

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 Community-Integrated Living Arrangements  
5 Licensure and Certification Act is amended by changing Section  
6 4 and by adding Section 12 as follows:

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community mental health or developmental  
9 services agency who wishes to develop and support a variety of  
10 community-integrated living arrangements may do so pursuant to  
11 a license issued by the Department under this Act. However,  
12 programs established under or otherwise subject to the Child  
13 Care Act of 1969 or the Nursing Home Care Act, as now or  
14 hereafter amended, shall remain subject thereto, and this Act  
15 shall not be construed to limit the application of those Acts.

16 (b) The system of licensure established under this Act  
17 shall be for the purposes of:

18 (1) Insuring that all recipients residing in  
19 community-integrated living arrangements are receiving  
20 appropriate community-based services, including treatment,  
21 nursing services (subject to appropriations to the Department  
22 for that purpose), training and habilitation or  
23 rehabilitation;

1           (2) Insuring that recipients' rights are protected and that  
2 all programs provided to and placements arranged for recipients  
3 comply with this Act, the Mental Health and Developmental  
4 Disabilities Code, and applicable Department rules and  
5 regulations;

6           (3) Maintaining the integrity of communities by requiring  
7 regular monitoring and inspection of placements and other  
8 services provided in community-integrated living arrangements.

9           The licensure system shall be administered by a quality  
10 assurance unit within the Department which shall be  
11 administratively independent of units responsible for funding  
12 of agencies or community services.

13           (c) As a condition of being licensed by the Department as a  
14 community mental health or developmental services agency under  
15 this Act, the agency shall certify to the Department that:

16           (1) All recipients residing in community-integrated living  
17 arrangements are receiving appropriate community-based  
18 services, including treatment, training and habilitation or  
19 rehabilitation;

20           (2) All programs provided to and placements arranged for  
21 recipients are supervised by the agency; and

22           (3) All programs provided to and placements arranged for  
23 recipients comply with this Act, the Mental Health and  
24 Developmental Disabilities Code, and applicable Department  
25 rules and regulations.

26           (d) An applicant for licensure as a community mental health

1 or developmental services agency under this Act shall submit an  
2 application pursuant to the application process established by  
3 the Department by rule and shall pay an application fee in an  
4 amount established by the Department, which amount shall not be  
5 more than \$200.

6 (e) If an applicant meets the requirements established by  
7 the Department to be licensed as a community mental health or  
8 developmental services agency under this Act, after payment of  
9 the licensing fee, the Department shall issue a license valid  
10 for 3 years from the date thereof unless suspended or revoked  
11 by the Department or voluntarily surrendered by the agency.

12 (f) Upon application to the Department, the Department may  
13 issue a temporary permit to an applicant for a 6-month period  
14 to allow the holder of such permit reasonable time to become  
15 eligible for a license under this Act.

16 (g) (1) The Department may conduct site visits to an agency  
17 licensed under this Act, or to any program or placement  
18 certified by the agency, and inspect the records or premises,  
19 or both, of such agency, program or placement as it deems  
20 appropriate, for the purpose of determining compliance with  
21 this Act, the Mental Health and Developmental Disabilities  
22 Code, and applicable Department rules and regulations.

23 (2) If the Department determines that an agency licensed  
24 under this Act is not in compliance with this Act or the rules  
25 and regulations promulgated under this Act, the Department  
26 shall serve a notice of violation upon the licensee. Each

1 notice of violation shall be prepared in writing and shall  
2 specify the nature of the violation, the statutory provision or  
3 rule alleged to have been violated, and that the licensee  
4 submit a plan of correction to the Department if required. The  
5 notice shall also inform the licensee of any other action which  
6 the Department might take pursuant to this Act and of the right  
7 to a hearing.

8 (h) Upon the expiration of any license issued under this  
9 Act, a license renewal application shall be required of and a  
10 license renewal fee in an amount established by the Department  
11 shall be charged to a community mental health or developmental  
12 services agency, provided that such fee shall not be more than  
13 \$200.

14 (Source: P.A. 86-820.)

15 (210 ILCS 135/12 new)

16 Sec. 12. Nursing services.

17 (a) Subject to appropriations to the Department for that  
18 purpose, the Department shall require that any agency operating  
19 a community-integrated living arrangement under this Act must  
20 provide adequate nursing services to all recipients. The  
21 Department shall establish graduated standards of basic  
22 nursing services that correspond to recipients' ranges of  
23 Health Care Levels as reflected in the Health Risk Screening  
24 Tool. An adequate level of basic nursing services for the least  
25 medically complex recipients shall be set at no fewer than 18

1 hours of Licensed Practical Nurse services and 1.5 hours of  
2 Registered Nurse services per recipient per year. The  
3 Department shall also establish standards for staffing ratios  
4 of Registered Nurses to Direct Support Personnel and Registered  
5 Nurses to Licensed Practical Nurses in accordance with a  
6 recipient's Health Care Level.

7 (b) The Department shall adjust its wage rates for  
8 Registered Nurses and Licensed Practical Nurses in  
9 community-integrated living arrangements so that they equal  
10 the statewide average for Registered Nurses and Licensed  
11 Practical Nurses based on the most current wage rates published  
12 by the Bureau of Labor Statistics for Illinois plus 20% for  
13 fringe benefits.

14 (c) The Department shall adopt administrative rules to  
15 implement this Section 12.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.