

SB0051



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0051

Introduced 1/31/2007, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

20 ILCS 1305/10-26
305 ILCS 5/5-5e new

Amends the Department of Human Services Act and the Illinois Public Aid Code. Provides that, for purposes of the Department of Human Services' disability database, "developmental disabilities" include autism spectrum disorders. In connection with Medicaid, provides that a person diagnosed with an autism spectrum disorder shall be considered a person with a "developmental disability" or a "person with a related condition" for purposes of determining eligibility for services under Home and Community-Based Services Waivers for persons with developmental disabilities, without regard to whether that person is also diagnosed with mental retardation and without regard to that person's IQ level, so long as the person otherwise meets applicable level-of-care criteria under those waivers. Effective immediately.

LRB095 04473 DRJ 24520 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

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

4 Section 5. The Department of Human Services Act is amended
5 by changing Section 10-26 as follows:

6 (20 ILCS 1305/10-26)

7 Sec. 10-26. Disability database.

8 (a) The Department of Human Services shall compile and
9 maintain a cross-disability database of Illinois residents
10 with a disability who are potentially in need of disability
11 services funded by the Department. The database shall consist
12 of individuals with mental illness, physical disabilities, and
13 developmental disabilities, including autism spectrum
14 disorders, and shall include, but not be limited to,
15 individuals transitioning from special education to adulthood,
16 individuals in State-operated facilities, individuals in
17 private nursing and residential facilities, and individuals in
18 community integrated living arrangements. Within 30 days after
19 the effective date of this amendatory Act of the 93rd General
20 Assembly, the Secretary of Human Services shall seek input from
21 advisory bodies to the Department, including advisory councils
22 and committees working with the Department in the areas of
23 mental illness, physical disabilities, and developmental

1 disabilities. The database shall be operational by July 1,
2 2004. The information collected and maintained for the
3 disability database shall include, but is not limited to, the
4 following: (i) the types of services of which the individual is
5 potentially in need; (ii) demographic and identifying
6 information about the individual; (iii) factors indicating
7 need, including diagnoses, assessment information, age of
8 primary caregivers, and current living situation; (iv) if
9 applicable, the date information about the individual is
10 submitted for inclusion in the database and the types of
11 services sought by the individual; and (v) the representative
12 district in which the individual resides. In collecting and
13 maintaining information under this Section, the Department
14 shall give consideration to cost-effective appropriate
15 services for individuals.

16 (b) This amendatory Act of the 93rd General Assembly does
17 not create any new entitlement to a service, program, or
18 benefit, but shall not affect any entitlement to a service,
19 program, or benefit created by any other law. Except for a
20 service, program, or benefit that is an entitlement, a service,
21 program, or benefit provided as a result of the collection and
22 maintenance of the disability database shall be subject to
23 appropriations made by the General Assembly.

24 (c) The Department, consistent with applicable federal and
25 State law, shall make general information from the disability
26 database available to the public such as: (i) the number of

1 individuals potentially in need of each type of service,
2 program, or benefit and (ii) the general characteristics of
3 those individuals. The Department shall protect the
4 confidentiality of each individual in the database when
5 releasing database information by not disclosing any
6 personally identifying information.

7 (Source: P.A. 93-503, eff. 8-11-03.)

8 Section 10. The Illinois Public Aid Code is amended by
9 adding Section 5-5e as follows:

10 (305 ILCS 5/5-5e new)

11 Sec. 5-5e. Home and Community Based Services Waivers;
12 autism as "developmental disability". A person diagnosed with
13 an autism spectrum disorder shall be considered a person with a
14 "developmental disability" or a "person with a related
15 condition" for purposes of determining eligibility for
16 services under Home and Community-Based Services Waivers for
17 persons with developmental disabilities, without regard to
18 whether that person is also diagnosed with mental retardation
19 and without regard to that person's IQ level, so long as the
20 person otherwise meets applicable level-of-care criteria under
21 those waivers. This amendatory Act of the 95th General Assembly
22 does not create any new entitlement to a service, program, or
23 benefit, but shall not affect any entitlement to a service,
24 program, or benefit created by any other law.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.