

1 AMENDMENT TO SENATE BILL 1075

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1075 by replacing  
3 the title with the following:

4 "AN ACT in relation to human services."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Civil Administrative Code of Illinois is  
8 amended by changing Sections 1-5, 5-15, and 5-20 and adding  
9 Sections 5-402 and 5-407 as follows:

10 (20 ILCS 5/1-5)

11 Sec. 1-5. Articles. The Civil Administrative Code of  
12 Illinois consists of the following Articles:

13 Article 1. ~~Short-title-and~~ General Provisions (20 ILCS  
14 5/1-1 and following).

15 Article 5. Departments of State Government Law (20 ILCS  
16 5/5-1 and following).

17 Article 50. State Budget Law (15 ILCS 20/ 50).

18 Article 110. Department on Aging Law (20 ILCS 110/).

19 Article 205. Department of Agriculture Law (20 ILCS  
20 205/).

21 Article 250. State Fair Grounds Title Law (5 ILCS 620/

1 250/).

2 Article 310. Department of Human Services (Alcoholism and  
3 Substance Abuse) Law (20 ILCS 310/).

4 Article 405. Department of Central Management Services  
5 Law (20 ILCS 405/).

6 Article 510. Department of Children and Family Services  
7 Powers Law (20 ILCS 510/).

8 Article 605. Department of Commerce and Community Affairs  
9 Law (20 ILCS 605/).

10 Article 805. Department of Natural Resources  
11 (Conservation) Law (20 ILCS 805/).

12 Article 1005. Department of Employment Security Law (20  
13 ILCS 1005/).

14 Article 1405. Department of Insurance Law (20 ILCS  
15 1405/).

16 Article 1505. Department of Labor Law (20 ILCS 1505/).

17 Article 1710. Department of Human Services (Mental Health  
18 and Developmental Disabilities) Law (20 ILCS 1710/).

19 Article 1905. Department of Natural Resources (Mines and  
20 Minerals) Law (20 ILCS 1905/).

21 Article 2005. Department of Nuclear Safety Law (20 ILCS  
22 2005/).

23 Article 2105. Department of Professional Regulation Law  
24 (20 ILCS 2105/).

25 Article 2205. Department of Public Aid Law (20 ILCS  
26 2205/).

27 Article 2310. Department of Public Health Powers and  
28 Duties Law (20 ILCS 2310/).

29 Article 2400. Department of Rehabilitation Services Law  
30 (20 ILCS 2400/).

31 Article 2450. Department of Services for the Visually  
32 Impaired Law (20 ILCS 2450/).

33 Article 2505. Department of Revenue Law (20 ILCS 2505/).

34 Article 2605. Department of State Police Law (20 ILCS

1 2605/).

2 Article 2705. Department of Transportation Law (20 ILCS  
3 2705/).

4 Article 3000. University of Illinois Exercise of  
5 Functions and Duties Law (110 ILCS 355/).

6 (Source: P.A. 91-239, eff. 1-1-00; revised 7-27-99.)

7 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

8 Sec. 5-15. Departments of State government. The  
9 Departments of State government are created as follows:

10 The Department on Aging.

11 The Department of Agriculture.

12 The Department of Central Management Services.

13 The Department of Children and Family Services.

14 The Department of Commerce and Community Affairs.

15 The Department of Corrections.

16 The Department of Employment Security.

17 The Department of Financial Institutions.

18 The Department of Human Rights.

19 The Department of Human Services.

20 The Department of Insurance.

21 The Department of Labor.

22 The Department of the Lottery.

23 The Department of Natural Resources.

24 The Department of Nuclear Safety.

25 The Department of Professional Regulation.

26 The Department of Public Aid.

27 The Department of Public Health.

28 The Department of Rehabilitation Services.

29 The Department of Revenue.

30 The Department of Services for the Visually Impaired.

31 The Department of State Police.

32 The Department of Transportation.

33 The Department of Veterans' Affairs.

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

3 Sec. 5-20. Heads of departments. Each department shall  
4 have an officer as its head who shall be known as director or  
5 secretary and who shall, subject to the provisions of the  
6 Civil Administrative Code of Illinois, execute the powers and  
7 discharge the duties vested by law in his or her respective  
8 department.

9 The following officers are hereby created:

10 Director of Aging, for the Department on Aging.

11 Director of Agriculture, for the Department of  
12 Agriculture.

13 Director of Central Management Services, for the  
14 Department of Central Management Services.

15 Director of Children and Family Services, for the  
16 Department of Children and Family Services.

17 Director of Commerce and Community Affairs, for the  
18 Department of Commerce and Community Affairs.

19 Director of Corrections, for the Department of  
20 Corrections.

21 Director of Employment Security, for the Department of  
22 Employment Security.

23 Director of Financial Institutions, for the Department of  
24 Financial Institutions.

25 Director of Human Rights, for the Department of Human  
26 Rights.

27 Secretary of Human Services, for the Department of Human  
28 Services.

29 Director of Insurance, for the Department of Insurance.

30 Director of Labor, for the Department of Labor.

31 Director of the Lottery, for the Department of the  
32 Lottery.

33 Director of Natural Resources, for the Department of

1 Natural Resources.

2 Director of Nuclear Safety, for the Department of Nuclear  
3 Safety.

4 Director of Professional Regulation, for the Department  
5 of Professional Regulation.

6 Director of Public Aid, for the Department of Public Aid.

7 Director of Public Health, for the Department of Public  
8 Health.

9 Director of Rehabilitation Services, for the Department  
10 of Rehabilitation Services.

11 Director of Revenue, for the Department of Revenue.

12 Director of Services for the Visually Impaired, for the  
13 Department of Services for the Visually Impaired.

14 Director of State Police, for the Department of State  
15 Police.

16 Secretary of Transportation, for the Department of  
17 Transportation.

18 Director of Veterans' Affairs, for the Department of  
19 Veterans' Affairs.

20 (Source: P.A. 91-239, eff. 1-1-00.)

21 (20 ILCS 5/5-402 new)

22 Sec. 5-402. In the Department of Rehabilitation Services.  
23 The Director of Rehabilitation Services shall receive an  
24 annual salary as set by the Governor from time to time or as  
25 set by the Compensation Review Board, whichever is greater.

26 (20 ILCS 5/5-407 new)

27 Sec. 5-407. In the Department of Services for the  
28 Visually Impaired. The Director of Services for the Visually  
29 Impaired shall receive an annual salary as set by the  
30 Governor from time to time or as set by the Compensation  
31 Review Board, whichever is greater.

1 Section 10. The Department of Human Services Act is  
2 amended by adding Section 80-5 and Article 85 as follows:

3 (20 ILCS 1305/80-5 new)

4 Sec. 80-5. Provisions relating to Department of  
5 Rehabilitation Services superseded. The provisions of this  
6 Article 80 relating to the Department of Rehabilitation  
7 Services are superseded by Article 85 of this Act and  
8 Articles 2400 and 2450 of the Civil Administrative Code of  
9 Illinois.

10 (20 ILCS 1305/Art. 85 heading new)

11 ARTICLE 85. TRANSFERS RELATING TO REHABILITATION  
12 SERVICES AND SERVICES FOR THE VISUALLY IMPAIRED

13 (20 ILCS 1305/85-5 new)

14 Sec. 85-5. Transfer of powers relating to rehabilitation  
15 services and services for the blind or visually impaired.

16 (a) All of the rights, powers, duties, and functions  
17 vested by law in the Department of Human Services or in any  
18 office, council, committee, division, or bureau thereof that  
19 relate to rehabilitation services other than services for the  
20 blind or visually impaired are transferred to the re-created  
21 Department of Rehabilitation Services on July 1, 2002.

22 (b) All of the rights, powers, duties, and functions  
23 vested by law in the Department of Human Services or in any  
24 office, council, committee, division, or bureau thereof that  
25 relate to services for the blind or visually impaired are  
26 transferred to the Department of Services for the Visually  
27 Impaired on July 1, 2002.

