

AN ACT concerning State government.

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

(20 ILCS 1340/Act rep.)

Section 5. The Regional Integrated Behavioral Health Networks Act is repealed.

(20 ILCS 1705/64 rep.)

Section 10. The Mental Health and Developmental Disabilities Administrative Act is amended by repealing Section 64.

Section 15. The Bureau for the Blind Act is amended by changing Section 7 as follows:

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

Sec. 7. Council. There shall be created within the Department a Blind Services Planning Council which shall review the actions of the Bureau for the Blind and provide advice and consultation to the Secretary on services to blind people. The Council shall be composed of 11 members appointed by the Governor. All members shall be selected because of their ability to provide worthwhile consultation or services to the blind. No fewer than 6 members shall be blind. A

relative balance between the number of males and females shall be maintained. Broad representation shall be sought by appointment, with 2 members from each of the major statewide consumer organizations of the blind and one member from a specific service area including, but not limited to, the Hadley School for the Blind, Chicago Lighthouse, Department-approved Low Vision Aids Clinics, Vending Facilities Operators, the Association for the Education and Rehabilitation of the Blind and Visually Impaired (AER), blind homemakers, outstanding competitive employers of blind people, providers and recipients of income maintenance programs, in-home care programs, subsidized housing, nursing homes, and homes for the blind.

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

Members shall be removed for cause, including, but not limited to, demonstrated incompetence, unethical behavior, and unwillingness or inability to serve.

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

Members shall be governed by appropriate and applicable

State and federal statutes and regulations on matters such as ethics, confidentiality, freedom of information, travel, and civil rights.

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

The Council shall perform the following functions:

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

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

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

(d) Conduct, encourage, and advise independent research by qualified evaluators to improve services to blind and visually impaired persons, including those with multiple disabilities.

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

(f) Review and comment on all budgets (drafted and submitted) relating to services for blind and visually impaired persons.

(g) Promote policies and programs to educate the public and elicit public support for services to blind and visually impaired persons.

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

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

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

(Source: P.A. 104-417, eff. 8-15-25.)

(325 ILCS 27/Act rep.)

Section 20. The Afterschool Youth Development Project Act is repealed.

Section 25. The Mental Health and Developmental

Disabilities Code is amended by changing Sections 5-111, 5-113, and 6-101 as follows:

(405 ILCS 5/5-111) (from Ch. 91 1/2, par. 5-111)

Sec. 5-111. Any person who has been issued a Notice of Determination of sums due as services charges may petition the Department for a review of that determination. The petition must be in writing and filed with the Department within 90 days from the date of the Notice of Determination. The Department shall provide for a hearing to be held on the charges for the period covered by the petition. The Department may after such hearing, cancel, modify or increase such former determination to an amount not to exceed the maximum provided for such person by this Act. The hearing shall be conducted in accordance with the Department's rules under 89 Ill. Adm. Code 508 and Article 10 of the Illinois Administrative Procedure Act. A final administrative decision of the Department is subject to judicial review under Section 6-101. ~~The Department at its expense shall take testimony and preserve a record of all proceedings at the hearing upon any petition for a release from or modification of such determination. The petition and other documents in the nature of pleadings and motions filed in the case, a transcript of testimony, findings of the Department, and orders of the Secretary constitute the record. The Secretary shall furnish a transcript of such record to any person upon payment therefor of 75¢ per page for each original~~

~~transcript and 25¢ per page for each copy thereof. Any person aggrieved by the decision of the Department upon such hearing may, within 30 days thereafter, file a petition with the Department for review of such decision by the Board of Reimbursement Appeals. The Board of Reimbursement Appeals may approve action taken by the Department or may remand the case to the Secretary with recommendations for redetermination of charges.~~

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

(405 ILCS 5/5-113) (from Ch. 91 1/2, par. 5-113)

Sec. 5-113. Following a final administrative decision and
~~upon~~ Upon receiving a petition for review under Section 5-111,
~~the Department shall thereupon notify the Board of Reimbursement Appeals which shall render its decision thereon within 30 days after the petition is filed and certify such decision to the Department. Concurrence of a majority of the Board is necessary in any such decision. Upon request of the~~
Department, the State's Attorney of the county in which a responsible relative or a recipient who is liable under this Act for payment of sums representing services charges resides, shall institute appropriate legal action against any such responsible relative, or the recipient, or within the time provided by law shall file a claim against the estate of such recipient who fails or refuses to pay those charges. The court shall order the payment of sums due for services charges for

such period or periods of time as the circumstances require, except that no responsible relative may be held liable for charges for services furnished to a recipient if such charges were assessed more than 5 years prior to the time the action is filed; but such 5 year limitation does not apply to the liability of a recipient or recipient's estate. Such order may be entered against any or all such defendants and may be based upon the proportionate ability of each defendant to contribute to the payment of sums representing services charges including the actual charges for services in facilities outside the Department where the Department has paid such charges. Orders for the payment of money may be enforced by attachment as for contempt against the persons of the defendants and, in addition, as other judgments for the payment of money, and costs may be adjudged against the defendants and apportioned among them.

(Source: P.A. 80-1414.)

(405 ILCS 5/6-101) (from Ch. 91 1/2, par. 6-101)

Sec. 6-101. Any person affected by a final administrative decision of the Department ~~or the Board of Reimbursement Appeals~~, pursuant to this Act, may have such decisions reviewed only under and in accordance with the Administrative Review Law, as now or hereafter amended. The Administrative Review Law, as amended, and the rules adopted pursuant thereto, apply to and govern all proceedings for the judicial

review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 82-783.)

