



Rep. Esther Golar

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1 AMENDMENT TO HOUSE BILL 5326

2 AMENDMENT NO. _____. Amend House Bill 5326 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Consumer Alternatives Program Act.

6 Section 5. Purpose. The purpose of this Act is to prevent
7 or avoid the unnecessary institutionalization of individuals
8 with mental disorders or a co-occurring disorder of mental
9 illness and substance abuse, and to provide cost effective,
10 community residential settings and supports that enable these
11 individuals to live successfully in the community.

12 Section 10. Definitions. As used in this Act:

13 "Individual with a disability" means any of the following:

14 (1) An adult individual who has a physical impairment
15 or mental disorder or co-occurring disorder of mental

1 illness and substance abuse, that substantially limits one
2 or more of the individual's major life activities.

3 (2) An adult individual who has a record of a physical
4 impairment or mental disorder or co-occurring disorder of
5 mental illness and substance abuse, that substantially
6 limits one or more of the individual's major life
7 activities.

8 (3) An adult individual who is regarded as having a
9 physical impairment or mental disorder or co-occurring
10 disorder of mental illness and substance abuse, whether the
11 individual has the impairment, or disorder, or not.

12 "Mental disorder" means a mental or psychological disorder
13 or co-occurring disorder of mental illness and substance abuse.

14 "Stakeholder" means an advocacy organization or service
15 provider whose mission includes advocacy for or provision of
16 quality services to individuals with mental illness or
17 disorders, substance abuse, or a co-occurring disorder of
18 mental illness and substance abuse.

19 "Department" means the Department of Human Services.

20 "Program" means the Consumer Alternatives Program.

21 Section 15. Implementation of the Consumer Alternatives
22 Program. The Department of Human Services is directed to
23 implement the Consumer Alternatives Program for individuals
24 with a mental disorder or co-occurring disorder of mental
25 illness and substance abuse. The Program shall be designed to

1 provide a system of services and supports that enable those
2 individuals to live in the most integrated community-based
3 setting. The Department shall begin implementation of the
4 Program during fiscal year 2011 and shall adopt rules for the
5 selection of the initial Program participants. The Department
6 of Healthcare and Family Services, the Department of Public
7 Health, and other State agencies as appropriate shall cooperate
8 fully with the Department in fulfilling the Program's
9 requirements.

10 Section 20. Community services. In order to prevent or
11 avoid the institutionalization of individuals due to a mental
12 disorder, or a co-occurring disorder of mental illness and
13 substance abuse, the Department shall implement, coordinate,
14 monitor, and evaluate community services for individuals with
15 disabilities in Illinois in cooperation with all governmental
16 and private resources, organizations, and stakeholders.
17 Services shall address the needs of adult individuals in the
18 following areas:

- 19 (1) Mental illness.
20 (2) Mental illness and substance abuse.

21 Section 25. Duties; Program components.

22 (a) Subject to appropriations by the General Assembly, the
23 Department shall do the following:

- 24 (1) In order to prevent or avoid unnecessary

1 institutionalization, establish a comprehensive plan to
2 develop and maintain a statewide system of community-based
3 services that reflect the choices and needs of individuals
4 with a mental disorder or a co-occurring disorder of mental
5 illness and substance abuse, and their families.

6 (2) Carry out all functions and duties required by law
7 through collaboration with individuals with a mental
8 disorder or a co-occurring disorder of mental illness and
9 substance abuse, their families and guardians, community
10 organizations, and providers throughout the State.

11 (3) Facilitate or provide technical assistance to
12 community service providers in planning, developing, and
13 implementing services and supports for individuals with a
14 mental disorder or a co-occurring disorder of mental
15 illness and substance abuse, and their families.

16 (b) Subject to appropriations by the General Assembly to
17 the Department, the Secretary of the Department shall establish
18 initiatives including, but not limited to, the Program to
19 prevent and correct inappropriate institutionalization to
20 ensure that individuals needing alternative services are
21 served in the most integrated setting.

22 (c) The Program's components shall include the following:

23 (1) Policies to avoid inappropriate placement of an
24 individual in an institution, including general acute care
25 hospitals, hospitals with distinct parts for psychiatric
26 care, free standing public or private psychiatric

1 hospitals, residential treatment facilities, and nursing
2 facilities.

3 (2) Additional community-based integrated residential
4 settings with appropriate community supports in accordance
5 with an individual program plan or an individual treatment
6 plan, or both.

7 (3) Training programs on community-based alternatives
8 for institutional discharge staff that treat individuals
9 with disabilities.

10 (4) A process to inform an individual of all available
11 options for his or her care before that individual makes a
12 decision on his or her placement.

13 (5) A specialist who will assist the individual, prior
14 to placement, in making the move from an institution to a
15 community setting.

16 (6) Outreach activities to identify individuals in
17 institutions who may wish to move. The Department shall
18 establish the qualifications of persons or organizations,
19 or both, that perform the outreach for community-based
20 organizations funded through the Program. The guardian of
21 the individual, if any, must be afforded the opportunity to
22 be involved with the outreach process and the resident.

