

1 AN ACT concerning preventive services.

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

4 Section 5. The Illinois Act on the Aging is amended by
5 changing Section 4.02 as follows:

6 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

7 Sec. 4.02. Preventive services. The Department shall
8 establish a program of services to prevent unnecessary
9 institutionalization of persons age 60 and older in need of
10 long term care or who are established as persons who suffer
11 from Alzheimer's disease or a related disorder under the
12 Alzheimer's Disease Assistance Act, thereby enabling them to
13 remain in their own homes or in other living arrangements.
14 Such preventive services, which may be coordinated with other
15 programs for the aged and monitored by area agencies on aging
16 in cooperation with the Department, may include, but are not
17 limited to, any or all of the following:

- 18 (a) home health services;
- 19 (b) home nursing services;
- 20 (c) homemaker services;
- 21 (d) chore and housekeeping services;
- 22 (e) day care services;
- 23 (f) home-delivered meals;
- 24 (g) education in self-care;
- 25 (h) personal care services;
- 26 (i) adult day health services;
- 27 (j) habilitation services;
- 28 (k) respite care;
- 29 (l) other nonmedical social services that may
30 enable the person to become self-supporting; or
- 31 (m) clearinghouse for information provided by

1 senior citizen home owners who want to rent rooms to or
2 share living space with other senior citizens.

3 The Department shall establish eligibility standards for
4 such services taking into consideration the unique economic
5 and social needs of the target population for whom they are
6 to be provided. Such eligibility standards shall be based on
7 the recipient's ability to pay for services; provided,
8 however, that in determining the amount and nature of
9 services for which a person may qualify, consideration shall
10 not be given to the value of cash, property or other assets
11 held in the name of the person's spouse pursuant to a written
12 agreement dividing marital property into equal but separate
13 shares or pursuant to a transfer of the person's interest in
14 a home to his spouse, provided that the spouse's share of the
15 marital property is not made available to the person seeking
16 such services. The Department shall, in conjunction with the
17 Department of Public Aid, seek appropriate amendments under
18 Sections 1915 and 1924 of the Social Security Act. The
19 purpose of the amendments shall be to extend eligibility for
20 home and community based services under Sections 1915 and
21 1924 of the Social Security Act to persons who transfer to or
22 for the benefit of a spouse those amounts of income and
23 resources allowed under Section 1924 of the Social Security
24 Act. Subject to the approval of such amendments, the
25 Department shall extend the provisions of Section 5-4 of the
26 Illinois Public Aid Code to persons who, but for the
27 provision of home or community-based services, would require
28 the level of care provided in an institution, as is provided
29 for in federal law. Those persons no longer found to be
30 eligible for receiving noninstitutional services due to
31 changes in the eligibility criteria shall be given 60 days
32 notice prior to actual termination. Those persons receiving
33 notice of termination may contact the Department and request
34 the determination be appealed at any time during the 60 day

1 notice period. With the exception of the lengthened notice
2 and time frame for the appeal request, the appeal process
3 shall follow the normal procedure. In addition, each person
4 affected regardless of the circumstances for discontinued
5 eligibility shall be given notice and the opportunity to
6 purchase the necessary services through the Community Care
7 Program. If the individual does not elect to purchase
8 services, the Department shall advise the individual of
9 alternative services. The target population identified for
10 the purposes of this Section are persons age 60 and older
11 with an identified service need. Priority shall be given to
12 those who are at imminent risk of institutionalization. The
13 services shall be provided to eligible persons age 60 and
14 older to the extent that the cost of the services together
15 with the other personal maintenance expenses of the persons
16 are reasonably related to the standards established for care
17 in a group facility appropriate to the person's condition.
18 These non-institutional services, pilot projects or
19 experimental facilities may be provided as part of or in
20 addition to those authorized by federal law or those funded
21 and administered by the Department of Human Services. The
22 Departments of Human Services, Public Aid, Public Health,
23 Veterans' Affairs, and Commerce and Community Affairs and
24 other appropriate agencies of State, federal and local
25 governments shall cooperate with the Department on Aging in
26 the establishment and development of the non-institutional
27 services. The Department shall require an annual audit from
28 all chore/housekeeping and homemaker vendors contracting with
29 the Department under this Section. The annual audit shall
30 assure that each audited vendor's procedures are in
31 compliance with Department's financial reporting guidelines
32 requiring a 27% administrative cost split and a 73% employee
33 wages and benefits cost split. The audit is a public record
34 under the Freedom of Information Act. The Department shall

