



Rep. Lou Lang

Filed: 4/7/2005

09400HB1197ham003

LRB094 06321 MKM 44610 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. The plan shall be implemented
13 by staff who have been trained in and are qualified to
14 effectively apply positive non-aversive intervention. All
15 behavioral supports required by the plan shall be applied in a
16 humane and caring manner that respects the dignity of the
17 individual and shall be implemented in a positive and
18 socially-supportive environment, including the home.

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

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

26 (c) The Department of Human Services shall be responsible
27 for developing and promulgating rules to implement the
28 provisions of this Section and to carryout the intent of this
29 Section.

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

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.".