28 (c) In implementing the transfers provided for under  
29 this Article, the Department of Human Services, the successor  
30 agencies, and all other affected governmental entities and  
31 employees shall endeavor to ensure the continued and

1 unimpaired operation of all programs and services affected by  
2 the transfer.

3 (20 ILCS 1305/85-10 new)

4 Sec. 85-10. Transfer of personnel.

5 (a) Except as otherwise provided in this Section, all  
6 personnel employed by the Department of Human Services on  
7 June 30, 2002 in positions relating to rehabilitation  
8 services, other than services for the blind or visually  
9 impaired, are transferred to the Department of Rehabilitation  
10 Services on July 1, 2002.

11 (b) Except as otherwise provided in this Section, all  
12 personnel employed by the Department of Human Services on  
13 June 30, 2002 in positions relating to services for the blind  
14 or visually impaired are transferred to the Department of  
15 Services for the Visually Impaired on July 1, 2002.

16 (c) In the case of a person employed by the Department  
17 of Human Services to perform both duties pertaining to a  
18 function transferred to a successor agency under this Article  
19 and duties pertaining to a function retained by the  
20 Department of Human Services, the Secretary, in consultation  
21 with the director of the successor agency, shall determine  
22 whether to transfer the employee to the successor agency;  
23 until that determination has been made, the transfer shall  
24 not take effect.

25 (d) In the case of a person employed by the Department  
26 of Human Services to perform duties pertaining to functions  
27 transferred to more than one successor agency under this  
28 Article, the Secretary, in consultation with the directors of  
29 the successor agencies, shall determine to which successor  
30 agency the employee shall be transferred; until that  
31 determination has been made, the transfer shall not take  
32 effect.

33 (e) The rights of State employees, the State, and its

1 agencies under the Personnel Code and applicable collective  
2 bargaining agreements and retirement plans are not affected  
3 by this Article.

4 (f) Persons serving on an advisory council, board, or  
5 other body that is transferred to a successor agency under  
6 this Article may continue to serve, without reappointment,  
7 until their terms expire or they are otherwise replaced by  
8 the administering agency or by operation of law.

9 (20 ILCS 1305/85-15 new)

10 Sec. 85-15. Transfer of property.

11 (a) Except as provided in subsection (c), all books,  
12 records, documents, property (real and personal), unexpended  
13 appropriations, and pending business pertaining to the  
14 rights, powers, duties, and functions transferred to the  
15 Department of Rehabilitation Services under this Article  
16 shall be transferred and delivered to that Department  
17 effective July 1, 2002.

18 (b) Except as provided in subsection (c), all books,  
19 records, documents, property (real and personal), unexpended  
20 appropriations, and pending business pertaining to the  
21 rights, powers, duties, and functions transferred to the  
22 Department of Services for the Visually Impaired under this  
23 Article shall be transferred and delivered to that Department  
24 effective July 1, 2002.

25 (c) In the case of books, records, or documents that  
26 pertain both to a function retained by the Department of  
27 Human Services and to a function transferred to a successor  
28 agency under this Article, or pertain to functions  
29 transferred to more than one successor agency under this  
30 Article, the Secretary, in consultation with the director of  
31 each affected successor agency, shall determine whether the  
32 books, records, or documents shall be transferred, copied, or  
33 left with the Department of Human Services; until that



1 determination has been made, the transfer shall not take  
2 effect.

3 In the case of property or an unexpended appropriation  
4 that pertains both to a function retained by the Department  
5 of Human Services and to a function transferred to a  
6 successor agency under this Article, or pertains to functions  
7 transferred to more than one successor agency under this  
8 Article, the Secretary, in consultation with the director of  
9 each affected successor agency, shall determine whether the  
10 property or unexpended appropriation shall be transferred,  
11 divided, or left with the Department of Human Services; until  
12 that determination has been made (and, in the case of an  
13 unexpended appropriation, notice of the determination has  
14 been filed with the State Comptroller), the transfer shall  
15 not take effect.

16 (20 ILCS 1305/85-20 new)

17 Sec. 85-20. Rules and standards.

18 (a) The rules and standards of the Department of Human  
19 Services that are in effect on June 30, 2002 and pertain to  
20 the rights, powers, duties, and functions transferred to the  
21 Department of Rehabilitations Services under this Article  
22 shall become the rules and standards of the Department of  
23 Rehabilitation Services on July 1, 2002 and shall continue in  
24 effect until amended or repealed by that Department.

25 (b) The rules and standards of the Department of Human  
26 Services that are in effect on June 30, 2002 and pertain to  
27 the rights, powers, duties, and functions transferred to the  
28 Department of Services for the Visually Impaired under this  
29 Article shall become the rules and standards of the  
30 Department of Services for the Visually Impaired on July 1,  
31 2002 and shall continue in effect until amended or repealed  
32 by that Department.

33 (c) Any rules pertaining to the rights, powers, duties,

1 and functions transferred to a successor agency under this  
2 Article that have been proposed by the Department of Human  
3 Services but have not taken effect or been finally adopted by  
4 June 30, 2002 shall become proposed rules of the successor  
5 agency on July 1, 2002, and any rulemaking procedures that  
6 have already been completed by the Department of Human  
7 Services for those proposed rules need not be repeated.

8 (d) As soon as practical after July 1, 2002, the  
9 successor agencies shall revise and clarify the rules  
10 transferred to them under this Article to reflect the  
11 reorganization of rights, powers, duties, and functions  
12 effected by this Article, using the procedures for  
13 recodification of rules available under the Illinois  
14 Administrative Procedure Act; except that existing title,  
15 part, and section numbering for the affected rules may be  
16 retained. The Department of Human Services and the successor  
17 agencies may propose and adopt under the Illinois  
18 Administrative Procedure Act such other rules as may be  
19 necessary to consolidate and clarify the rules of the  
20 agencies reorganized under this Article.

21 (20 ILCS 1305/85-25 new)

22 Sec. 85-25. Savings provisions.

23 (a) The rights, powers, duties, and functions  
24 transferred from the Department of Human Services by this  
25 Article shall be vested in and exercised by the successor  
26 agencies subject to the provisions of this Article. An act  
27 done by a successor agency or an officer, employee, or agent  
28 of a successor agency in the exercise of the transferred  
29 rights, powers, duties, or functions shall have the same  
30 legal effect as if done by the Department or an officer,  
31 employee, or agent of the Department.

32 (b) The transfer of rights, powers, duties, and  
33 functions from the Department of Human Services under this

1 Article does not invalidate any previous action taken by or  
2 in respect to the Department or its officers, employees, or  
3 agents.

4 (c) The transfer of rights, powers, duties, and  
5 functions from the Department of Human Services under this  
6 Article does not affect any person's rights, obligations, or  
7 duties, including any civil or criminal penalties applicable  
8 thereto, arising out of those transferred rights, powers,  
9 duties, and functions.

10 (d) With respect to matters that pertain to a right,  
11 power, duty, or function transferred from the Department of  
12 Human Services under this Article:

13 (1) Beginning July 1, 2002, a report or notice that  
14 was previously required to be made or given by any person  
15 to the Department or any of its officers, employees, or  
16 agents shall be made or given in the same manner to the  
17 successor agency or its appropriate officer, employee, or  
18 agent.

19 (2) Beginning July 1, 2002, a document that was  
20 previously required to be furnished or served by any  
21 person to or upon the Department or any of its officers,  
22 employees, or agents shall be furnished or served in the  
23 same manner to or upon the successor agency or its  
24 appropriate officer, employee, or agent.

25 (e) This Article does not affect any act done, ratified,  
26 or cancelled, any right occurring or established, or any  
27 action or proceeding had or commenced in an administrative,  
28 civil, or criminal cause before July 1, 2002. Any such  
29 action or proceeding that pertains to a right, power, duty,  
30 or function transferred from the Department of Human Services  
31 under this Article and that is pending on that date may be  
32 prosecuted, defended, or continued by the successor agency.