1 execute, relative to the nursing home prescreening project,
2 written inter-agency agreements with the Department of Human
3 Services and the Department of Public Aid, to effect the
4 following: (1) intake procedures and common eligibility
5 criteria for those persons who are receiving
6 non-institutional services; and (2) the establishment and
7 development of non-institutional services in areas of the
8 State where they are not currently available or are
9 undeveloped. On and after July 1, 1996, all nursing home
10 prescreenings for individuals 60 years of age or older shall
11 be conducted by the Department.

12 The Department is authorized to establish a system of
13 recipient copayment for services provided under this Section,
14 such copayment to be based upon the recipient's ability to
15 pay but in no case to exceed the actual cost of the services
16 provided. Additionally, any portion of a person's income
17 which is equal to or less than the federal poverty standard
18 shall not be considered by the Department in determining the
19 copayment. The level of such copayment shall be adjusted
20 whenever necessary to reflect any change in the officially
21 designated federal poverty standard.

22 The Department, or the Department's authorized
23 representative, shall recover the amount of moneys expended
24 for services provided to or in behalf of a person under this
25 Section by a claim against the person's estate or against the
26 estate of the person's surviving spouse, but no recovery may
27 be had until after the death of the surviving spouse, if any,
28 and then only at such time when there is no surviving child
29 who is under age 21, blind, or permanently and totally
30 disabled. This paragraph, however, shall not bar recovery,
31 at the death of the person, of moneys for services provided
32 to the person or in behalf of the person under this Section
33 to which the person was not entitled; provided that such
34 recovery shall not be enforced against any real estate while

1 it is occupied as a homestead by the surviving spouse or
2 other dependent, if no claims by other creditors have been
3 filed against the estate, or, if such claims have been filed,
4 they remain dormant for failure of prosecution or failure of
5 the claimant to compel administration of the estate for the
6 purpose of payment. This paragraph shall not bar recovery
7 from the estate of a spouse, under Sections 1915 and 1924 of
8 the Social Security Act and Section 5-4 of the Illinois
9 Public Aid Code, who precedes a person receiving services
10 under this Section in death. All moneys for services paid to
11 or in behalf of the person under this Section shall be
12 claimed for recovery from the deceased spouse's estate.
13 "Homestead", as used in this paragraph, means the dwelling
14 house and contiguous real estate occupied by a surviving
15 spouse or relative, as defined by the rules and regulations
16 of the Illinois Department of Public Aid, regardless of the
17 value of the property.

18 The Department shall develop procedures to enhance
19 availability of services on evenings, weekends, and on an
20 emergency basis to meet the respite needs of caregivers.
21 Procedures shall be developed to permit the utilization of
22 services in successive blocks of 24 hours up to the monthly
23 maximum established by the Department. Workers providing
24 these services shall be appropriately trained.

25 Beginning on the effective date of this Amendatory Act of
26 1991, no person may perform chore/housekeeping and homemaker
27 services under a program authorized by this Section unless
28 that person has been issued a certificate of pre-service to
29 do so by his or her employing agency. Information gathered
30 to effect such certification shall include (i) the person's
31 name, (ii) the date the person was hired by his or her
32 current employer, and (iii) the training, including dates and
33 levels. Persons engaged in the program authorized by this
34 Section before the effective date of this amendatory Act of

1 1991 shall be issued a certificate of all pre-service and
2 in-service training from his or her employer upon submitting
3 the necessary information. The employing agency shall be
4 required to retain records of all staff pre-service and
5 in-service training, and shall provide such records to the
6 Department upon request and upon termination of the
7 employer's contract with the Department. In addition, the
8 employing agency is responsible for the issuance of
9 certifications of in-service training completed to their
10 employees.

