

1 AN ACT concerning health.

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

4 Section 5. The Community Services Act is amended by  
5 changing Sections 3 and 4 as follows:

6 (405 ILCS 30/3) (from Ch. 91 1/2, par. 903)

7 Sec. 3. Responsibilities for Community Services. Pursuant  
8 to this Act, the Department of Human Services shall facilitate  
9 the establishment of a comprehensive and coordinated array of  
10 community services based upon a federal, State and local  
11 partnership. In order to assist in implementation of this Act,  
12 the Department shall prescribe and publish rules and  
13 regulations. The Department may request the assistance of other  
14 State agencies, local government entities, direct services  
15 providers, trade associations, and others in the development of  
16 these regulations or other policies related to community  
17 services.

18 The Department shall assume the following roles and  
19 responsibilities for community services:

20 (a) Service Priorities. Within the service categories  
21 described in Section 2 of this Act, establish and publish  
22 priorities for community services to be rendered, and priority  
23 populations to receive these services.

1 (b) Planning. By January 1, 1994 and by January 1 of each  
2 third year thereafter, prepare and publish a Plan which  
3 describes goals and objectives for community services  
4 state-wide and for regions and subregions needs assessment,  
5 steps and time-tables for implementation of the goals also  
6 shall be included; programmatic goals and objectives for  
7 community services shall cover the service categories defined  
8 in Section 2 of this Act; the Department shall insure local  
9 participation in the planning process.

10 (c) Public Information and Education. Develop programs  
11 aimed at improving the relationship between communities and  
12 their ~~disabled~~ residents with disabilities; prepare and  
13 disseminate public information and educational materials on  
14 the prevention of developmental disabilities, mental illness,  
15 and alcohol or drug dependence, and on available treatment and  
16 habilitation services for persons with these disabilities.

17 (d) Quality Assurance. Promulgate minimum program  
18 standards, rules and regulations to insure that Department  
19 funded services maintain acceptable quality and assure  
20 enforcement of these standards through regular monitoring of  
21 services and through program evaluation; this applies except  
22 where this responsibility is explicitly given by law to another  
23 State agency.

24 (d-5) Accreditation requirements for providers of mental  
25 health and substance abuse treatment services. Except when the  
26 federal or State statutes authorizing a program, or the federal

1 regulations implementing a program, are to the contrary,  
2 accreditation shall be accepted by the Department in lieu of  
3 the Department's facility or program certification or  
4 licensure onsite review requirements and shall be accepted as a  
5 substitute for the Department's administrative and program  
6 monitoring requirements, except as required by subsection  
7 (d-10), in the case of:

8 (1) Any organization from which the Department  
9 purchases mental health or substance abuse services and  
10 that is accredited under any of the following: the  
11 Comprehensive Accreditation Manual for Behavioral Health  
12 Care (Joint Commission on Accreditation of Healthcare  
13 Organizations (JCAHO)); the Comprehensive Accreditation  
14 Manual for Hospitals (JCAHO); the Standards Manual for the  
15 Council on Accreditation for Children and Family Services  
16 (Council on Accreditation for Children and Family Services  
17 (COA)); or the Standards Manual for Organizations Serving  
18 People with Disabilities (the Rehabilitation Accreditation  
19 Commission (CARF)).

20 (2) Any mental health facility or program licensed or  
21 certified by the Department, or any substance abuse service  
22 licensed by the Department, that is accredited under any of  
23 the following: the Comprehensive Accreditation Manual for  
24 Behavioral Health Care (JCAHO); the Comprehensive  
25 Accreditation Manual for Hospitals (JCAHO); the Standards  
26 Manual for the Council on Accreditation for Children and

1 Family Services (COA); or the Standards Manual for  
2 Organizations Serving People with Disabilities (CARF).

3 (3) Any network of providers from which the Department  
4 purchases mental health or substance abuse services and  
5 that is accredited under any of the following: the  
6 Comprehensive Accreditation Manual for Behavioral Health  
7 Care (JCAHO); the Comprehensive Accreditation Manual for  
8 Hospitals (JCAHO); the Standards Manual for the Council on  
9 Accreditation for Children and Family Services (COA); the  
10 Standards Manual for Organizations Serving People with  
11 Disabilities (CARF); or the National Committee for Quality  
12 Assurance. A provider organization that is part of an  
13 accredited network shall be afforded the same rights under  
14 this subsection.