1       Sec. 85-30. References. Beginning July 1, 2002, in  
2       statutes, rules, documents, agreements, and other material  
3       relating to any of the rights, powers, duties, or functions  
4       transferred by this Article:

5               (1) References to the Department of Human Services,  
6               in appropriate contexts, shall be deemed to refer to the  
7               applicable successor agency under this Article.

8               (2) References to the Secretary of Human Services,  
9               in appropriate contexts, shall be deemed to refer to the  
10              director of the applicable successor agency under this  
11              Article.

12              (3) References to the Department of Rehabilitation  
13              Services, in contexts relating to services for the  
14              visually impaired that are administered by the Department  
15              of Services for the Visually Impaired, shall be deemed to  
16              refer to the Department of Services for the Visually  
17              Impaired.

18              (4) References to the Director of Rehabilitation  
19              Services, in contexts relating to services for the  
20              visually impaired that are administered by the Department  
21              of Services for the Visually Impaired, shall be deemed to  
22              refer to the Director of Services for the Visually  
23              Impaired.

24       Section 15. The Civil Administrative Code of Illinois is  
25       amended by adding Articles 2400 and 2450 as follows:

26               (20 ILCS 2400/Art. 2400 heading new)

27               ARTICLE 2400. DEPARTMENT OF REHABILITATION SERVICES

28               (20 ILCS 2400/2400-1 new)

29               Sec. 2400-1. Article short title. This Article 2400 of  
30               the Civil Administrative Code of Illinois may be cited as the  
31               Department of Rehabilitation Services Law.

1 (20 ILCS 2400/2400-5 new)

2 Sec. 2400-5. Purpose. It is the purpose of this Law to  
3 provide for the re-creation of the Department of  
4 Rehabilitation Services and to transfer to it certain rights,  
5 powers, duties, and functions relating to rehabilitation  
6 (other than services for the blind and visually impaired)  
7 that were vested by law in the Department of Human Services  
8 as of June 30, 2002. This transfer is intended to make  
9 possible the more effective and efficient operation of the  
10 affected programs and services and to maximize the available  
11 federal funding for those programs and services.

12 (20 ILCS 2400/2400-10 new)

13 Sec. 2400-10. Definitions. In this Law, unless the  
14 context otherwise indicates:

15 "Department" means the Department of Rehabilitation  
16 Services.

17 "Director" means the Director of Rehabilitation Services.

18 (20 ILCS 2400/2400-15 new)

19 Sec. 2400-15. Operation; organization.

20 (a) The Department of Rehabilitation Services is  
21 re-created and shall begin operation on July 1, 2002.

22 (b) The Department shall be under the direction of the  
23 Director of Rehabilitation Services.

24 (c) The Director may appoint one or more Associate  
25 Directors. The duties and compensation of the Associate  
26 Directors shall be determined by the Director.

27 (d) The Director shall create divisions and  
28 administrative units within the Department and shall assign  
29 functions, powers, duties, and personnel as may now or in the  
30 future be required by State or federal law. The Director may  
31 create other divisions and administrative units and may  
32 assign other functions, powers, duties, and personnel as may

1 be necessary or desirable to carry out the functions and  
2 responsibilities vested by law in the Department.

3 (20 ILCS 2400/2400-20 new)

4 Sec. 2400-20. General powers and duties.

5 (a) The Department shall exercise the rights, powers,  
6 duties, and functions provided by law, including (but not  
7 limited to) the rights, powers, duties, and functions  
8 transferred to the Department under Article 85 of the  
9 Department of Human Services Act.

10 (b) Whenever an Act or program administered by the  
11 Department includes a component that relates to services for  
12 the visually impaired, the Director, in consultation with the  
13 Director of Services for the Visually Impaired, shall  
14 consider whether all or a portion of the administration of  
15 that Act or program should lie within the purview of the  
16 Department of Services for the Visually Impaired. If the  
17 Directors, in consultation, determine that all or a portion  
18 of the administration of that Act or program should be  
19 undertaken by the Department of Services for the Visually  
20 Impaired, the Directors shall provide by administrative  
21 agreement for the transfer of the appropriate administrative  
22 responsibilities to the Department of Services for the  
23 Visually Impaired.

24 (c) The Department may employ personnel in accordance  
25 with the Personnel Code, provide facilities, contract for  
26 goods and services, and adopt rules as necessary to carry out  
27 its functions and purposes, all in accordance with applicable  
28 State and federal law.

29 (20 ILCS 2450/Art. 2450 heading new)

30 ARTICLE 2450. DEPARTMENT OF SERVICES  
31 FOR THE VISUALLY IMPAIRED

1 (20 ILCS 2450/2450-1 new)

2 Sec. 2450-1. Article short title. This Article 2450 of  
3 the Civil Administrative Code of Illinois may be cited as the  
4 Department of Services for the Visually Impaired Law.

5 (20 ILCS 2450/2450-5 new)

6 Sec. 2450-5. Purpose. It is the purpose of this Law to  
7 provide for the creation of the Department of Services for  
8 the Visually Impaired and to transfer to it certain rights,  
9 powers, duties, and functions relating to services for the  
10 blind and visually impaired that were vested by law in the  
11 Department of Human Services as of June 30, 2002. This  
12 transfer is intended to make possible the more effective and  
13 efficient operation of the affected programs and services and  
14 to maximize the available federal funding for those programs  
15 and services.

16 (20 ILCS 2450/2450-10 new)

17 Sec. 2450-10. Definitions. In this Law, unless the  
18 context otherwise indicates:

19 "Department" means the Department of Services for the  
20 Visually Impaired.

21 "Director" means the Director of Services for the  
22 Visually Impaired.

23 (20 ILCS 2450/2450-15 new)

24 Sec. 2450-15. Operation; organization.

25 (a) The Department of Services for the Visually Impaired  
26 is created and shall begin operation on July 1, 2002.

27 (b) The Department shall be under the direction of the  
28 Director of Services for the Visually Impaired.

29 (c) The Director may appoint one or more Associate  
30 Directors. The duties and compensation of the Associate  
31 Directors shall be determined by the Director.

1       (d) The Director shall create divisions and  
 2       administrative units within the Department and shall assign  
 3       functions, powers, duties, and personnel as may now or in the  
 4       future be required by State or federal law. The Director may  
 5       create other divisions and administrative units and may  
 6       assign other functions, powers, duties, and personnel as may  
 7       be necessary or desirable to carry out the functions and  
 8       responsibilities vested by law in the Department.

9           (20 ILCS 2450/2450-20 new)

10       Sec. 2450-20. General powers and duties.

11       (a) The Department shall exercise the rights, powers,  
 12       duties, and functions provided by law, including (but not  
 13       limited to) the rights, powers, duties, and functions  
 14       transferred to the Department under Article 85 of the  
 15       Department of Human Services Act.

16       (b) The Department may employ personnel in accordance  
 17       with the Personnel Code, provide facilities, contract for  
 18       goods and services, and adopt rules as necessary to carry out  
 19       its functions and purposes, all in accordance with applicable  
 20       State and federal law.

21       Section 90. The Disabled Persons Rehabilitation Act is  
 22       amended by changing Sections 1b, 10, 12a, and 13a as follows:

23           (20 ILCS 2405/1b) (from Ch. 23, par. 3432)

24       Sec. 1b. For the purpose of this Act, the term "person  
 25       with one or more disabilities" means any person who, by  
 26       reason of a physical or mental impairment, is or may be  
 27       expected to be totally or partially incapacitated for  
 28       independent living or gainful employment; the term  
 29       "rehabilitation" or "habilitation" means those vocational or  
 30       other appropriate services which increase the opportunities  
 31       for independent functioning or gainful employment; the term



1 "comprehensive rehabilitation" means those services necessary  
2 and appropriate for increasing the potential for independent  
3 living or gainful employment as applicable; the term  
4 "vocational rehabilitation administrator" means the head of  
5 the designated State unit within the Department responsible  
6 for administration of rehabilitation services provided for in  
7 this Act, including but not limited to the administration of  
8 the federal Rehabilitation Act; the term "Department" means  
9 the Department of Rehabilitation Human Services; and the term  
10 "Director" "Secretary" means the Director of Rehabilitation  
11 Services Secretary-of-Human-Services.