11 The Department is required to develop a system to ensure
12 that persons working as homemakers and chore housekeepers
13 receive increases in their wages when the federal minimum
14 wage is increased by requiring vendors to certify that they
15 are meeting the federal minimum wage statute for homemakers
16 and chore housekeepers. An employer that cannot ensure that
17 the minimum wage increase is being given to homemakers and
18 chore housekeepers shall be denied any increase in
19 reimbursement costs. Beginning July 1, 2001, the vendors
20 shall receive a rate increase equal to the percent increase
21 in the federal minimum wage each time the federal minimum
22 wage is increased.

23 The Department on Aging and the Department of Human
24 Services shall cooperate in the development and submission of
25 an annual report on programs and services provided under this
26 Section. Such joint report shall be filed with the Governor
27 and the General Assembly on or before September 30 each year.

28 The requirement for reporting to the General Assembly
29 shall be satisfied by filing copies of the report with the
30 Speaker, the Minority Leader and the Clerk of the House of
31 Representatives and the President, the Minority Leader and
32 the Secretary of the Senate and the Legislative Research
33 Unit, as required by Section 3.1 of the General Assembly
34 Organization Act and filing such additional copies with the

1 State Government Report Distribution Center for the General
2 Assembly as is required under paragraph (t) of Section 7 of
3 the State Library Act.

4 Those persons previously found eligible for receiving
5 non-institutional services whose services were discontinued
6 under the Emergency Budget Act of Fiscal Year 1992, and who
7 do not meet the eligibility standards in effect on or after
8 July 1, 1992, shall remain ineligible on and after July 1,
9 1992. Those persons previously not required to cost-share
10 and who were required to cost-share effective March 1, 1992,
11 shall continue to meet cost-share requirements on and after
12 July 1, 1992. Beginning July 1, 1992, all clients will be
13 required to meet eligibility, cost-share, and other
14 requirements and will have services discontinued or altered
15 when they fail to meet these requirements.

16 (Source: P.A. 91-303, eff. 1-1-00; 91-798, eff. 7-9-00.)

17 Section 10. The Disabled Persons Rehabilitation Act is
18 amended by changing Section 3 as follows:

19 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

20 Sec. 3. Powers and duties. The Department shall have the
21 powers and duties enumerated herein:

22 (a) To co-operate with the federal government in the
23 administration of the provisions of the federal
24 Rehabilitation Act of 1973, as amended, of the Workforce
25 Investment Act of 1998, and of the federal Social Security
26 Act to the extent and in the manner provided in these Acts.

27 (b) To prescribe and supervise such courses of
28 vocational training and provide such other services as may be
29 necessary for the habilitation and rehabilitation of persons
30 with one or more disabilities, including the administrative
31 activities under subsection (e) of this Section, and to
32 co-operate with State and local school authorities and other

1 recognized agencies engaged in habilitation, rehabilitation
2 and comprehensive rehabilitation services; and to cooperate
3 with the Department of Children and Family Services regarding
4 the care and education of children with one or more
5 disabilities.

6 (c) To make such reports and submit such plans to the
7 federal government as are required by the provisions of the
8 federal Rehabilitation Act of 1973, as amended, and by the
9 rules and regulations of the federal agency or agencies
10 administering the federal Rehabilitation Act of 1973, as
11 amended, the Workforce Investment Act of 1998, and the
12 federal Social Security Act.

13 (d) To report in writing, to the Governor, annually on
14 or before the first day of December, and at such other times
15 and in such manner and upon such subjects as the Governor may
16 require. The annual report shall contain (1) a statement of
17 the existing condition of comprehensive rehabilitation
18 services, habilitation and rehabilitation in the State; (2) a
19 statement of suggestions and recommendations with reference
20 to the development of comprehensive rehabilitation services,
21 habilitation and rehabilitation in the State; and (3) an
22 itemized statement of the amounts of money received from
23 federal, State and other sources, and of the objects and
24 purposes to which the respective items of these several
25 amounts have been devoted.

