

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 Developmental Disability and Mental
5 Disability Services Act is amended by adding Article 11 as
6 follows:

7 (405 ILCS 80/Art. XI heading new)

8 ARTICLE XI. DEVELOPMENTAL DISABILITIES REGULATORY ADVISORY

9 BOARD

10 (405 ILCS 80/11-1 new)

11 Sec. 11-1. Developmental Disabilities Regulatory Advisory
12 Board.

13 (a) The Director of the Division of Developmental
14 Disabilities within the Department shall appoint a
15 Developmental Disabilities Regulatory Advisory Board, no later
16 than October 1, 2013, whose members are capable of actively
17 participating on the Advisory Board, to consult with the
18 Department regarding Parts 115, 116, 117, 119, and 120 of Title
19 59 of the Illinois Administrative Code, as provided in this
20 Section.

21 (b) The Advisory Board shall be composed of the following
22 persons:

1 (1) The Director of the Division of Developmental
2 Disabilities, or his or her designee, shall serve as an
3 ex-officio member and shall serve as chairperson of the
4 Advisory Board.

5 (2) One representative of the Department of Healthcare
6 and Family Services and one representative of the Office of
7 the State Fire Marshal, each of whom shall serve as
8 ex-officio members.

9 (3) Five persons selected from recommendations of
10 organizations whose membership consists of providers
11 within the developmental disabilities service delivery
12 system.

13 (4) Two persons who are guardians or family members of
14 persons with developmental disabilities and who do not have
15 responsibility for management or formation of policy
16 regarding the programs subject to review of the Advisory
17 Board.

18 (5) Two persons who receive developmental disabilities
19 services funded by the Division.

20 (6) Two persons selected from the recommendations of
21 consumer organizations that engage solely in advocacy or
22 legal representation on behalf of persons with
23 developmental disabilities and their immediate families.

24 (7) One person who is a representative of a labor
25 organization which represents direct support persons,
26 working within one of the programs subject to review of the

1 Advisory Board.

2 (c) The Advisory Board shall meet as frequently as the
3 chairperson deems necessary, but not less than once each
4 calendar year. Upon request of 6 or more members, the
5 chairperson shall call a meeting of the Advisory Board. A
6 member of the Advisory Board may designate a replacement to
7 serve at the Advisory Board meeting in place of the member by
8 submitting a letter of designation to the chairperson prior to
9 or at the Advisory Board meeting, but a replacement for an
10 Advisory Board member may not serve as a replacement for more
11 than 2 consecutive meetings.

12 (d) The Advisory Board shall advise the Department of Human
13 Services Division of Developmental Disabilities on the format
14 and content of any amendments to rules referenced in subsection
15 (a) proposed by the Division of Developmental Disabilities. Any
16 of these rules, except emergency rules adopted under Section
17 5-45 of the Illinois Administrative Procedure Act, adopted
18 without obtaining the advice of the Advisory Board are null and
19 void. If the Department fails to follow the advice of the
20 Advisory Board on proposed rules, the Department shall, prior
21 to the adoption of the rules, transmit a written explanation of
22 the reason therefor to the Advisory Board.

23 (e) During its review of proposed rules as requested by the
24 Department, the Advisory Board shall discuss the economic
25 impact of those rules.

26 (f) If the Advisory Board, having been asked for its

1 advice, fails to advise the Department within 45 days, the
2 rules shall be considered acted upon.

3 (g) The Department shall provide staff and technical
4 support to the Advisory Board to perform its functions under
5 this Section.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.