12 (Source: P.A. 89-507, eff. 7-1-97; 90-453, eff. 8-16-97.)

13 (20 ILCS 2405/10) (from Ch. 23, par. 3441)

14 Sec. 10. Residential schools; visual and hearing  
15 handicaps.

16 (a) The Department of Rehabilitation Human Services  
17 shall operate residential schools for the education of  
18 children with ~~visual~~-and hearing handicaps who are unable to  
19 take advantage of the regular educational facilities provided  
20 in the community, and shall provide in connection therewith  
21 such academic, vocational, and related services as may be  
22 required. Children shall be eligible for admission to these  
23 schools only after proper diagnosis and evaluation, in  
24 accordance with procedures prescribed by the Department.

25 (b) In administering the Illinois School for the Deaf,  
26 the Department shall adopt an admission policy which permits  
27 day or residential enrollment, when resources are sufficient,  
28 of children with hearing handicaps who are able to take  
29 advantage of the regular educational facilities provided in  
30 the community and thus unqualified for admission under  
31 subsection (a). In doing so, the Department shall establish  
32 an annual deadline by which shall be completed the enrollment  
33 of children qualified under subsection (a) for admission to

1 the Illinois School for the Deaf. After the deadline, the  
2 Illinois School for the Deaf may enroll other children with  
3 hearing handicaps at the request of their parents or  
4 guardians if the Department determines there are sufficient  
5 resources to meet their needs as well as the needs of  
6 children enrolled before the deadline and children qualified  
7 under subsection (a) who may be enrolled after the deadline  
8 on an emergency basis. The Department shall adopt any rules  
9 and regulations necessary for the implementation of this  
10 subsection.

11 (c) The Department of Services for the Visually Impaired  
12 shall operate residential schools for the education of  
13 children with visual handicaps who are unable to take  
14 advantage of the regular educational facilities provided in  
15 the community, and shall provide in connection therewith such  
16 academic, vocational, and related services as may be  
17 required. Children shall be eligible for admission to these  
18 schools only after proper diagnosis and evaluation, in  
19 accordance with procedures prescribed by the Department of  
20 Services for the Visually Impaired.

21 In administering the Illinois School for the Visually  
22 Impaired, the Department of Services for the Visually  
23 Impaired shall adopt an admission policy that permits day or  
24 residential enrollment, when resources are sufficient, of  
25 children with visual handicaps who are able to take advantage  
26 of the regular educational facilities provided in the  
27 community and thus unqualified for admission under subsection  
28 (a). In doing so, the Department of Services for the  
29 Visually Impaired shall establish an annual deadline by which  
30 the enrollment of children qualified under this subsection  
31 ~~(a)~~ for admission to the Illinois School for the Visually  
32 Impaired shall be completed. After the deadline, the  
33 Illinois School for the Visually Impaired may enroll other  
34 children with visual handicaps at the request of their

1 parents or guardians if the Department of Services for the  
2 Visually Impaired determines there are sufficient resources  
3 to meet their needs as well as the needs of children enrolled  
4 before the deadline and children qualified under subsection  
5 (a) who may be enrolled after the deadline on an emergency  
6 basis. The Department of Services for the Visually Impaired  
7 shall adopt any rules and regulations necessary for the  
8 implementation of this subsection.

9 (Source: P.A. 89-264, eff. 8-10-95; 89-507, eff. 7-1-97.)

10 (20 ILCS 2405/12a) (from Ch. 23, par. 3443a)

11 Sec. 12a. Centers for independent living.

12 (a) Purpose. Recognizing that persons with significant  
13 disabilities deserve a high quality of life within their  
14 communities regardless of their disabilities, the Department,  
15 working with the Statewide Independent Living Council, shall  
16 develop a State plan for submission on an annual basis to the  
17 Commissioner. The Department shall adopt rules for  
18 implementing the State plan in accordance with the federal  
19 Act, including rules adopted under the federal Act governing  
20 the award of grants.

21 (b) Definitions. As used in this Section, unless the  
22 context clearly requires otherwise:

23 "Federal Act" means the federal Rehabilitation Act of  
24 1973, as amended.

25 "Center for independent living" means a consumer  
26 controlled, community based, cross-disability,  
27 non-residential, private non-profit agency that is designated  
28 and operated within a local community by individuals with  
29 disabilities and provides an array of independent living  
30 services.

31 "Consumer controlled" means that the center for  
32 independent living vests power and authority in individuals  
33 with disabilities and that at least 51% of the directors of

1 the center are persons with one or more disabilities as  
2 defined by this Act.

3 "Commissioner" means the Commissioner of the  
4 Rehabilitation Services Administration in the United States  
5 Department of Education.

6 "Council" means the Statewide Independent Living Council  
7 appointed under subsection (d).

8 "Individual with a disability" means any individual who  
9 has a physical or mental impairment that substantially limits  
10 a major life activity, has a record of such an impairment, or  
11 is regarded as having such an impairment.

12 "Individual with a significant disability" means an  
13 individual with a significant physical or mental impairment,  
14 whose ability to function independently in the family or  
15 community or whose ability to obtain, maintain, or advance in  
16 employment is substantially limited and for whom the delivery  
17 of independent living services will improve the ability to  
18 function, continue functioning, or move toward functioning  
19 independently in the family or community or to continue in  
20 employment.

21 "State plan" means the materials submitted by the  
22 Department to the Commissioner on an annual basis that  
23 contain the State's proposal for:

24 (1) The provision of statewide independent living  
25 services.

26 (2) The development and support of a statewide  
27 network of centers for independent living.

28 (3) Working relationships between (i) programs  
29 providing independent living services and independent  
30 living centers and (ii) the vocational rehabilitation  
31 program administered by the Department under the federal  
32 Act and other programs providing services for individuals  
33 with disabilities.

34 (c) Authority. The unit of the Department of

1 Rehabilitation Services headed by the vocational  
2 rehabilitation administrator shall be designated the State  
3 unit under Title VII of the federal Act and shall have the  
4 following responsibilities:

5 (1) To receive, account for, and disburse funds  
6 received by the State under the federal Act based on the  
7 State plan.

8 (2) To provide administrative support services to  
9 centers for independent living programs.

10 (3) To keep records, and take such actions with  
11 respect to those records, as the Commissioner finds to be  
12 necessary with respect to the programs.

13 (4) To submit additional information or provide  
14 assurances the Commissioner may require with respect to  
15 the programs.

16 The vocational rehabilitation administrator and the  
17 Chairperson of the Council are responsible for jointly  
18 developing and signing the State plan required by Section 704  
19 of the federal Act. The State plan shall conform to the  
20 requirements of Section 704 of the federal Act.

21 (d) Statewide Independent Living Council.

22 The Governor shall appoint a Statewide Independent Living  
23 Council, comprised of 18 members, which shall be established  
24 as an entity separate and distinct from the Department. The  
25 composition of the Council shall include the following:

26 (1) At least one director of a center for  
27 independent living chosen by the directors of centers for  
28 independent living within the State.

29 (2) A representative from the unit of the  
30 Department of Rehabilitation Human Services responsible  
31 for the administration of the vocational rehabilitation  
32 program and a representative from another unit in the  
33 Department of Rehabilitation Human Services that provides  
34 services for individuals with disabilities and a

1 representative each from the Department on Aging, the  
2 Department of Human Services, the Department of Services  
3 for the Visually Impaired, the State Board of Education,  
4 and the Department of Children and Family Services, all  
5 as ex-officio, non-voting members who shall not be  
6 counted in the 18 members appointed by the Governor.

