

AN ACT concerning health.

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

Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 8.1 as follows:

(20 ILCS 1705/8.1 new)

Sec. 8.1. Admission to State-operated facilities for persons with developmental disabilities.

(a) For any individual or guardian, or both, if applicable, seeking admission for the individual to a State-operated facility for persons with developmental disabilities the individual must meet the following criteria in order to be approved for admission:

(1) the individual is at least 18 years of age;

(2) the individual and the individual's guardian, as applicable, have received, attempted to receive, or received education regarding community-based services and supports;

(3) the individual meets the intermediate care facility level of care definition; and

(4) the individual meets all clinical eligibility requirements including having an intellectual disability

as defined in this Act.

(b) Upon admission to a State-operated facility for persons with developmental disabilities, the facility shall complete at least annual reviews of the individual's clinical need for continued services in order to determine if these needs are able to be met in a less restrictive setting. Comprehensive and integrated assessments shall be used to assist in determining the level of care and services most appropriate to meet the individual's needs.

(c) All individuals shall have the right to know their options for supports and shall be provided the opportunity to learn about the full spectrum of care, including the range of possible living environments available as provided by entities, including, but not limited to, State-operated facilities and case management agencies. If an individual indicates that the individual would like to move to a less restrictive environment, activities to explore and take steps regarding the range of options shall be provided to the individual and guardian, if applicable. The interdisciplinary team shall assist the individual and guardian, if applicable, to identify placements that are able to meet the individual's needs, excluding when there are severe safety concerns identified by the interdisciplinary team that cannot be easily mitigated with interventions that are commonly used in the community.

An individual's support plan shall include services to

address identified needs if the individual is clinically determined to no longer meet the intermediate care facility level of care, or be at risk of harm to the individual or others. Thoughtful transition planning shall take place to assist with finding a less restrictive environment of the individual's choosing, and guardian's choosing, if applicable.

Section 10. The Mental Health and Developmental Disabilities Code is amended by changing Section 4-302 and by adding Article VIII to Chapter IV as follows:

(405 ILCS 5/Ch. IV Art. VIII heading new)

ARTICLE VIII. SERVICE PROVIDER SANCTIONS

(405 ILCS 5/4-302) (from Ch. 91 1/2, par. 4-302)

Sec. 4-302. A person with a developmental disability may be administratively admitted to a facility upon application if the facility director of the facility determines that the person ~~he~~ is suitable for admission. A person 18 years of age or older, if the person ~~he~~ has the capacity, or the person's ~~his~~ guardian, if ~~he is~~ authorized by the guardianship order of the Circuit Court, may execute an application for administrative admission. Application may be executed for a person under 18 years of age by the person's ~~his~~ parent, guardian, or person in loco parentis pursuant to the Intermediate Care for the Developmentally Disabled Facilities

Code authorized under the ID/DD Community Care Act.

(Source: P.A. 88-380.)

(405 ILCS 5/4-800 new)

Sec. 4-800. Provider sanctions and appeals. The Department of Human Services Division of Developmental Disabilities may impose progressive sanctions on providers that fail to comply with conditions specified by rule, or contract agreement, as determined by the Department. Sanctions include, but are not limited to, payment suspension, loss of payment, enrollment limitations, admission holds, removal of individuals currently served, or other actions up to and including contract termination, certification revocation, or licensure revocation. In situations in which recipients of services are placed at imminent risk of harm, steps to ensure the safety of individuals and any provider sanctions shall be taken expeditiously and not progressively. A service provider that has received a sanction may appeal the sanction in writing to the Department of Healthcare and Family Services within 30 days of receipt of the sanction. Steps to ensure the safety of individuals may be taken regardless of a service provider appeal. The Department shall adopt rules as necessary to implement this Section.

(405 ILCS 5/4-801 new)

Sec. 4-801. Provider discharge reconsideration requests.

After an informal review of a discharge by the Department of Human Services Division of Developmental Disabilities, a provider may request a reconsideration of the decision, to the Department of Human Services Division of Developmental Disabilities. The reconsideration request must be received within 10 working days after the provider receives the written notification, following the informal review decision from the Department of Human Services Division of Developmental Disabilities. The Department of Human Services shall adopt rules as necessary to implement this Section.