



Sen. Laura Fine

Filed: 3/27/2024

10300SB3753sam002

LRB103 39458 RLC 71546 a

1 AMENDMENT TO SENATE BILL 3753

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3753, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Mental Health and Developmental  
6 Disabilities Administrative Act is amended by adding Section  
7 8.1 as follows:

8 (20 ILCS 1705/8.1 new)

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

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

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

1           (2) the individual has received or attempted to  
2           receive community-based services and supports;

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

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

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

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

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

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

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

16 (405 ILCS 5/Ch. IV Art. VIII heading new)

17 ARTICLE VIII. SERVICE PROVIDER SANCTIONS

18 (405 ILCS 5/4-800 new)

19 Sec. 4-800. Provider sanctions and appeals. The Department  
20 of Human Services may impose progressive sanctions on  
21 providers that fail to comply with conditions specified by  
22 rule, or contract agreement, as determined by the Department.  
23 Sanctions include, but are not limited to, payment suspension,

1 loss of payment, enrollment limitations, admission holds,  
2 removal of individuals currently served, or other actions up  
3 to and including contract termination, certification  
4 revocation, or licensure revocation. In situations in which  
5 recipients of services are placed at imminent risk of harm,  
6 steps to ensure the safety of individuals and any provider  
7 sanctions shall be taken expeditiously and not progressively.  
8 A service provider that has received a sanction may appeal the  
9 sanction in writing to the Department of Healthcare and Family  
10 Services within 30 days of receipt of the sanction. Steps to  
11 ensure the safety of individuals may be taken regardless of a  
12 service provider appeal. The Department shall adopt rules as  
13 necessary to implement this Section.

14 (405 ILCS 5/4-801 new)

15 Sec. 4-801. Provider appeals and fair hearings. After an  
16 informal review of a discharge by the Department of Human  
17 Services, a provider may appeal the decision to the Department  
18 of Healthcare and Family Services. The appeal must be received  
19 within 10 working days after the provider receives the written  
20 notification, following the informal review decision from the  
21 Department of Human Services. The Department of Human Services  
22 and the Department of Healthcare and Family Services shall  
23 adopt rules as necessary to implement this Section."