15 (d-10) For mental health and substance abuse services, the  
16 Department may develop standards or promulgate rules that  
17 establish additional standards for monitoring and licensing  
18 accredited programs, services, and facilities that the  
19 Department has determined are not covered by the accreditation  
20 standards and processes. These additional standards for  
21 monitoring and licensing accredited programs, services, and  
22 facilities and the associated monitoring must not duplicate the  
23 standards and processes already covered by the accrediting  
24 bodies.

25 (d-15) The Department shall be given proof of compliance  
26 with fire and health safety standards, which must be submitted

1 as required by rule.

2 (d-20) The Department, by accepting the survey or  
3 inspection of an accrediting organization, does not forfeit its  
4 rights to perform inspections at any time, including contract  
5 monitoring to ensure that services are provided in accordance  
6 with the contract. The Department reserves the right to monitor  
7 a provider of mental health and substance abuse treatment  
8 services when the survey or inspection of an accrediting  
9 organization has established any deficiency in the  
10 accreditation standards and processes.

11 (d-25) On and after the effective date of this amendatory  
12 Act of the 92nd General Assembly, the accreditation  
13 requirements of this Section apply to contracted organizations  
14 that are already accredited.

15 (e) Program Evaluation. Develop a system for conducting  
16 evaluation of the effectiveness of community services,  
17 according to preestablished performance standards; evaluate  
18 the extent to which performance according to established  
19 standards aids in achieving the goals of this Act; evaluation  
20 data also shall be used for quality assurance purposes as well  
21 as for planning activities.

22 (f) Research. Conduct research in order to increase  
23 understanding of mental illness, developmental disabilities  
24 and alcohol and drug dependence.

25 (g) Technical Assistance. Provide technical assistance to  
26 provider agencies receiving funds or serving clients in order

1 to assist these agencies in providing appropriate, quality  
2 services; also provide assistance and guidance to other State  
3 agencies and local governmental bodies serving the disabled in  
4 order to strengthen their efforts to provide appropriate  
5 community services; and assist provider agencies in accessing  
6 other available funding, including federal, State, local,  
7 third-party and private resources.

8 (h) Placement Process. Promote the appropriate placement  
9 of clients in community services through the development and  
10 implementation of client assessment and diagnostic instruments  
11 to assist in identifying the individual's service needs; client  
12 assessment instruments also can be utilized for purposes of  
13 program evaluation; whenever possible, assure that placements  
14 in State-operated facilities are referrals from community  
15 agencies.

16 (i) Interagency Coordination. Assume leadership in  
17 promoting cooperation among State health and human service  
18 agencies to insure that a comprehensive, coordinated community  
19 services system is in place; to insure persons with a  
20 disability ~~disabled persons~~ access to needed services; and to  
21 insure continuity of care and allow clients to move among  
22 service settings as their needs change; also work with other  
23 agencies to establish effective prevention programs.

24 (j) Financial Assistance. Provide financial assistance to  
25 local provider agencies through purchase-of-care contracts and  
26 grants, pursuant to Section 4 of this Act.

1 (Source: P.A. 92-755, eff. 8-2-02.)

2 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

3 Sec. 4. Financing for Community Services. The Department of  
4 Human Services is authorized to provide financial  
5 reimbursement ~~assistance~~ to eligible private service  
6 providers, corporations, local government entities or  
7 voluntary associations for the provision of services to persons  
8 with mental illness, persons with a developmental disability  
9 and alcohol and drug dependent persons living in the community  
10 for the purpose of achieving the goals of this Act.

