

1 AN ACT concerning State government.

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 Home and Community Based Services
14 Waiver for Persons with Developmental Disabilities, as
15 determined by the community support team.

16 "Home and Community Based Services Waiver for Persons with
17 Developmental Disabilities" means a program that is funded
18 through that waiver and administered by the Department of Human
19 Services' Division of Developmental Disabilities. These
20 programs include Community Integrated Living Arrangements,
21 Community Living Facilities of 16 or fewer individuals,
22 home-based support services, day programs, and therapies. The
23 term also includes newly developed programs and settings that
24 are funded through the Home and Community Based Services Waiver
25 Program for Persons with Developmental Disabilities.

26 (b) Each individual participating in a Home and Community
27 Based Services Waiver for Persons with Developmental
28 Disabilities, regardless of whether the individual is eligible
29 for federal financial participation for these services, who
30 exhibits behavioral challenges shall have an individualized
31 behavioral support plan. Each individualized support plan
32 shall: (i) be designed to meet individual needs; (ii) be in the

1 immediate and long-term best interests of the individual; (iii)
2 be non-aversive; (iv) teach the individual new skills; (v)
3 provide alternatives to behavioral challenges; (vi) offer
4 opportunities for choice and social integration; and (vii)
5 allow for environmental modifications. The plan must be based
6 on a functional behavioral assessment conducted by a
7 professional trained in its use. The plan shall be implemented
8 by staff who have been trained in and are qualified to
9 effectively apply positive non-aversive intervention. All
10 behavioral supports required by the plan shall be applied in a
11 humane and caring manner that respects the dignity of the
12 individual and shall be implemented in a positive and socially
13 supportive environment, including the home.

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

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

21 (c) The Department of Human Services shall be responsible
22 for developing and promulgating rules to implement the
23 provisions of this Section and to carry out the intent of this
24 Section.

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

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.