26 (e) To exercise, pursuant to Section 13 of this Act,
27 executive and administrative supervision over all
28 institutions, divisions, programs and services now existing
29 or hereafter acquired or created under the jurisdiction of
30 the Department, including, but not limited to, the following:

31 The Illinois School for the Visually Impaired at
32 Jacksonville, as provided under Section 10 of this Act,

33 The Illinois School for the Deaf at Jacksonville, as
34 provided under Section 10 of this Act, and

1 The Illinois Center for Rehabilitation and Education, as
2 provided under Section 11 of this Act.

3 (f) To establish a program of services to prevent
4 unnecessary institutionalization of persons with Alzheimer's
5 disease and related disorders or persons in need of long term
6 care who are established as blind or disabled as defined by
7 the Social Security Act, thereby enabling them to remain in
8 their own homes or other living arrangements. Such preventive
9 services may include, but are not limited to, any or all of
10 the following:

- 11 (1) home health services;
- 12 (2) home nursing services;
- 13 (3) homemaker services;
- 14 (4) chore and housekeeping services;
- 15 (5) day care services;
- 16 (6) home-delivered meals;
- 17 (7) education in self-care;
- 18 (8) personal care services;
- 19 (9) adult day health services;
- 20 (10) habilitation services;
- 21 (11) respite care; or
- 22 (12) other nonmedical social services that may
23 enable the person to become self-supporting.

24 The Department shall establish eligibility standards for
25 such services taking into consideration the unique economic
26 and social needs of the population for whom they are to be
27 provided. Such eligibility standards may be based on the
28 recipient's ability to pay for services; provided, however,
29 that any portion of a person's income that is equal to or
30 less than the "protected income" level shall not be
31 considered by the Department in determining eligibility. The
32 "protected income" level shall be determined by the
33 Department, shall never be less than the federal poverty
34 standard, and shall be adjusted each year to reflect changes

1 in the Consumer Price Index For All Urban Consumers as
 2 determined by the United States Department of Labor.
 3 Additionally, in determining the amount and nature of
 4 services for which a person may qualify, consideration shall
 5 not be given to the value of cash, property or other assets
 6 held in the name of the person's spouse pursuant to a written
 7 agreement dividing marital property into equal but separate
 8 shares or pursuant to a transfer of the person's interest in
 9 a home to his spouse, provided that the spouse's share of the
 10 marital property is not made available to the person seeking
 11 such services.

12 The services shall be provided to eligible persons to
 13 prevent unnecessary or premature institutionalization, to the
 14 extent that the cost of the services, together with the other
 15 personal maintenance expenses of the persons, are reasonably
 16 related to the standards established for care in a group
 17 facility appropriate to their condition. These
 18 non-institutional services, pilot projects or experimental
 19 facilities may be provided as part of or in addition to those
 20 authorized by federal law or those funded and administered by
 21 the Illinois Department on Aging.

22 Personal care attendants shall be paid:

23 (i) A \$5 per hour minimum rate beginning July 1,
 24 1995.

25 (ii) A \$5.30 per hour minimum rate beginning July
 26 1, 1997.

27 (iii) A \$5.40 per hour minimum rate beginning July
 28 1, 1998.

29 Beginning July 1, 2001, personal care attendants shall
 30 receive a percentage increase in wages equal to the percent
 31 increase in the federal minimum wage each time the federal
 32 minimum wage is increased.

33 The Department shall execute, relative to the nursing
 34 home prescreening project, as authorized by Section 4.03 of

1 the Illinois Act on the Aging, written inter-agency
2 agreements with the Department on Aging and the Department of
3 Public Aid, to effect the following: (i) intake procedures
4 and common eligibility criteria for those persons who are
5 receiving non-institutional services; and (ii) the
6 establishment and development of non-institutional services
7 in areas of the State where they are not currently available
8 or are undeveloped. On and after July 1, 1996, all nursing
9 home prescreenings for individuals 18 through 59 years of age
10 shall be conducted by the Department.

11 The Department is authorized to establish a system of
12 recipient cost-sharing for services provided under this
13 Section. The cost-sharing shall be based upon the
14 recipient's ability to pay for services, but in no case shall
15 the recipient's share exceed the actual cost of the services
16 provided. Protected income shall not be considered by the
17 Department in its determination of the recipient's ability to
18 pay a share of the cost of services. The level of
19 cost-sharing shall be adjusted each year to reflect changes
20 in the "protected income" level. The Department shall deduct
21 from the recipient's share of the cost of services any money
22 expended by the recipient for disability-related expenses.

