



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2541

Introduced 2/4/2025, by Rep. Nicole La Ha

SYNOPSIS AS INTRODUCED:

5 ILCS 70/1.42

20 ILCS 1705/3.5 new

405 ILCS 5/1-106

from Ch. 91 1/2, par. 1-106

405 ILCS 80/2-3

from Ch. 91 1/2, par. 1802-3

Amends the Mental Health and Developmental Disabilities Code. Expands the definition of "developmental disability" to include a disability attributable to Prader-Willi syndrome. Amends the Developmental Disability and Mental Disability Services Act. Expands the definition of "severe and multiple impairments" to include a substantial disability attributable to Prader-Willi syndrome. Exempts persons diagnosed with Prader-Willi syndrome from any assessment or evaluation to measure cognitive functioning or IQ for purposes of making determinations on whether such persons have severe and multiple impairments eligible for home-based and community-based services. Amends the Mental Health and Developmental Disabilities Administrative Act. Requires the Department of Human Services to include Prader-Willi syndrome as a developmental disability in any rule defining the term "developmental disability" and in any rule listing specific medical conditions or disabilities eligible for developmental disability services provided by the Department. Amends the Statute on Statutes. Provides that, except where the context indicates otherwise: (i) in any rule, contract, or other document the term "developmental disability" shall include a disability attributable to Prader-Willi syndrome; and (ii) whenever there is a reference in any Act to "development disability" the term shall be construed to include a disability attributable to Prader-Willi syndrome.

LRB104 08083 KTG 18129 b

1 AN ACT concerning mental health.

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

4 Section 5. The Statute on Statutes is amended by changing
5 Section 1.42 as follows:

6 (5 ILCS 70/1.42)

7 Sec. 1.42. Developmental disability.

8 (a) Except where the context indicates otherwise, in any
9 rule, contract, or other document a reference to a
10 developmentally disabled person or a similar reference shall
11 be considered a reference to a person with a developmental
12 disability and a reference to the developmentally disabled or
13 a similar reference shall be considered a reference to persons
14 with developmental disabilities.

15 (b) Except where the context indicates otherwise, in any
16 rule, contract, or other document the term "developmental
17 disability" shall include a disability attributable to
18 Prader-Willi syndrome.

19 (c) Except where the context indicates otherwise, whenever
20 there is a reference in any Act to "development disability"
21 this term shall be construed to include a disability
22 attributable to Prader-Willi syndrome.

23 (d) The use of either "developmentally disabled" or

1 "developmental disability" or "the developmentally disabled"
2 or "persons with developmental disabilities" shall not
3 invalidate any rule, contract, or other document.
4 (Source: P.A. 99-143, eff. 7-27-15.)

5 Section 10. The Mental Health and Developmental
6 Disabilities Administrative Act is amended by adding Section
7 3.5 as follows:

8 (20 ILCS 1705/3.5 new)

9 Sec. 3.5. Prader-Willi syndrome. The Department shall
10 include Prader-Willi syndrome as a developmental disability in
11 any rule defining the term "developmental disability" and in
12 any rule listing specific medical conditions or disabilities
13 eligible for developmental disability services provided by the
14 Department.

15 Section 15. The Mental Health and Developmental
16 Disabilities Code is amended by changing Section 1-106 as
17 follows:

18 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

19 Sec. 1-106. "Developmental disability" means a severe,
20 chronic disability, other than mental illness, found to be
21 closely related to an intellectual disability because this
22 condition results in impairment of general intellectual

1 functioning or adaptive behavior similar to that of persons
2 with ID, and requires services similar to those required for a
3 person with an intellectual disability. In addition, a
4 developmental disability: (1) is manifested before the
5 individual reaches 22 years of age; (2) is likely to continue
6 indefinitely; (3) results in substantial functional
7 limitations in three or more of the following areas of major
8 life activity: self-care, receptive and expressive language,
9 learning, mobility, self-direction, capacity for independent
10 living, or economic self-sufficiency; and (4) reflects the
11 individual's need for a combination and sequence of special
12 interdisciplinary or generic services, individualized
13 supports, or other forms of assistance that are of lifelong or
14 extended duration and are individually planned and
15 coordinated. "Developmental disability" includes a disability
16 attributable to Prader-Willi syndrome. This definition does
17 not supersede the "developmental disability" definition in
18 Section 1.1 of the Firearm Owners Identification Card Act
19 which is required to be applied under that Act for the purpose
20 of mandatory reporting.