(405 ILCS 5/5-112 rep.)

Section 30. The Mental Health and Developmental Disabilities Code is amended by repealing Section 5-112.

Section 35. The Sexually Violent Persons Commitment Act is amended by changing Section 90 as follows:

(725 ILCS 207/90)

Sec. 90. Committed persons ability to pay for services. Each person committed or detained under this Act who receives services provided directly or funded by the Department and the estate of that person is liable for the payment of sums representing charges for services to the person at a rate to be determined by the Department. Services charges against that person take effect on the date of admission or the effective date of this Section. The Department in its rules may establish a maximum rate for the cost of services. In the case of any person who has received residential services from the Department, whether directly from the Department or through a public or private agency or entity funded by the Department, the liability shall be the same regardless of the source of

services. When the person is placed in a facility outside the Department, the facility shall collect reimbursement from the person. The Department may supplement the contribution of the person to private facilities after all other sources of income have been utilized; however the supplement shall not exceed the allowable rate under Title XVIII or Title XIX of the Federal Social Security Act for those persons eligible for those respective programs. The Department may pay the actual costs of services or maintenance in the facility and may collect reimbursement for the entire amount paid from the person or an amount not to exceed the maximum. Lesser or greater amounts may be accepted by the Department when conditions warrant that action or when offered by persons not liable under this Act. Nothing in this Section shall preclude the Department from applying federal benefits that are specifically provided for the care and treatment of a person with a disability toward the cost of care provided by a State facility or private agency. The Department may investigate the financial condition of each person committed under this Act, may make determinations of the ability of each such person to pay sums representing services charges, and for those purposes may set a standard as a basis of judgment of ability to pay. The Department shall by rule make provisions for unusual and exceptional circumstances in the application of that standard. The Department may issue to any person liable under this Act a statement of amount due as treatment charges requiring him or

her to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding that required under this Act, plus fees to which the Department may be entitled under this Act.

(a) Whenever an individual is covered, in part or in whole, under any type of insurance arrangement, private or public, for services provided by the Department, the proceeds from the insurance shall be considered as part of the individual's ability to pay notwithstanding that the insurance contract was entered into by a person other than the individual or that the premiums for the insurance were paid for by a person other than the individual. Remittances from intermediary agencies under Title XVIII of the Federal Social Security Act for services to committed persons shall be deposited with the State Treasurer and placed in the Mental Health Fund. Payments received from the Department of Healthcare and Family Services under Title XIX of the Federal Social Security Act for services to those persons shall be deposited with the State Treasurer and shall be placed in the General Revenue Fund.

(b) Any person who has been issued a Notice of Determination of sums due as services charges may petition the Department for a review of that determination. The petition must be in writing and filed with the Department within 90 days from the date of the Notice of Determination. The Department shall provide for a hearing to be held on the charges for the

period covered by the petition. The Department may after the hearing, cancel, modify, or increase the former determination to an amount not to exceed the maximum provided for the person by this Act. The hearing shall be conducted in accordance with the Department's rules under 89 Ill. Adm. Code 508 and Article 10 of the Illinois Administrative Procedure Act. Any person affected by a final administrative decision of the Department, pursuant to this Section, may have such decision reviewed only under and in accordance with the Administrative Review Law. The Administrative Review Law and the rules adopted pursuant thereto apply to and govern all proceedings for the judicial review of final administrative decisions of the Department under this Section. As used in this subsection, "administrative decision" has the same meaning ascribed to that term in Section 3-101 of the Code of Civil Procedure. ~~The Department at its expense shall take testimony and preserve a record of all proceedings at the hearing upon any petition for a release from or modification of the determination. The petition and other documents in the nature of pleadings and motions filed in the case, a transcript of testimony, findings of the Department, and orders of the Secretary constitute the record. The Secretary shall furnish a transcript of the record to any person upon payment of 75¢ per page for each original transcript and 25¢ per page for each copy of the transcript. Any person aggrieved by the decision of the Department upon a hearing may, within 30 days thereafter, file a petition with~~

~~the Department for review of the decision by the Board of Reimbursement Appeals established in the Mental Health and Developmental Disabilities Code. The Board of Reimbursement Appeals may approve action taken by the Department or may remand the case to the Secretary with recommendation for redetermination of charges.~~

(c) Following a final administrative decision and upon
~~Upon receiving a petition for review under subsection (b) of this Section, the Department shall thereupon notify the Board of Reimbursement Appeals which shall render its decision thereon within 30 days after the petition is filed and certify such decision to the Department. Concurrence of a majority of the Board is necessary in any such decision. Upon~~ request of the Department, the State's Attorney of the county in which a client who is liable under this Act for payment of sums representing services charges resides, shall institute appropriate legal action against any such client, or within the time provided by law shall file a claim against the estate of the client who fails or refuses to pay those charges. The court shall order the payment of sums due for services charges for such period or periods of time as the circumstances require. The order may be entered against any defendant and may be based upon the proportionate ability of each defendant to contribute to the payment of sums representing services charges including the actual charges for services in facilities outside the Department where the Department has

paid those charges. Orders for the payment of money may be enforced by attachment as for contempt against the persons of the defendants and, in addition, as other judgments for the payment of money, and costs may be adjudged against the defendants and apportioned among them.

(d) The money collected shall be deposited into the Mental Health Fund.

(Source: P.A. 99-143, eff. 7-27-15.)