



EXECUTIVE ORDER

14-04

EXECUTIVE ORDER TO REORGANIZE THE DEPARTMENT OF HUMAN SERVICES BY THE CONSOLIDATION OF THE DIVISIONS OF MENTAL HEALTH AND ALCOHOLISM AND SUBSTANCE ABUSE

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order;

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes the consolidation or coordination of the whole or any part of any agency, or the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

WHEREAS, the Department of Human Services' (Department) Division of Mental Health (DMH) and the Department's Division of Alcoholism and Substance Abuse (DASA) are divisions within an executive agency directly responsible to the Governor and exercise the rights, powers, duties, and responsibilities derived from 20 ILCS 1305 *et seq.*;

WHEREAS, mental illness and addiction are both biological diseases of the brain with genetic and/or neurobiological factors;

WHEREAS, there exist high rates of trauma, abuse, and criminal justice issues among both mentally ill and addicted populations;

WHEREAS, according to the federal Substance Abuse and Mental Health Services Administration (SAMHSA), 20-25% of individuals with mental illness have a co-occurring substance use disorder;

WHEREAS, for more than 30 years, addiction has been recognized by the American Society for Addiction Medicine (ASAM) as a complex primary physiological disease and neither a primary behavior disorder nor a symptomatic manifestation of any other disease process;

WHEREAS, there are considerable costs to society associated with substance abuse such as crime, incarceration, short-term and long-term health care expenditures;

WHEREAS, for the foregoing reasons it is essential that the State of Illinois make substance abuse prevention and treatment, together with mental illness prevention and treatment, a top priority;

WHEREAS, the social supports and community resources that people with mental illness and addiction need are extremely similar and therefore agency goals and strategies to educate and inform communities, providers and the general public regarding these human services issues should be appropriately coordinated;

WHEREAS, both DMH and DASA recognize that it is crucial for treatment success that mental health and addiction services be maintained with programmatic integrity and as equally important funding priorities;

WHEREAS, DMH and DASA are currently managed by a single Director within the Department;

WHEREAS, the consolidation of DMH and DASA offers the opportunity to share valuable resources and expertise, eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of institutional knowledge and facilities, promote more effective sharing of best practices and state of the art technology, among other things;

WHEREAS, for the foregoing reasons it is appropriate and most beneficial to consolidate DMH and DASA into a new Division;

WHEREAS, pursuant to the consolidation of DMH and DASA, the initiatives and programs of both agencies will be preserved and maintained;

WHEREAS, the consolidation of DMH and DASA will better streamline processes, strengthen workforce, and allow staff to be more responsive to the needs of Illinois residents;

WHEREAS, on March 16, 1999, the Governor issued Executive Order Number 9 (1999) designing the Office of Alcoholism and Substance Abuse as the lead agency for all substance abuse services for the State of Illinois; and

WHEREAS, it would be appropriate to modify Executive Order Number 9 (1999), in part, to designate this consolidated division as the single state authority on addiction issues for the State of Illinois.

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the executive authority vested in me by Article V, Section 11 of the Illinois Constitution, hereby order:

I. MODIFICATION OF EXECUTIVE ORDER NUMBER 9

Effective as of the date of this issuance, Section 3 of the Executive Order Number 9 (1999) is modified to the extent that it designates the "Office of Alcoholism and Substance Abuse" as the lead agency for all substance abuse services for the State of Illinois, with the entirety of the foregoing and following provision remaining in effect.

II. CONSOLIDATION OF FUNCTIONS

Effective upon filing with Secretary of State, or as soon thereafter as practicable, powers, duties, rights and responsibilities related to DMH and DASA shall be consolidated into a single entity called the Division of Mental Health and Addiction Recovery Services. The statutory powers, duties, rights, and responsibilities of DMH and DASA derive from the following Statutes:

- a. Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301 *et seq.*;
- b. Department of Human Services Act, 20 ILCS 1305 *et seq.*;
- c. Mental Health and Developmental Disabilities Administrative Act, 20 ILCS 1705 *et seq.*;
- d. Blind Vendors Act, 20 ILCS 2421 *et seq.*;
- e. Drug School Act, 55 ILCS 130 *et seq.*;
- f. School Code, 105 ILCS 5 *et seq.*;
- g. Specialized Mental Health Rehabilitation Act, 210 ILCS 49 *et seq.*;
- h. Illinois Insurance Code, 215 ILCS 301 *et seq.*;
- i. Illinois Public Aid Code, 305 ILCS 5 *et seq.*;
- j. Adult Protective Services Act, 320 ILCS 20 *et seq.*;
- k. Early Intervention Services System Act, 325 ILCS 20 *et seq.*;
- l. Mental Health and Developmental Disabilities Code, 405 ILCS 5 *et seq.*;
- m. Community Services Act, 405 ILCS 30 *et seq.*; and
- n. Health Care Workplace Violence Prevention Act, 405 ILCS 90 *et seq.*

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III. EFFECT OF CONSOLIDATION

- a. The powers, duties, rights and responsibilities vested in the Divisions shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operation of each of the Divisions shall be provided by the new Division of Mental Health and Addiction Recovery Services.
- b. The status and rights of DMH and DASA employees engaged in the performance of the functions of DMH and DASA Programs shall not be affected by the consolidation. The rights of the employees, the State of Illinois, and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this Executive Order. Personnel and positions of DMH and DASA Programs affected by this Executive Order shall be consolidated and continue their service within the new Division of Mental Health and Addiction Recovery Services.
- c. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights, and responsibilities related to the Divisions and consolidated by this Executive Order, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the new Division of Mental Health and Addiction Recovery Services; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.
- d. All unexpended appropriations and balances and other funds available for use in connection with any of the Divisions shall be consolidated for use by the new Division of Mental Health and Addiction Recovery Services pursuant to the direction of the Governor. Unexpended balances so consolidated shall be expended only for the purpose for which the appropriation was originally made.

IV. SAVINGS CLAUSE

- a. The powers, duties, rights, and responsibilities related to the Divisions consolidated by this Executive Order shall be vested in and shall be exercised by the new Division of Mental Health and Addiction Recovery Services. Each act done in exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by DMH or DASA or its offices, officers, or employees.
- b. Any rules of DMH or DASA that relate to the functions and programs consolidated by this Executive Order that are in full force on the effective date of this Executive Order shall become the rules of the Division of Mental Health and Addiction Recovery Services. This Executive Order does not affect the legality of any rules in the Administrative Code. Any proposed rules filed with the Secretary of State by DMH or DASA that are pending in the rulemaking process on the effective date of this Executive Order, and that pertain to the functions and programs transferred, shall be deemed to have been filed by the Division of Mental Health and Addiction Recovery Services. As soon as practicable hereafter, the Division of Mental Health and Addiction Recovery Services shall revise and clarify the rules consolidated under it by this Executive Order to reflect the reorganization of rights, powers, and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Division of Mental Health and Addiction Recovery Services, consistent with its authority to do so, may propose and adopt under the Illinois Administrative Procedure Act such other rules of DMH and DASA that will now be administered by the Division of Mental Health and Addiction Recovery Services. To the extent that, prior to the effective date of the consolidation, the Directors of DMH and DASA had been empowered to prescribe regulations or had other authority with respect to the consolidated functions, such duties shall be exercised from and after the effective date of the transfer by the Director of the Division of Mental Health and Addiction Recovery Services.

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- c. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights, and responsibilities as had been exercised by DMH or DASA or its officers or employees.
- d. Every officer of DMH and DASA shall, for every offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were consolidated under this Executive Order.
- e. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon DMH or DASA in connection with any of their functions consolidated by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon the new Division of Mental Health and Addiction Recovery Services.
- f. This Executive Order shall not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the Divisions before this Executive Order takes effect; such actions or proceedings may be defended, prosecuted, and continued by the Division of Mental Health and Addiction Recovery Services.

V. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

VI. EFFECTIVE DATE

This Executive Order shall be effective upon filing with the Secretary of State.


Pat Quinn, Governor

Issued by Governor: April 1, 2014
Filed with Secretary of State: April 1, 2014

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