21 (Source: P.A. 102-972, eff. 1-1-23.)

22 Section 20. The Developmental Disability and Mental
23 Disability Services Act is amended by changing Section 2-3 as
24 follows:

1 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

2 Sec. 2-3. As used in this Article, unless the context
3 requires otherwise:

4 (a) "Agency" means an agency or entity licensed by the
5 Department pursuant to this Article or pursuant to the
6 Community Residential Alternatives Licensing Act.

7 (b) "Department" means the Department of Human Services,
8 as successor to the Department of Mental Health and
9 Developmental Disabilities.

10 (c) "Home-based services" means services provided to an
11 adult with a mental disability who lives in his or her own
12 home. These services include but are not limited to:

13 (1) home health services;

14 (2) case management;

15 (3) crisis management;

16 (4) training and assistance in self-care;

17 (5) personal care services;

18 (6) habilitation and rehabilitation services;

19 (7) employment-related services;

20 (8) respite care; and

21 (9) other skill training that enables a person to
22 become self-supporting.

23 (d) "Legal guardian" means a person appointed by a court
24 of competent jurisdiction to exercise certain powers on behalf
25 of an adult with a mental disability.

26 (e) "Adult with a mental disability" means a person over

1 the age of 18 years who lives in his or her own home; who needs
2 home-based services, but does not require 24-hour-a-day
3 supervision; and who has one of the following conditions:
4 severe autism, severe mental illness, a severe or profound
5 intellectual disability, or severe and multiple impairments.

6 (f) In one's "own home" means that an adult with a mental
7 disability lives alone; or that an adult with a mental
8 disability is in full-time residence with his or her parents,
9 legal guardian, or other relatives; or that an adult with a
10 mental disability is in full-time residence in a setting not
11 subject to licensure under the Nursing Home Care Act, the
12 Specialized Mental Health Rehabilitation Act of 2013, the
13 ID/DD Community Care Act, the MC/DD Act, or the Child Care Act
14 of 1969, as now or hereafter amended, with 3 or fewer other
15 adults unrelated to the adult with a mental disability who do
16 not provide home-based services to the adult with a mental
17 disability.

18 (g) "Parent" means the biological or adoptive parent of an
19 adult with a mental disability, or a person licensed as a
20 foster parent under the laws of this State who acts as a foster
21 parent to an adult with a mental disability.

22 (h) "Relative" means any of the following relationships by
23 blood, marriage or adoption: parent, son, daughter, brother,
24 sister, grandparent, uncle, aunt, nephew, niece, great
25 grandparent, great uncle, great aunt, stepbrother, stepsister,
26 stepson, stepdaughter, stepparent or first cousin.

1 (i) "Severe autism" means a lifelong developmental
2 disability which is typically manifested before 30 months of
3 age and is characterized by severe disturbances in reciprocal
4 social interactions; verbal and nonverbal communication and
5 imaginative activity; and repertoire of activities and
6 interests. A person shall be determined severely autistic, for
7 purposes of this Article, if both of the following are
8 present:

9 (1) Diagnosis consistent with the criteria for
10 autistic disorder in the current edition of the Diagnostic
11 and Statistical Manual of Mental Disorders.

12 (2) Severe disturbances in reciprocal social
13 interactions; verbal and nonverbal communication and
14 imaginative activity; repertoire of activities and
15 interests. A determination of severe autism shall be based
16 upon a comprehensive, documented assessment with an
17 evaluation by a licensed clinical psychologist or
18 psychiatrist. A determination of severe autism shall not
19 be based solely on behaviors relating to environmental,
20 cultural or economic differences.