7 In addition, the Council may include the following:

8 (A) One or more representatives of centers for  
9 independent living.

10 (B) One or more parents or guardians of individuals  
11 with disabilities.

12 (C) One or more advocates for individuals with  
13 disabilities.

14 (D) One or more representatives of private  
15 business.

16 (E) One or more representatives of organizations  
17 that provide services for individuals with disabilities.

18 (F) Other appropriate individuals.

19 After soliciting recommendations from organizations  
20 representing a broad range of individuals with disabilities  
21 and organizations interested in individuals with  
22 disabilities, the Governor shall appoint members of the  
23 Council for terms beginning July 1, 1993. The Council shall  
24 be composed of members (i) who provide statewide  
25 representation; (ii) who represent a broad range of  
26 individuals with disabilities from diverse backgrounds; (iii)  
27 who are knowledgeable about centers for independent living  
28 and independent living services; and (iv) a majority of whom  
29 are persons who are individuals with disabilities and are not  
30 employed by any State agency or center for independent  
31 living.

32 The council shall elect a chairperson from among its  
33 voting membership.

34 Each member of the Council shall serve for terms of 3

1 years, except that (i) a member appointed to fill a vacancy  
2 occurring before the expiration of the term for which the  
3 predecessor was appointed shall be appointed for the  
4 remainder of that term and (ii) terms of the members  
5 initially appointed after the effective date of this  
6 amendatory Act of 1993 shall be as follows: 6 of the initial  
7 members shall be appointed for terms of one year, 6 shall be  
8 appointed for terms of 2 years, and 6 shall be appointed for  
9 terms of 3 years. No member of the council may serve more  
10 than 2 consecutive full terms.

11 Appointments to fill vacancies in unexpired terms and new  
12 terms shall be filled by the Governor or by the Council if  
13 the Governor delegates that power to the Council by executive  
14 order. The vacancy shall not affect the power of the  
15 remaining members to execute the powers and duties of the  
16 Council. The Council shall have the duties enumerated in  
17 subsections (c), (d), and (e) of Section 705 of the federal  
18 Act.

19 Members shall be reimbursed for their actual expenses  
20 incurred in the performance of their duties, including  
21 expenses for travel, child care, and personal assistance  
22 services, and a member who is not employed or who must  
23 forfeit wages from other employment shall be paid reasonable  
24 compensation for each day the member is engaged in performing  
25 the duties of the Council. The reimbursement or compensation  
26 shall be paid from moneys made available to the Department  
27 under Part B of Title VII of the federal Act.

28 In addition to the powers and duties granted to advisory  
29 boards by Section 5-505 of the Departments of State  
30 Government Law (20 ILCS 5/5-505), the Council shall have the  
31 authority to appoint jointly with the vocational  
32 rehabilitation administrator a peer review committee to  
33 consider and make recommendations for grants to eligible  
34 centers for independent living.

1 (e) Grants to centers for independent living. Each  
2 center for independent living that receives assistance from  
3 the Department under this Section shall comply with the  
4 standards and provide and comply with the assurances that are  
5 set forth in the State plan and consistent with Section 725  
6 of the federal Act. Each center for independent living  
7 receiving financial assistance from the Department shall  
8 provide satisfactory assurances at the time and in the manner  
9 the vocational rehabilitation administrator requires.

10 Beginning October 1, 1994, the vocational rehabilitation  
11 administrator may award grants to any eligible center for  
12 independent living that is receiving funds under Title VII of  
13 the federal Act, unless the vocational rehabilitation  
14 administrator makes a finding that the center for independent  
15 living fails to comply with the standards and assurances set  
16 forth in Section 725 of the federal Act.

17 If there is no center for independent living serving a  
18 region of the State or the region is underserved, and the  
19 State receives a federal increase in its allotment sufficient  
20 to support one or more additional centers for independent  
21 living in the State, the vocational rehabilitation  
22 administrator may award a grant under this subsection to one  
23 or more eligible agencies, consistent with the provisions of  
24 the State plan setting forth the design of the State for  
25 establishing a statewide network for centers for independent  
26 living.

27 In selecting from among eligible agencies in awarding a  
28 grant under this subsection for a new center for independent  
29 living, the vocational rehabilitation administrator and the  
30 chairperson of (or other individual designated by) the  
31 Council acting on behalf of and at the direction of the  
32 Council shall jointly appoint a peer review committee that  
33 shall rank applications in accordance with the standards and  
34 assurances set forth in Section 725 of the federal Act and



1 criteria jointly established by the vocational rehabilitation  
2 administrator and the chairperson or designated individual.  
3 The peer review committee shall consider the ability of the  
4 applicant to operate a center for independent living and  
5 shall recommend an applicant to receive a grant under this  
6 subsection based on the following:

7 (1) Evidence of the need for a center for  
8 independent living, consistent with the State plan.

9 (2) Any past performance of the applicant in  
10 providing services comparable to independent living  
11 services.

12 (3) The applicant's plan for complying with, or  
13 demonstrated success in complying with, the standards and  
14 assurances set forth in Section 725 of the federal Act.

15 (4) The quality of key personnel of the applicant  
16 and the involvement of individuals with significant  
17 disabilities by the applicant.

18 (5) The budgets and cost effectiveness of the  
19 applicant.

20 (6) The evaluation plan of the applicant.

21 (7) The ability of the applicant to carry out the  
22 plan.

23 The vocational rehabilitation administrator shall award  
24 the grant on the basis of the recommendation of the peer  
25 review committee if the actions of the committee are  
26 consistent with federal and State law.

27 (f) Evaluation and review. The vocational  
28 rehabilitation administrator shall periodically review each  
29 center for independent living that receives funds from the  
30 Department under Title VII of the federal Act, or moneys  
31 appropriated from the General Revenue Fund, to determine  
32 whether the center is in compliance with the standards and  
33 assurances set forth in Section 725 of the federal Act. If  
34 the vocational rehabilitation administrator determines that

1 any center receiving those federal or State funds is not in  
 2 compliance with the standards and assurances set forth in  
 3 Section 725, the vocational rehabilitation administrator  
 4 shall immediately notify the center that it is out of  
 5 compliance. The vocational rehabilitation administrator  
 6 shall terminate all funds to that center 90 days after the  
 7 date of notification or, in the case of a center that  
 8 requests an appeal, the date of any final decision, unless  
 9 the center submits a plan to achieve compliance within 90  
 10 days and that plan is approved by the vocational  
 11 rehabilitation administrator or (if on appeal) by the  
 12 Commissioner.

13 (Source: P.A. 89-507, eff. 7-1-97; 90-14, eff. 7-1-97;  
 14 90-372, eff. 7-1-98; 90-453, eff. 8-16-97; 91-239, eff.  
 15 1-1-00; 91-540, eff. 8-13-99; revised 10-25-99.)

16 (20 ILCS 2405/13a) (from Ch. 23, par. 3444a)

17 Sec. 13a. (a) The Department shall be responsible for  
 18 coordinating the establishment of local Transition Planning  
 19 Committees. Members of the committees shall consist of  
 20 representatives from special education; vocational and  
 21 regular education; post-secondary education; parents of youth  
 22 with disabilities; persons with disabilities; local business  
 23 or industry; the Department of Rehabilitation Services; the  
 24 Department of Services for the Visually Impaired; the  
 25 Department of Human Services; public and private adult  
 26 service providers; case coordination; and other consumer,  
 27 school, and adult services as appropriate. The Committee  
 28 shall elect a chair and shall meet at least quarterly. Each  
 29 Transition Planning Committee shall:

- 30 (1) identify current transition services, programs,
- 31 and funding sources provided within the community for
- 32 secondary and post-secondary aged youth with disabilities
- 33 and their families as well as the development of

1 strategies to address unmet needs;

2 (2) facilitate the development of transition  
3 interagency teams to address present and future  
4 transition needs of individual students on their  
5 individual education plans;

6 (3) develop a mission statement that emphasizes the  
7 goals of integration and participation in all aspects of  
8 community life for persons with disabilities;

9 (4) provide for the exchange of information such as  
10 appropriate data, effectiveness studies, special  
11 projects, exemplary programs, and creative funding of  
12 programs;

13 (5) develop consumer in-service and awareness  
14 training programs in the local community; and

15 (6) assist in staff training for individual  
16 transition planning and student transition needs  
17 assessment.

