

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Early Intervention Services System Act is
5 amended by changing Sections 3 and 10 as follows:

6 (325 ILCS 20/3) (from Ch. 23, par. 4153)

7 Sec. 3. Definitions. As used in this Act:

8 (a) "Eligible infants and toddlers" means infants and
9 toddlers under 36 months of age with any of the following
10 conditions:

11 (1) Developmental delays.

12 (2) A physical or mental condition which typically
13 results in developmental delay.

14 (3) Being at risk of having substantial developmental
15 delays based on informed clinical judgment.

16 (4) Either (A) having entered the program under any of
17 the circumstances listed in paragraphs (1) through (3) of
18 this subsection but no longer meeting the current
19 eligibility criteria under those paragraphs, and
20 continuing to have any measurable delay, or (B) not having
21 attained a level of development in each area, including (i)
22 cognitive, (ii) physical (including vision and hearing),
23 (iii) language, speech, and communication, (iv)

1 psycho-social, or (v) self-help skills, that is at least at
2 the mean of the child's age equivalent peers; and, in
3 addition to either item (A) or item (B), (C) having been
4 determined by the multidisciplinary individualized family
5 service plan team to require the continuation of early
6 intervention services in order to support continuing
7 developmental progress, pursuant to the child's needs and
8 provided in an appropriate developmental manner. The type,
9 frequency, and intensity of services shall differ from the
10 initial individualized family services plan because of the
11 child's developmental progress, and may consist of only
12 service coordination, evaluation, and assessments.

13 (b) "Developmental delay" means a delay in one or more of
14 the following areas of childhood development as measured by
15 appropriate diagnostic instruments and standard procedures:
16 cognitive; physical, including vision and hearing; language,
17 speech and communication; psycho-social; or self-help skills.
18 The term means a delay of 30% or more below the mean in
19 function in one or more of those areas.

20 (c) "Physical or mental condition which typically results
21 in developmental delay" means:

22 (1) a diagnosed medical disorder bearing a relatively
23 well known expectancy for developmental outcomes within
24 varying ranges of developmental disabilities; or

25 (2) a history of prenatal, perinatal, neonatal or early
26 developmental events suggestive of biological insults to

1 the developing central nervous system and which either
2 singly or collectively increase the probability of
3 developing a disability or delay based on a medical
4 history.

5 (d) "Informed clinical judgment" means both clinical
6 observations and parental participation to determine
7 eligibility by a consensus of a multidisciplinary team of 2 or
8 more members based on their professional experience and
9 expertise.

10 (e) "Early intervention services" means services which:

11 (1) are designed to meet the developmental needs of
12 each child eligible under this Act and the needs of his or
13 her family;

14 (2) are selected in collaboration with the child's
15 family;

16 (3) are provided under public supervision;

17 (4) are provided at no cost except where a schedule of
18 sliding scale fees or other system of payments by families
19 has been adopted in accordance with State and federal law;

20 (5) are designed to meet an infant's or toddler's
21 developmental needs in any of the following areas:

22 (A) physical development, including vision and
23 hearing,

24 (B) cognitive development,

25 (C) communication development,

26 (D) social or emotional development, or

- 1 (E) adaptive development;
- 2 (6) meet the standards of the State, including the
3 requirements of this Act;
- 4 (7) include one or more of the following:
- 5 (A) family training,
- 6 (B) social work services, including counseling,
7 and home visits,
- 8 (C) special instruction,
- 9 (D) speech, language pathology and audiology,
- 10 (E) occupational therapy,
- 11 (F) physical therapy,
- 12 (G) psychological services,
- 13 (H) service coordination services,
- 14 (I) medical services only for diagnostic or
15 evaluation purposes,
- 16 (J) early identification, screening, and
17 assessment services,
- 18 (K) health services specified by the lead agency as
19 necessary to enable the infant or toddler to benefit
20 from the other early intervention services,
- 21 (L) vision services,
- 22 (M) transportation, and
- 23 (N) assistive technology devices and services;
- 24 (8) are provided by qualified personnel, including but
25 not limited to:
- 26 (A) child development specialists or special

1 educators,

2 (B) speech and language pathologists and

3 audiologists,

4 (C) occupational therapists,

5 (D) physical therapists,

6 (E) social workers,

7 (F) nurses,

8 (G) nutritionists,

9 (H) optometrists,

10 (I) psychologists, and

11 (J) physicians;

12 (9) are provided in conformity with an Individualized
13 Family Service Plan;

14 (10) are provided throughout the year; and

15 (11) are provided in natural environments, including
16 the home and community settings in which infants and
17 toddlers without disabilities would participate to the
18 extent determined by the multidisciplinary Individualized
19 Family Service Plan.