21 (j) "Severe mental illness" means the manifestation of all
22 of the following characteristics:

23 (1) A primary diagnosis of one of the major mental
24 disorders in the current edition of the Diagnostic and
25 Statistical Manual of Mental Disorders listed below:

26 (A) Schizophrenia disorder.

- 1 (B) Delusional disorder.
- 2 (C) Schizo-affective disorder.
- 3 (D) Bipolar affective disorder.
- 4 (E) Atypical psychosis.
- 5 (F) Major depression, recurrent.

6 (2) The individual's mental illness must substantially
7 impair his or her functioning in at least 2 of the
8 following areas:

- 9 (A) Self-maintenance.
- 10 (B) Social functioning.
- 11 (C) Activities of community living.
- 12 (D) Work skills.

13 (3) Disability must be present or expected to be
14 present for at least one year.

15 A determination of severe mental illness shall be based
16 upon a comprehensive, documented assessment with an evaluation
17 by a licensed clinical psychologist or psychiatrist, and shall
18 not be based solely on behaviors relating to environmental,
19 cultural or economic differences.

20 (k) "Severe or profound intellectual disability" means a
21 manifestation of all of the following characteristics:

22 (1) A diagnosis which meets Classification in Mental
23 Retardation or criteria in the current edition of the
24 Diagnostic and Statistical Manual of Mental Disorders for
25 severe or profound mental retardation (an IQ of 40 or
26 below). This must be measured by a standardized instrument

1 for general intellectual functioning.

2 (2) A severe or profound level of disturbed adaptive
3 behavior. This must be measured by a standardized adaptive
4 behavior scale or informal appraisal by the professional
5 in keeping with illustrations in Classification in Mental
6 Retardation, 1983.

7 (3) Disability diagnosed before age of 18.

8 A determination of a severe or profound intellectual
9 disability shall be based upon a comprehensive, documented
10 assessment with an evaluation by a licensed clinical
11 psychologist or certified school psychologist or a
12 psychiatrist, and shall not be based solely on behaviors
13 relating to environmental, cultural or economic differences.

14 (1) "Severe and multiple impairments" means the
15 manifestation of all of the following characteristics:

16 (1) The evaluation determines the presence of a
17 developmental disability which is expected to continue
18 indefinitely, constitutes a substantial disability and is
19 attributable to any of the following:

20 (A) Intellectual disability as defined in Section
21 1-116 of the Mental Health and Developmental
22 Disabilities Code.

23 (B) Cerebral palsy.

24 (C) Epilepsy.

25 (D) Autism.

26 (E) Prader-Willi syndrome.

1 (F) ~~(E)~~ Any other condition which results in
2 impairment similar to that caused by an intellectual
3 disability and which requires services similar to
4 those required by persons with intellectual
5 disabilities.

6 (2) Except as otherwise provided for persons diagnosed
7 with Prader-Willi syndrome, the ~~The~~ evaluation determines
8 multiple disabilities in physical, sensory, behavioral or
9 cognitive functioning which constitute a severe or
10 profound impairment attributable to one or more of the
11 following:

12 (A) Physical functioning, which severely impairs
13 the individual's motor performance that may be due to:

14 (i) Neurological, psychological or physical
15 involvement resulting in a variety of disabling
16 conditions such as hemiplegia, quadriplegia or
17 ataxia,

18 (ii) Severe organ systems involvement such as
19 congenital heart defect,

20 (iii) Physical abnormalities resulting in the
21 individual being non-mobile and non-ambulatory or
22 confined to bed and receiving assistance in
23 transferring, or

24 (iv) The need for regular medical or nursing
25 supervision such as gastrostomy care and feeding.

26 Assessment of physical functioning must be based

1 on clinical medical assessment by a physician licensed
2 to practice medicine in all its branches, using the
3 appropriate instruments, techniques and standards of
4 measurement required by the professional.

