



Rep. Lindsey LaPointe

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10300SB3753ham001

LRB103 39458 RLC 73203 a

1 AMENDMENT TO SENATE BILL 3753

2 AMENDMENT NO. _____. Amend Senate Bill 3753 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by adding Section
6 8.1 as follows:

7 (20 ILCS 1705/8.1 new)

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

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

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

16 (2) the individual and the individual's guardian, as

1 applicable, have received, attempted to receive, or
2 received education regarding community-based services and
3 supports;

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

6 (4) the individual meets all clinical eligibility
7 requirements including having an intellectual disability
8 as defined in this Act.

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

17 (c) All individuals shall have the right to know their
18 options for supports and shall be provided the opportunity to
19 learn about the full spectrum of care, including the range of
20 possible living environments available as provided by
21 entities, including, but not limited to, State-operated
22 facilities and case management agencies. If an individual
23 indicates that the individual would like to move to a less
24 restrictive environment, activities to explore and take steps
25 regarding the range of options shall be provided to the
26 individual and guardian, if applicable. The interdisciplinary

1 team shall assist the individual and guardian, if applicable,
2 to identify placements that are able to meet the individual's
3 needs, excluding when there are severe safety concerns
4 identified by the interdisciplinary team that cannot be easily
5 mitigated with interventions that are commonly used in the
6 community.

7 An individual's support plan shall include services to
8 address identified needs if the individual is clinically
9 determined to no longer meet the intermediate care facility
10 level of care, or be at risk of harm to the individual or
11 others. Thoughtful transition planning shall take place to
12 assist with finding a less restrictive environment of the
13 individual's choosing, and guardian's choosing, if applicable.

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

17 (405 ILCS 5/Ch. IV Art. VIII heading new)

18 ARTICLE VIII. SERVICE PROVIDER SANCTIONS

19 (405 ILCS 5/4-302) (from Ch. 91 1/2, par. 4-302)

20 Sec. 4-302. A person with a developmental disability may
21 be administratively admitted to a facility upon application if
22 the facility director of the facility determines that the
23 person ~~he~~ is suitable for admission. A person 18 years of age

1 or older, if the person ~~he~~ has the capacity, or the person's
2 ~~his~~ guardian, if ~~he is~~ authorized by the guardianship order of
3 the Circuit Court, may execute an application for
4 administrative admission. Application may be executed for a
5 person under 18 years of age by the person's ~~his~~ parent,
6 guardian, or person in loco parentis pursuant to the
7 Intermediate Care for the Developmentally Disabled Facilities
8 Code authorized under the ID/DD Community Care Act.

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

10 (405 ILCS 5/4-800 new)

11 Sec. 4-800. Provider sanctions and appeals. The Department
12 of Human Services Division of Developmental Disabilities may
13 impose progressive sanctions on providers that fail to comply
14 with conditions specified by rule, or contract agreement, as
15 determined by the Department. Sanctions include, but are not
16 limited to, payment suspension, loss of payment, enrollment
17 limitations, admission holds, removal of individuals currently
18 served, or other actions up to and including contract
19 termination, certification revocation, or licensure
20 revocation. In situations in which recipients of services are
21 placed at imminent risk of harm, steps to ensure the safety of
22 individuals and any provider sanctions shall be taken
23 expeditiously and not progressively. A service provider that
24 has received a sanction may appeal the sanction in writing to
25 the Department of Healthcare and Family Services within 30

1 days of receipt of the sanction. Steps to ensure the safety of
2 individuals may be taken regardless of a service provider
3 appeal. The Department shall adopt rules as necessary to
4 implement this Section.

5 (405 ILCS 5/4-801 new)

6 Sec. 4-801. Provider appeals and fair hearings. After an
7 informal review of a discharge by the Department of Human
8 Services Division of Developmental Disabilities, a provider
9 may request a reconsideration of the decision, to the
10 Department of Human Services Division of Developmental
11 Disabilities. The reconsideration request must be received
12 within 10 working days after the provider receives the written
13 notification, following the informal review decision from the
14 Department of Human Services Division of Developmental
15 Disabilities. The Department of Human Services shall adopt
16 rules as necessary to implement this Section."