



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5677

Introduced 2/16/2012, by Rep. Jim Watson

SYNOPSIS AS INTRODUCED:

405 ILCS 30/4.6

Amends the Community Services Act. Provides that within 6 months after the closure of a State-operated mental health or developmental disabilities facility and one year after the closure of that facility, the Department of Human Services shall submit a report to the General Assembly that describes: (1) the venue of care for the former residents or persons served by the facility; (2) costs to the Department as a result of new venues of care; (3) cost savings or increases to former residents as a result of the facility closure; and (4) the injuries or deaths to former residents after closure. Effective immediately.

LRB097 19294 RLC 66003 b

1 AN ACT concerning mental 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 Section 4.6 as follows:

6 (405 ILCS 30/4.6)

7 Sec. 4.6. Closure and sale of State mental health or
8 developmental disabilities facility.

9 (a) Whenever a State mental health facility operated by the
10 Department of Human Services is closed and the real estate on
11 which the facility is located is sold by the State, then, to
12 the extent that net proceeds are realized from the sale of that
13 real estate, those net proceeds must be directed toward
14 providing other services and supports for persons with mental
15 health needs. To that end, those net proceeds shall be
16 deposited into the Community Mental Health Medicaid Trust Fund.

17 (b) Whenever a State developmental disabilities facility
18 operated by the Department of Human Services is closed and the
19 real estate on which the facility is located is sold by the
20 State, then, to the extent that net proceeds are realized from
21 the sale of that real estate, those net proceeds must be
22 directed toward providing other services and supports for
23 persons with developmental disabilities needs. To that end,

1 those net proceeds shall be deposited into the Community
2 Developmental Disability Services Medicaid Trust Fund.

3 (c) In determining whether any net proceeds are realized
4 from a sale of real estate described in subsection (a) or (b),
5 the Division of Developmental Disabilities and the Division of
6 Mental Health of the Department of Human Services shall each
7 determine the money, if any, that shall be made available to
8 ensure that life, safety, and care concerns, including
9 infrastructure, are addressed so as to provide for persons with
10 developmental disabilities or mental illness at the remaining
11 respective State-operated facilities that will be expected to
12 serve the individuals previously served at the closed facility.

13 (d) The purposes for which the net proceeds from a sale of
14 real estate as provided in this Section may be used include,
15 but are not limited to, the following:

16 (1) Providing for individuals with developmental
17 disabilities and mental health needs the services and
18 supports described in subsection (e) of Section 4.4.

19 (2) In the case of the closure of a mental health
20 facility, the construction of a new facility to serve the
21 needs of persons with mental health needs.

22 (3) In the case of the closure of a developmental
23 disabilities facility, construction of a new facility to
24 serve the needs of persons with developmental disabilities
25 needs.

26 (e) Whenever any net proceeds are realized from a sale of

1 real estate as provided in this Section, the Department of
2 Human Services shall share and discuss its plan or plans for
3 using those net proceeds with advocates, advocacy
4 organizations, and advisory groups whose mission includes
5 advocacy for persons with developmental disabilities or
6 persons with mental illness.

7 (f) Within 6 months after the closure of a State-operated
8 mental health or developmental disabilities facility and one
9 year after the closure of that facility, the Department of
10 Human Services shall submit a report to the General Assembly
11 that describes:

12 (1) the venue of care for the former residents or
13 persons served by the facility;

14 (2) costs to the Department as a result of new venues
15 of care;

16 (3) cost savings or increases to former residents as a
17 result of the facility closure; and

18 (4) the injuries or deaths to former residents after
19 closure.

20 (Source: P.A. 96-660, eff. 8-25-09; 96-1000, eff. 7-2-10.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.