20 (f) "Individualized Family Service Plan" or "Plan" means a
21 written plan for providing early intervention services to a
22 child eligible under this Act and the child's family, as set
23 forth in Section 11.

24 (g) "Local interagency agreement" means an agreement
25 entered into by local community and State and regional agencies
26 receiving early intervention funds directly from the State and

1 made in accordance with State interagency agreements providing
2 for the delivery of early intervention services within a local
3 community area.

4 (h) "Council" means the Illinois Interagency Council on
5 Early Intervention established under Section 4.

6 (i) "Lead agency" means the State agency responsible for
7 administering this Act and receiving and disbursing public
8 funds received in accordance with State and federal law and
9 rules.

10 (i-5) "Central billing office" means the central billing
11 office created by the lead agency under Section 13.

12 (j) "Child find" means a service which identifies eligible
13 infants and toddlers.

14 (k) "Regional intake entity" means the lead agency's
15 designated entity responsible for implementation of the Early
16 Intervention Services System within its designated geographic
17 area.

18 (l) "Early intervention provider" means an individual who
19 is qualified, as defined by the lead agency, to provide one or
20 more types of early intervention services, and who has enrolled
21 as a provider in the early intervention program.

22 (m) "Fully credentialed early intervention provider" means
23 (i) a licensed occupational therapist, a licensed occupational
24 therapy assistant, a licensed physical therapist, a licensed
25 physical therapy assistant, a licensed speech language
26 pathologist, a licensed speech language pathology assistant,

1 or a licensed audiologist or (ii) an individual who has met the
2 standards in the State applicable to the relevant profession,
3 and has met such other qualifications as the lead agency has
4 determined are suitable for personnel providing early
5 intervention services, including pediatric experience,
6 education, and continuing education. The lead agency shall
7 establish these qualifications by rule filed no later than 180
8 days after the effective date of this amendatory Act of the
9 92nd General Assembly.

10 (Source: P.A. 92-307, 8-9-01; 93-124, eff. 7-10-03.)

11 (325 ILCS 20/10) (from Ch. 23, par. 4160)

12 Sec. 10. Standards. The Council and the lead agency, with
13 assistance from parents and providers, shall develop and
14 promulgate policies and procedures relating to the
15 establishment and implementation of program and personnel
16 standards to ensure that services provided are consistent with
17 any State-approved or recognized certification, licensing,
18 registration, or other comparable requirements which apply to
19 the area of early intervention program service standards. Only
20 State-approved public or private early intervention service
21 providers shall be eligible to receive State and federal
22 funding for early intervention services. All early childhood
23 intervention staff shall hold the highest entry requirement
24 necessary for that position. In the case of a licensed
25 occupational therapist, licensed occupational therapy

1 assistant, licensed physical therapist, licensed physical
2 therapy assistant, licensed speech language pathologist,
3 licensed speech language pathology assistant, or licensed
4 audiologist who provides early intervention services in
5 Illinois, the Department of Human Services shall deem that
6 person's licensure as an occupational therapist, occupational
7 therapy assistant, physical therapist, physical therapy
8 assistant, speech language pathologist, speech language
9 pathology assistant, or audiologist to meet the requirement
10 under this subsection.

11 To be a State-approved early intervention service
12 provider, an individual (i) shall not have served or completed,
13 within the preceding 5 years, a sentence for conviction of any
14 felony that the Department establishes by rule and (ii) shall
15 not have been indicated as a perpetrator of child abuse or
16 neglect, within the preceding 5 years, in an investigation by
17 Illinois (pursuant to the Abused and Neglected Child Reporting
18 Act) or another state. The Department is authorized to receive
19 criminal background checks for such providers and persons
20 applying to be such a provider and to receive child abuse and
21 neglect reports regarding indicated perpetrators who are
22 applying to provide or currently authorized to provide early
23 intervention services in Illinois. Beginning January 1, 2004,
24 every provider of State-approved early intervention services
25 and every applicant to provide such services must authorize, in
26 writing and in the form required by the Department, a criminal

1 background check and check of child abuse and neglect reports
2 regarding the provider or applicant as a condition of
3 authorization to provide early intervention services. The
4 Department shall use the results of the checks only to
5 determine State approval of the early intervention service
6 provider and shall not re-release the information except as
7 necessary to accomplish that purpose.

8 (Source: P.A. 93-147, eff. 1-1-04.)

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