18 (b) Each Transition Planning Committee shall select a  
19 chair from among its members who shall serve for a term of  
20 one year. Each committee shall meet at least quarterly, or  
21 at such other times at the call of the chair.

22 (c) Each Transition Planning Committee shall annually  
23 prepare and submit to the Interagency Coordinating Council a  
24 summary which assesses the level of currently available  
25 services in the community as well as the level of unmet needs  
26 of secondary students with disabilities.

27 (Source: P.A. 89-507, eff. 7-1-97.)

28 Section 91. The Bureau for the Blind Act is amended by  
29 changing Sections 2, 3, and 7 as follows:

30 (20 ILCS 2410/2) (from Ch. 23, par. 3412)

31 Sec. 2. Definitions. As used in this Act:

32 (a) "Bureau" means the Bureau for the Blind.

1 (b) "Department" means the Department of Human Services  
2 for the Visually Impaired.

3 (c) "Director" Secretary means the Director of Services  
4 for the Visually Impaired Secretary-of-Human-Services.

5 (d) "Bureau Director" means the Director of the Bureau  
6 for the Blind.

7 (e) "Blind" means any person whose central visual acuity  
8 does not exceed 20/200 in the better eye with corrective  
9 lenses or a visually impaired person whose vision with best  
10 correction is 20/60 in the better eye, or with a field  
11 restriction of 105 degrees if monocular vision; 140 degrees  
12 if binocular vision.

13 (f) "Blind Services Planning Council" or "Council" means  
14 that Council established pursuant to Section 7.

15 (Source: P.A. 89-507, eff. 7-1-97.)

16 (20 ILCS 2410/3) (from Ch. 23, par. 3413)

17 Sec. 3. Creation. A Bureau for the Blind shall be  
18 established within the Department of Services for the  
19 Visually Impaired ~~division-or-other-programmatic-unit-of-the~~  
20 ~~Department-of--Human--Services--that--administers--vocational~~  
21 ~~rehabilitation--services-under-the-federal-Rehabilitation-Act~~  
22 ~~of-1973,-as-amended~~. The Bureau shall be headed by a Bureau  
23 Director who shall be fully qualified by education,  
24 experience and demonstrated ability. If all other attributes  
25 are equal, preference shall be given to a blind person. The  
26 Bureau Director shall be appointed by the Director Secretary  
27 of the Department with full consideration given to a list of  
28 candidates recommended by the Blind Services Planning  
29 Council. The Bureau Director shall report to the Director  
30 Secretary and be fully responsible for administering the  
31 offices of the Bureau. The Bureau shall be staffed with an  
32 adequate number of professional people especially qualified  
33 to develop specialized services to blind people, with

1 appropriate preference given in choosing staff to those who  
2 are blind.

3 (Source: P.A. 89-507, eff. 7-1-97.)

4 (20 ILCS 2410/7) (from Ch. 23, par. 3417)

5 Sec. 7. Council. There shall be created within the  
6 Department a Blind Services Planning Council which shall  
7 review the actions of the Bureau for the Blind and provide  
8 advice and consultation to the Director Secretary on services  
9 to blind people. The Council shall be composed of 11 members  
10 appointed by the Governor. All members shall be selected  
11 because of their ability to provide worthwhile consultation  
12 or services to the blind. No fewer than 6 members shall be  
13 blind. A relative balance between the number of males and  
14 females shall be maintained. Broad representation shall be  
15 sought by appointment, with 2 members from each of the major  
16 statewide consumer organizations of the blind and one member  
17 from a specific service area including, but not limited to,  
18 the Hadley School for the Blind, Chicago Lighthouse,  
19 Department-approved Low Vision Aides Clinics, Vending  
20 Facilities Operators, the Association for the Education and  
21 Rehabilitation of the Blind and Visually Impaired (AER),  
22 blind homemakers, outstanding competitive employers of blind  
23 people, providers and recipients of income maintenance  
24 programs, in-home care programs, subsidized housing, nursing  
25 homes and homes for the blind.

26 Initially, 4 members shall be appointed for terms of one  
27 year, 4 for terms of 2 years and 3 for terms of 3 years with  
28 a partial term of 18 months or more counting as a full term.  
29 Subsequent terms shall be 3 years each. No member shall  
30 serve more than 2 terms. No Department employee shall be a  
31 member of the Council.

32 Members shall be removed for cause including, but not  
33 limited to, demonstrated incompetence, unethical behavior and

1 unwillingness or inability to serve.

2 Members shall serve without pay but shall be reimbursed  
3 for actual expenses incurred in the performance of their  
4 duties.

5 Members shall be governed by appropriate and applicable  
6 State and federal statutes and regulations on matters such as  
7 ethics, confidentiality, freedom of information, travel and  
8 civil rights.

9 Department staff may attend meetings but shall not be a  
10 voting member of the Council. The Council shall elect a  
11 chairperson and a recording secretary from among its number.  
12 Sub-committees and ad hoc committees may be created to  
13 concentrate on specific program components or initiative  
14 areas.

15 The Council shall perform the following functions:

16 (a) facilitate communication and cooperative efforts  
17 between the Department and all agencies which have any  
18 responsibility to deliver services to blind and visually  
19 impaired persons.

20 (b) identify needs and problems related to blind and  
21 visually impaired persons, including children, adults, and  
22 seniors, and make recommendations to the Director Secretary,  
23 Bureau Director, and Governor.

24 (c) recommend programmatic and fiscal priorities  
25 governing the provision of services and awarding of grants or  
26 contracts by the Department to any person or agency, public  
27 or private.

28 (d) conduct, encourage and advise independent research  
29 by qualified evaluators to improve services to blind and  
30 visually impaired persons, including those with multiple  
31 handicaps.

32 (e) participate in the development and review of  
33 proposed and amended rules and regulations of the Department  
34 relating to services for the blind and visually impaired.

1 (f) review and comment on all budgets (drafted and  
2 submitted) relating to services for blind and visually  
3 impaired persons.

4 (g) promote policies and programs to educate the public  
5 and elicit public support for services to blind and visually  
6 impaired persons.

7 (h) encourage creative and innovative programs to  
8 strengthen, expand and improve services for blind and  
9 visually impaired persons, including outreach services.

10 (i) perform such other duties as may be required by the  
11 Governor, Director Secretary, and Bureau Director.

12 The Council shall supersede and replace all advisory  
13 committees now functioning within the Bureau of  
14 Rehabilitation Services for the Blind, with the exception of  
15 federally mandated advisory groups.

16 (Source: P.A. 89-507, eff. 7-1-97.)

17 Section 92. The Blind Persons Operating Vending  
18 Facilities Act is amended by changing Sections 2, 3, 5, and 7  
19 as follows:

20 (20 ILCS 2420/2) (from Ch. 23, par. 3332)

21 Sec. 2. Definitions. As used in this Act, unless  
22 otherwise indicated, the terms below mean:

23 1. "Department" means the Department of Human Services  
24 for the Visually Impaired;

25 2. "Director Secretary" means the Director of the  
26 Department Secretary-of-Human-Services;

27 3. "Vending Facility" means, but is not limited to,  
28 automatic vending machines, manually operated snackbars,  
29 cafeterias, cart service, shelters, counters, portable and  
30 semi-portable structures, and such other appropriate  
31 auxiliary equipment as the Director Secretary may prescribe  
32 by regulation as being necessary for the sale of foods,

1 beverages, products and other articles or services dispensed  
2 or provided automatically or manually and prepared on or off  
3 the premises;

4 4. "Blind Person" means a person whose central visual  
5 acuity does not exceed 20/200 in the better eye with  
6 corrective lenses or whose visual acuity, if better than  
7 20/200, is accompanied by a limit to the field of vision in  
8 the better eye such that its widest diameter subtends an  
9 angle of no greater than 20 degrees. In determining whether  
10 an individual is blind, there shall be an examination by an  
11 ophthalmologist or by an optometrist, whichever the  
12 individual shall select;

13 5. "Operator" means a self-employed blind person  
14 licensed by the Department to operate a vending facility.