11 The Department shall utilize the following funding  
12 mechanisms for community services:

13 (1) Purchase of Care Contracts: services purchased on a  
14 predetermined fee per unit of service basis from private  
15 providers or governmental entities. Fee per service rates  
16 are set by an established formula which covers some portion  
17 of personnel, supplies, and other allowable costs, and  
18 which makes some allowance for geographic variations in  
19 costs as well as for additional program components.

20 (2) Grants: sums of money which the Department grants  
21 to private providers or governmental entities pursuant to  
22 the grant recipient's agreement to provide certain  
23 services, as defined by departmental grant guidelines, to  
24 an approximate number of service recipients. Grant levels  
25 are set through consideration of personnel, supply and

1 other allowable costs, as well as other funds available to  
2 the program.

3 (3) Other Funding Arrangements: funding mechanisms may  
4 be established on a pilot basis in order to examine the  
5 feasibility of alternative financing arrangements for the  
6 provision of community services.

7 The Department shall ~~strive to~~ establish and maintain an  
8 equitable system of payment which allows ~~encourages~~ providers  
9 to improve persons with disabilities' ~~their clients'~~  
10 capabilities for independence and reduces their reliance on  
11 ~~community or~~ State-operated services. The Governor shall  
12 create a commission by July 1, 2007, or as soon thereafter as  
13 possible, to review funding methodologies, identify gaps in  
14 funding, identify revenue, and prioritize use of that revenue  
15 for community developmental disability services, mental health  
16 services, alcohol and substance abuse services, rehabilitation  
17 services, and early intervention services. The first meeting of  
18 the commission shall be held within the first month after the  
19 creation and appointment of the commission, and a final report  
20 summarizing the commission's recommendations must be issued  
21 within 12 months after the first meeting, and no later than  
22 September 1, 2008, to the Governor and the General Assembly.  
23 The commission shall have the following 13 voting members:

24 (A) one member of the House of Representatives,  
25 appointed by the Speaker of the House of Representatives;

26 (B) one member of the House of Representatives,



1 appointed by the House Minority Leader;

2 (C) one member of the Senate, appointed by the  
3 President of the Senate;

4 (D) one member of the Senate, appointed by the Senate  
5 Minority Leader;

6 (E) one person with a developmental disability, or a  
7 family member or guardian of such a person, appointed by  
8 the Governor;

9 (F) one person with a mental illness, or a family  
10 member or guardian of such a person, appointed by the  
11 Governor;

12 (G) two persons from unions that represent employees of  
13 community providers that serve people with developmental  
14 disabilities, mental illness, and alcohol and substance  
15 abuse disorders, appointed by the Governor; and

16 (H) five persons from statewide associations that  
17 represent community providers that provide residential,  
18 day training, and other developmental disability services,  
19 mental health services, alcohol and substance abuse  
20 services, rehabilitation services, or early intervention  
21 services, or any combination of those, appointed by the  
22 Governor.

23 The commission shall also have the following ex-officio,  
24 nonvoting members:

25 (I) the Director of the Governor's Office of Management  
26 and Budget or his or her designee;

1           (J) the Chief Financial Officer of the Department of  
2           Human Services or his or her designee; and

3           (K) the Administrator of the Department of Healthcare  
4           and Family Services Division of Finance or his or her  
5           designee.

6           The funding methodologies must reflect economic factors  
7           inherent in providing services and supports, recognize  
8           individual disability needs, and consider geographic  
9           differences, transportation costs, required staffing ratios,  
10           and mandates not currently funded.

11           In accepting Department funds, providers shall recognize  
12           their responsibility to be accountable to the Department and  
13           the State for the delivery of services which are consistent  
14           with the philosophies and goals of this Act and the rules and  
15           regulations promulgated under it.

16           (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

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