

AN ACT concerning regulation.

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

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

(405 ILCS 80/Art. XI heading new)

ARTICLE XI. DEVELOPMENTAL DISABILITIES REGULATORY ADVISORY

BOARD

(405 ILCS 80/11-1 new)

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

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

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

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

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

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

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

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

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

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

Advisory Board.

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

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

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

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

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

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

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