15 (Source: P.A. 89-507, eff. 7-1-97.)

16 (20 ILCS 2420/3) (from Ch. 23, par. 3333)

17 Sec. 3. Cooperation with the Department.) Each officer  
18 and employee, hereinafter referred to as property custodian,  
19 of a department, agency, board, commission, educational  
20 institution, hospital or other branch of the State or local  
21 governmental unit or school district or instrumentalities  
22 thereof, who is charged with the responsibility of permitting  
23 the operation of vending facilities on any public property  
24 shall cooperate with the Department in its program to return  
25 trained and qualified blind persons to remunerative  
26 employment and to assist the Department in making a survey of  
27 possibilities for the operation by such blind persons and the  
28 employment of such blind persons in the operation of vending  
29 facilities on public property over which he exercises  
30 authority. Such property custodians shall give preference to  
31 blind persons when granting permission to operate a vending  
32 facility where the Director Secretary determines that such  
33 vending facility can be properly and satisfactorily operated



1 by blind persons.

2 (Source: P.A. 89-507, eff. 7-1-97.)

3 (20 ILCS 2420/5) (from Ch. 23, par. 3335)

4 Sec. 5. Non-profit corporations as trustees of vending  
5 facility program; Reimbursement of expenses. The Department  
6 may, in its discretion, utilize appropriate not for profit  
7 corporations organized under the laws of this State, or other  
8 agencies, as trustees to provide day-to-day management and  
9 supervisory services for the Illinois vending facility  
10 program for the blind. The corporations and other agencies  
11 providing services and benefits as designated trustees shall  
12 be reimbursed for their actual and necessary expenses by the  
13 operators of the vending facility units which comprise the  
14 Illinois vending facility program for the blind and by  
15 federal matching funds, pursuant to the provisions of the  
16 Disabled Persons Rehabilitation Act and the federal  
17 Rehabilitation Act of 1973, as now or hereafter amended.  
18 Payments made by the operators for the foregoing purpose and  
19 other lawful purposes shall be in amounts, in addition to  
20 federal matching funds, reasonably necessary for the  
21 conducting of the program and shall be determined from time  
22 to time by the Department and such advisory bodies as may be  
23 appointed by the Director Secretary.

24 (Source: P.A. 89-507, eff. 7-1-97; 89-626, eff. 8-9-96.)

25 (20 ILCS 2420/7) (from Ch. 23, par. 3337)

26 Sec. 7. Rules and regulations - Administrative  
27 procedures - Judicial review. The Director Secretary may  
28 prescribe rules and regulations for the administration of the  
29 vending facilities program for the blind. Such rules and  
30 regulations shall be consistent with pertinent Federal Acts.

31 The Director Secretary shall prescribe rules and  
32 regulations establishing procedures which will protect the

1 rights and interests of blind persons licensed by the  
2 Department.

3 The provisions of the Administrative Review Law, and all  
4 amendments and modifications thereof, and the rules adopted  
5 pursuant thereto shall apply to and govern all proceedings  
6 for the judicial review of final administrative decisions  
7 made under this Act.

8 (Source: P.A. 89-507, eff. 7-1-97.)

9 Section 93. The Hearing Impaired and Behavior Disordered  
10 Children Services Act is amended by changing Section 1 as  
11 follows:

12 (20 ILCS 2425/1) (from Ch. 23, par. 3405)

13 Sec. 1. The Department of Rehabilitation Services shall  
14 study the needs of hearing impaired and behavior disordered  
15 children in this State and shall develop a State plan for the  
16 provision of a continuum of services appropriate for meeting  
17 those needs. The Department's study shall include  
18 consideration of the role of local services and the  
19 responsibility of State agencies in the delivery of such  
20 services.

21 In achieving the purposes of this Act, the Department of  
22 Rehabilitation Services shall be assisted by the Department  
23 of Mental Health and Developmental Disabilities and the State  
24 Board of Education and shall seek advice from consumers and  
25 consumer groups.

26 The Department of Rehabilitation Services shall submit  
27 its plan to the General Assembly by April 1, 1990.

28 Beginning July 1, 1997 and until July 1, 2002, the State  
29 plan referred to in this Section shall be under the  
30 administration of the Department of Human Services as  
31 successor to the Department of Rehabilitation Services.  
32 Beginning July 1, 2002, the State plan referred to in this

1 Section shall be under the administration of the Department  
2 of Rehabilitative Services as successor to the Department of  
3 Human Services.

4 (Source: P.A. 89-507, eff. 7-1-97.)

5 Section 94. The Abuse of Adults with Disabilities  
6 Intervention Act is amended by changing Sections 15, 20, 35,  
7 and 55 as follows:

8 (20 ILCS 2435/15) (from Ch. 23, par. 3395-15)

9 Sec. 15. Definitions. As used in this Act:

10 "Abuse" means causing any physical, sexual, or mental  
11 injury to an adult with disabilities, including exploitation  
12 of the adult's financial resources. Nothing in this Act  
13 shall be construed to mean that an adult with disabilities is  
14 a victim of abuse or neglect for the sole reason that he or  
15 she is being furnished with or relies upon treatment by  
16 spiritual means through prayer alone, in accordance with the  
17 tenets and practices of a recognized church or religious  
18 denomination. Nothing in this Act shall be construed to mean  
19 that an adult with disabilities is a victim of abuse because  
20 of health care services provided or not provided by licensed  
21 health care professionals.

22 "Adult with disabilities" means a person aged 18 through  
23 59 who resides in a domestic living situation and whose  
24 physical or mental disability impairs his or her ability to  
25 seek or obtain protection from abuse, neglect, or  
26 exploitation.

27 "Department" means the Department of Rehabilitation Human  
28 Services.

29 "Director" means the Director of the Department.

30 "Adults with Disabilities Abuse Project" or "project"  
31 means that program within the Office of Inspector General  
32 designated by the Department of ~~Human Services~~ to receive and

1 assess reports of alleged or suspected abuse, neglect, or  
2 exploitation of adults with disabilities.

3 "Domestic living situation" means a residence where the  
4 adult with disabilities lives alone or with his or her family  
5 or household members, a care giver, or others or at a board  
6 and care home or other community-based unlicensed facility,  
7 but is not:

8 (1) A licensed facility as defined in Section 1-113  
9 of the Nursing Home Care Act.

10 (2) A life care facility as defined in the Life  
11 Care Facilities Act.

12 (3) A home, institution, or other place operated by  
13 the federal government, a federal agency, or the State.

14 (4) A hospital, sanitarium, or other institution,  
15 the principal activity or business of which is the  
16 diagnosis, care, and treatment of human illness through  
17 the maintenance and operation of organized facilities and  
18 that is required to be licensed under the Hospital  
19 Licensing Act.

20 (5) A community living facility as defined in the  
21 Community Living Facilities Licensing Act.

22 (6) A community-integrated living arrangement as  
23 defined in the Community-Integrated Living Arrangements  
24 Licensure and Certification Act or community residential  
25 alternative as licensed under that Act.

26 "Emergency" means a situation in which an adult with  
27 disabilities is in danger of death or great bodily harm.

28 "Exploitation" means the illegal, including tortious, use  
29 of the assets or resources of an adult with disabilities.  
30 Exploitation includes, but is not limited to, the  
31 misappropriation of assets or resources of an adult with  
32 disabilities by undue influence, by breach of a fiduciary  
33 relationship, by fraud, deception, or extortion, or by the  
34 use of the assets or resources in a manner contrary to law.

