plan
16 shall be applied in a humane and caring manner that respects
17 the dignity of the individual and shall be implemented in a
18 positive and socially-supportive environment, including the
19 home. The following techniques are prohibited:

20 (1) aversive behavioral support, such as painful or
21 intrusive stimuli or activities applied in response to
22 behavior and that result in physical or psychological pain,
23 including, but not limited to, electric shock, ammonia
24 spray, water spray to the face, pinching, and deep muscle
25 squeezes;

26 (2) intervention that causes psychological pain, such
27 as verbal abuse and threatening conduct; and

28 (3) deprivation techniques, including, but not limited
29 to, (i) withholding, withdrawing, or delaying any of the
30 following: visitation or communication with friends or
31 family, except where recommended by the community support
32 team for therapeutic reasons; sleep; shelter; bedding;
33 bathroom facilities; medication; or food or drink; or (ii)
34 subjecting the individual to prolonged periods of

1 isolation and seclusion.

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

5 (c) The Department of Human Services shall be responsible
6 for monitoring and overseeing compliance with this section.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".