5 (B) Sensory, which involves severe restriction due
6 to hearing or visual impairment limiting the
7 individual's movement and creating dependence in
8 completing most daily activities. Hearing impairment
9 is defined as a loss of 70 decibels aided or speech
10 discrimination of less than 50% aided. Visual
11 impairment is defined as 20/200 corrected in the
12 better eye or a visual field of 20 degrees or less.
13 Sensory functioning must be based on clinical medical
14 assessment by a physician licensed to practice
15 medicine in all its branches using the appropriate
16 instruments, techniques and standards of measurement
17 required by the professional.

18 (C) Behavioral, which involves behavior that is
19 maladaptive and presents a danger to self or others,
20 is destructive to property by deliberately breaking,
21 destroying or defacing objects, is disruptive by
22 fighting, or has other socially offensive behaviors in
23 sufficient frequency or severity to seriously limit
24 social integration. Assessment of behavioral
25 functioning may be measured by a standardized scale or
26 informal appraisal by a clinical psychologist or

1 psychiatrist.

2 (D) Cognitive, which involves intellectual
3 functioning at a measured IQ of 70 or below.
4 Assessment of cognitive functioning must be measured
5 by a standardized instrument for general intelligence.
6 Persons diagnosed with Prader-Willi syndrome are
7 exempt from any assessment or evaluation to measure
8 cognitive functioning or IQ for purposes of making a
9 determination of severe and multiple impairments.

10 (3) Except as otherwise provided for persons diagnosed
11 with Prader-Willi syndrome, the ~~The~~ evaluation determines
12 that development is substantially less than expected for
13 the age in cognitive, affective or psychomotor behavior as
14 follows:

15 (A) Cognitive, which involves intellectual
16 functioning at a measured IQ of 70 or below.
17 Assessment of cognitive functioning must be measured
18 by a standardized instrument for general intelligence.
19 Persons diagnosed with Prader-Willi syndrome are
20 exempt from any assessment or evaluation to measure
21 cognitive functioning or IQ for purposes of making a
22 determination on whether such persons have severe and
23 multiple impairments.

24 (B) Affective behavior, which involves over and
25 under responding to stimuli in the environment and may
26 be observed in mood, attention to awareness, or in

1 behaviors such as euphoria, anger or sadness that
2 seriously limit integration into society. Affective
3 behavior must be based on clinical assessment using
4 the appropriate instruments, techniques and standards
5 of measurement required by the professional.

6 (C) Psychomotor, which includes a severe
7 developmental delay in fine or gross motor skills so
8 that development in self-care, social interaction,
9 communication or physical activity will be greatly
10 delayed or restricted.

11 (4) A determination that the disability originated
12 before the age of 18 years.

13 A determination of severe and multiple impairments shall
14 be based upon a comprehensive, documented assessment with an
15 evaluation by a licensed clinical psychologist or
16 psychiatrist. Persons diagnosed with Prader-Willi syndrome are
17 exempt from any assessment or evaluation to measure cognitive
18 functioning or IQ for purposes of making determinations on
19 whether such persons have severe and multiple impairments
20 eligible for home-based and community-based services.

21
22 If the examiner is a licensed clinical psychologist,
23 ancillary evaluation of physical impairment, cerebral palsy or
24 epilepsy must be made by a physician licensed to practice
25 medicine in all its branches.

26 Regardless of the discipline of the examiner, ancillary

1 evaluation of visual impairment must be made by an
2 ophthalmologist or a licensed optometrist.

3 Regardless of the discipline of the examiner, ancillary
4 evaluation of hearing impairment must be made by an
5 otolaryngologist or an audiologist with a certificate of
6 clinical competency.

7 The only exception to the above is in the case of a person
8 with cerebral palsy or epilepsy who, according to the
9 eligibility criteria listed below, has multiple impairments
10 which are only physical and sensory. In such a case, a
11 physician licensed to practice medicine in all its branches
12 may serve as the examiner.

13 (m) "Twenty-four-hour-a-day supervision" means
14 24-hour-a-day care by a trained mental health or developmental
15 disability professional on an ongoing basis.

16 (Source: P.A. 102-972, eff. 1-1-23.)