1 "Family or household members" means a person who as a  
2 family member, volunteer, or paid care provider has assumed  
3 responsibility for all or a portion of the care of an adult  
4 with disabilities who needs assistance with activities of  
5 daily living.

6 "Neglect" means the failure of another individual to  
7 provide an adult with disabilities with or the willful  
8 withholding from an adult with disabilities the necessities  
9 of life, including, but not limited to, food, clothing,  
10 shelter, or medical care.

11 Nothing in the definition of "neglect" shall be construed to  
12 impose a requirement that assistance be provided to an adult  
13 with disabilities over his or her objection in the absence of  
14 a court order, nor to create any new affirmative duty to  
15 provide support, assistance, or intervention to an adult with  
16 disabilities. Nothing in this Act shall be construed to mean  
17 that an adult with disabilities is a victim of neglect  
18 because of health care services provided or not provided by  
19 licensed health care professionals.

20 "Physical abuse" includes sexual abuse and means any of  
21 the following:

22 (1) knowing or reckless use of physical force,  
23 confinement, or restraint;

24 (2) knowing, repeated, and unnecessary sleep  
25 deprivation; or

26 (3) knowing or reckless conduct which creates an  
27 immediate risk of physical harm.

28 ~~"Secretary"-means-the-Secretary-of-Human-Services-~~

29 "Sexual abuse" means touching, fondling, sexual threats,  
30 sexually inappropriate remarks, or any other sexual activity  
31 with an adult with disabilities when the adult with  
32 disabilities is unable to understand, unwilling to consent,  
33 threatened, or physically forced to engage in sexual  
34 behavior.

1 "Substantiated case" means a reported case of alleged or  
2 suspected abuse, neglect, or exploitation in which the Adults  
3 with Disabilities Abuse Project staff, after assessment,  
4 determines that there is reason to believe abuse, neglect, or  
5 exploitation has occurred.

6 (Source: P.A. 91-671, eff. 7-1-00.)

7 (20 ILCS 2435/20) (from Ch. 23, par. 3395-20)

8 Sec. 20. Inspector General; establishment of project.

9 (a) The Department shall establish an Office of  
10 Inspector General. The Inspector General shall be appointed  
11 by the Director and shall have such powers and duties as may  
12 be assigned by the Director or provided by law.

13 (b) The Office of Inspector General shall establish an  
14 Adults with Disabilities Abuse Project as provided in this  
15 Act for adults with disabilities who have been abused,  
16 neglected, or exploited.

17 (Source: P.A. 91-671, eff. 7-1-00.)

18 (20 ILCS 2435/35) (from Ch. 23, par. 3395-35)

19 Sec. 35. Assessment of reports.

20 (a) The Adults with Disabilities Abuse Project shall,  
21 upon receiving a report of alleged or suspected abuse,  
22 neglect, or exploitation obtain the consent of the subject of  
23 the report to conduct an assessment with respect to the  
24 report. The assessment shall include, but not be limited to,  
25 a face-to-face interview with the adult with disabilities who  
26 is the subject of the report and may include a visit to the  
27 residence of the adult with disabilities, and interviews or  
28 consultations with service agencies or individuals who may  
29 have knowledge of the circumstances of the adult with  
30 disabilities. A determination shall be made whether each  
31 report is substantiated. If the Office of Inspector General  
32 determines that there is clear and substantial risk of death

1 or great bodily harm, it shall immediately secure or provide  
2 emergency protective services for purposes of preventing  
3 further abuse, neglect, or exploitation, and for safeguarding  
4 the welfare of the person. Such services must be provided in  
5 the least restrictive environment commensurate with the adult  
6 with disabilities' needs.

7 (a-5) The Adults with Disabilities Abuse Project shall  
8 initiate an assessment of all reports of alleged or suspected  
9 abuse or neglect within 7 days after receipt of the report,  
10 except reports of abuse or neglect that indicate that the  
11 life or safety of an adult with disabilities is in imminent  
12 danger shall be assessed within 24 hours after receipt of the  
13 report. Reports of exploitation shall be assessed within 30  
14 days after the receipt of the report.

15 (b) (Blank).

16 (c) The Department shall effect written interagency  
17 agreements with other State departments and any other public  
18 and private agencies to coordinate and cooperate in the  
19 handling of substantiated cases; to accept and manage  
20 substantiated cases on a priority basis; and to waive  
21 eligibility requirements for the adult with disabilities in  
22 an emergency.

23 (d) Every effort shall be made by the Adults with  
24 Disabilities Abuse Project to coordinate and cooperate with  
25 public and private agencies to ensure the provision of  
26 services necessary to eliminate further abuse, neglect, and  
27 exploitation of the adult with disabilities who is the  
28 subject of the report.

29 The Office of Inspector General shall promulgate rules  
30 and regulations to ensure the effective implementation of the  
31 Adults with Disabilities Abuse Project statewide. Rules  
32 adopted under this subsection by the Office of Inspector  
33 General of the Department of Human Services shall continue in  
34 force as rules of the Office of Inspector General of the

1 Department of Rehabilitation Services until amended or  
2 repealed.

3 (e) When the Adults with Disabilities Abuse Project  
4 determines that a case is substantiated, it shall refer the  
5 case to the appropriate office within the Department of Human  
6 Services to develop, with the consent of and in consultation  
7 with the adult with disabilities, a service plan for the  
8 adult with disabilities.

9 (f) The Adults with Disabilities Abuse Project shall  
10 refer reports of alleged or suspected abuse, neglect, or  
11 exploitation to another State agency when that agency has a  
12 statutory obligation to investigate such reports.

13 (g) If the Adults with Disabilities Abuse Project has  
14 reason to believe that a crime has been committed, the  
15 incident shall be reported to the appropriate law enforcement  
16 agency.

17 (Source: P.A. 91-671, eff. 7-1-00.)

18 (20 ILCS 2435/55) (from Ch. 23, par. 3395-55)

19 Sec. 55. Access to records. All records concerning  
20 reports of abuse, neglect, or exploitation of an adult with  
21 disabilities and all records generated as a result of the  
22 reports shall be confidential and shall not be disclosed  
23 except as specifically authorized by this Act or other  
24 applicable law. Access to the records, but not access to the  
25 identity of the person or persons making a report of alleged  
26 abuse, neglect, or exploitation as contained in the records,  
27 shall be allowed to the following persons and for the  
28 following purposes:

29 (a) Adults with Disabilities Abuse Project staff in the  
30 furtherance of their responsibilities under this Act;

31 (b) A law enforcement agency investigating alleged or  
32 suspected abuse, neglect, or exploitation of an adult with  
33 disabilities;



1 (c) An adult with disabilities reported to be abused,  
2 neglected, or exploited, or the guardian of an adult with  
3 disabilities unless the guardian is the alleged perpetrator  
4 of the abuse, neglect, or exploitation;

5 (d) A court, upon its finding that access to the records  
6 may be necessary for the determination of an issue before the  
7 court. However, the access shall be limited to an in camera  
8 inspection of the records, unless the court determines that  
9 disclosure of the information contained therein is necessary  
10 for the resolution of an issue then pending before it;

11 (e) A grand jury, upon its determination that access to  
12 the records is necessary to the conduct of its official  
13 business;

14 (f) Any person authorized by the Director Secretary, in  
15 writing, for audit or bona fide research purposes;

16 (g) A coroner or medical examiner who has reason to  
17 believe that abuse or neglect contributed to or resulted in  
18 the death of an adult with disabilities;

19 (h) The agency designated pursuant to the Protection and  
20 Advocacy for Developmentally Disabled Persons Act and the  
21 Protection and Advocacy for Mentally Ill Persons Act.

22 (Source: P.A. 91-671, eff. 7-1-00.)

23 Section 99. Effective date. This Act takes effect July  
24 1, 2002."