23 Section 30. Provision of services. In accordance with an
24 individual program plan or an individual treatment plan, or
25 both, based on a comprehensive evaluation, individuals with a

1 mental disorder, or a co-occurring disorder of mental illness
2 and substance abuse, may be provided the services described in
3 the following Sections.

4 Section 35. Comprehensive evaluation and diagnosis. An
5 individual with a mental disorder, or a co-occurring disorder
6 of mental illness and substance abuse, who is applying for
7 services is entitled to receive a comprehensive evaluation and
8 diagnosis including an assessment of skills, abilities, and
9 potential for residential and work placement, adapted to his or
10 her primary language, cultural background, and ethnic origin.

11 Section 40. Individual program or treatment plan. An
12 individual with a mental disorder, or a co-occurring disorder
13 of mental illness and substance abuse, is entitled to receive
14 services in accordance with a current individual program plan
15 or an individual treatment plan, or both. An individual who is
16 receiving services shall be provided periodic reevaluation and
17 review of the individual program plan or individual treatment
18 plan, or both, in order to measure progress, to modify or
19 change objectives, if necessary, and to provide guidance and
20 remediation techniques. An individual and his or her
21 representatives have the right to participate in the planning
22 and decision-making process regarding the individual's program
23 plan and to be informed in writing, or in that individual's
24 mode of communication, of progress at reasonable time

1 intervals. Each individual must be given the opportunity to
2 make decisions and exercise options regarding the plan,
3 consistent with the individual's capabilities.

4 Section 45. Nondiscriminatory access to services. An
5 individual with a mental disorder, or a co-occurring disorder
6 of mental illness and substance abuse, may not be denied
7 program services because of age, sex, ethnic origin, marital
8 status, ability to pay (except when contrary to law), record,
9 degree of disability, or illness.

10 Section 50. Family or individual support. An individual
11 with a mental disorder, or a co-occurring disorder of mental
12 illness and substance abuse, must be provided family or
13 individual support services, or both, in accordance with a
14 current individual program plan or an individual treatment
15 plan, or both, to prevent unnecessary out-of-home placement and
16 to foster independent living skills.

17 Section 55. Residential choices. An individual with a
18 mental disorder, or a co-occurring disorder of mental illness
19 and substance abuse, who requires residential placement in a
20 supervised or supported setting must be provided a choice among
21 available, clinically appropriate, residential options
22 including harm reduction and supportive housing. The placement
23 must be offered in the most integrated community setting

1 possible.

2 Section 60. Vocational training. An individual with a
3 mental disorder, or a co-occurring disorder of mental illness
4 and substance abuse, must be provided vocational training, when
5 appropriate, in accordance with a current individual program
6 plan or an individual treatment plan, or both, that contributes
7 to the individual's independence and employment potential.
8 This training must include strategies and activities in
9 programs that lead to employment and reemployment.

10 Section 65. Employment. An individual with a mental
11 disorder, or a co-occurring disorder of mental illness and
12 substance abuse, has the right to not be discriminated against
13 in employment, pursuant to the Constitution and laws of this
14 State.

15 Section 70. Case coordination services. An individual with
16 a mental disorder, or a co-occurring disorder of mental illness
17 and substance abuse, must be provided case coordination
18 services, as appropriate, in accordance with a current
19 individual program plan or an individual treatment plan, or
20 both.

21 Section 75. Due process; judicial review.

22 (a) An individual with a mental disorder, or a co-occurring

1 disorder of mental illness and substance abuse, retains the
2 rights of citizenship. Any individual aggrieved by a decision
3 made by a department of State government regarding services
4 provided under this Act must be given an opportunity to present
5 complaints at a due process hearing before a hearing officer
6 designated by the director of that department.

7 (b) Any individual aggrieved by a final administrative
8 decision rendered following the due-process hearing may seek
9 judicial review of that decision pursuant to the Administrative
10 Review Law of the Code of Civil Procedure. For purposes of this
11 Section "administrative decision" has the meaning ascribed to
12 it in Section 3-101 of the Code of Civil Procedure. Reasonable
13 attorney's fees and costs may be awarded to the successful
14 plaintiff in any formal administrative or judicial action.

15 (c) The right to a hearing under this Section is in
16 addition to any other rights under federal, State, or local
17 laws.

18 Section 80. Transitional living assistance. The Department
19 of Human Services shall lead a coordinated effort with the
20 Department of Commerce and Economic Opportunity to further
21 develop housing assistance programs to promote the ability of
22 individuals with a mental disorder, or a co-occurring disorder
23 of mental illness and substance abuse, to move from
24 institutions to the most integrated community residence. The
25 housing assistance program shall address eligibility criteria,

1 the period a person may receive assistance, the types of
2 housing expenses to be covered, and the locations of the
3 programs. The Department of Human Services shall administer the
4 program and may seek the advice of the Department of Commerce
5 and Economic Opportunity for this purpose.

6 Section 99. Effective date. This Act takes effect July 1,
7 2010.".