23 The Department, or the Department's authorized
24 representative, shall recover the amount of moneys expended
25 for services provided to or in behalf of a person under this
26 Section by a claim against the person's estate or against the
27 estate of the person's surviving spouse, but no recovery may
28 be had until after the death of the surviving spouse, if any,
29 and then only at such time when there is no surviving child
30 who is under age 21, blind, or permanently and totally
31 disabled. This paragraph, however, shall not bar recovery,
32 at the death of the person, of moneys for services provided
33 to the person or in behalf of the person under this Section
34 to which the person was not entitled; provided that such

1 recovery shall not be enforced against any real estate while
2 it is occupied as a homestead by the surviving spouse or
3 other dependent, if no claims by other creditors have been
4 filed against the estate, or, if such claims have been filed,
5 they remain dormant for failure of prosecution or failure of
6 the claimant to compel administration of the estate for the
7 purpose of payment. This paragraph shall not bar recovery
8 from the estate of a spouse, under Sections 1915 and 1924 of
9 the Social Security Act and Section 5-4 of the Illinois
10 Public Aid Code, who precedes a person receiving services
11 under this Section in death. All moneys for services paid to
12 or in behalf of the person under this Section shall be
13 claimed for recovery from the deceased spouse's estate.
14 "Homestead", as used in this paragraph, means the dwelling
15 house and contiguous real estate occupied by a surviving
16 spouse or relative, as defined by the rules and regulations
17 of the Illinois Department of Public Aid, regardless of the
18 value of the property.

19 The Department and the Department on Aging shall
20 cooperate in the development and submission of an annual
21 report on programs and services provided under this Section.
22 Such joint report shall be filed with the Governor and the
23 General Assembly on or before March 30 each year.

24 The requirement for reporting to the General Assembly
25 shall be satisfied by filing copies of the report with the
26 Speaker, the Minority Leader and the Clerk of the House of
27 Representatives and the President, the Minority Leader and
28 the Secretary of the Senate and the Legislative Research
29 Unit, as required by Section 3.1 of the General Assembly
30 Organization Act, and filing additional copies with the State
31 Government Report Distribution Center for the General
32 Assembly as required under paragraph (t) of Section 7 of the
33 State Library Act.

34 (g) To establish such subdivisions of the Department as

1 shall be desirable and assign to the various subdivisions the
2 responsibilities and duties placed upon the Department by
3 law.

4 (h) To cooperate and enter into any necessary agreements
5 with the Department of Employment Security for the provision
6 of job placement and job referral services to clients of the
7 Department, including job service registration of such
8 clients with Illinois Employment Security offices and making
9 job listings maintained by the Department of Employment
10 Security available to such clients.

11 (i) To possess all powers reasonable and necessary for
12 the exercise and administration of the powers, duties and
13 responsibilities of the Department which are provided for by
14 law.

15 (j) To establish a procedure whereby new providers of
16 personal care attendant services shall submit vouchers to the
17 State for payment two times during their first month of
18 employment and one time per month thereafter. In no case
19 shall the Department pay personal care attendants an hourly
20 wage that is less than the federal minimum wage.

21 (k) To provide adequate notice to providers of chore and
22 housekeeping services informing them that they are entitled
23 to an interest payment on bills which are not promptly paid
24 pursuant to Section 3 of the State Prompt Payment Act.

25 (l) To establish, operate and maintain a Statewide
26 Housing Clearinghouse of information on available, government
27 subsidized housing accessible to disabled persons and
28 available privately owned housing accessible to disabled
29 persons. The information shall include but not be limited to
30 the location, rental requirements, access features and
31 proximity to public transportation of available housing. The
32 Clearinghouse shall consist of at least a computerized
33 database for the storage and retrieval of information and a
34 separate or shared toll free telephone number for use by

1 those seeking information from the Clearinghouse. Department
2 offices and personnel throughout the State shall also assist
3 in the operation of the Statewide Housing Clearinghouse.
4 Cooperation with local, State and federal housing managers
5 shall be sought and extended in order to frequently and
6 promptly update the Clearinghouse's information.

7 (Source: P.A. 90-365, eff. 8-10-97; 91-540, eff. 8-13-99.)

8 Section 99. Effective date. This Act takes effect July
9 1, 2001.