

1 AN ACT regarding preventative services administration.

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 of at least 3% but no more than
21 5% on July 1 of each year based on the percentage change in
22 the consumer price index-u during the preceding 12-month
23 calendar year. "Consumer price index-u" means the index
24 published by the Bureau of Labor Statistics of the United
25 States Department of Labor that measures the average change
26 in prices of goods and services purchased by all urban
27 consumers, United States city average, all items, 1982-84
28 =100. If this index is no longer published, the Department
29 shall use a comparable substitute index as determined by
30 rule.

31 The Department on Aging and the Department of Human
32 Services shall cooperate in the development and submission of
33 an annual report on programs and services provided under this
34 Section. Such joint report shall be filed with the Governor

1 and the General Assembly on or before September 30 each year.

2 The requirement for reporting to the General Assembly
3 shall be satisfied by filing copies of the report with the
4 Speaker, the Minority Leader and the Clerk of the House of
5 Representatives and the President, the Minority Leader and
6 the Secretary of the Senate and the Legislative Research
7 Unit, as required by Section 3.1 of the General Assembly
8 Organization Act and filing such additional copies with the
9 State Government Report Distribution Center for the General
10 Assembly as is required under paragraph (t) of Section 7 of
11 the State Library Act.

12 Those persons previously found eligible for receiving
13 non-institutional services whose services were discontinued
14 under the Emergency Budget Act of Fiscal Year 1992, and who
15 do not meet the eligibility standards in effect on or after
16 July 1, 1992, shall remain ineligible on and after July 1,
17 1992. Those persons previously not required to cost-share
18 and who were required to cost-share effective March 1, 1992,
19 shall continue to meet cost-share requirements on and after
20 July 1, 1992. Beginning July 1, 1992, all clients will be
21 required to meet eligibility, cost-share, and other
22 requirements and will have services discontinued or altered
23 when they fail to meet these requirements.

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

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

27 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

28 Sec. 3. Powers and duties. The Department shall have the
29 powers and duties enumerated herein:

30 (a) To co-operate with the federal government in the
31 administration of the provisions of the federal
32 Rehabilitation Act of 1973, as amended, of the Workforce

1 Investment Act of 1998, and of the federal Social Security
2 Act to the extent and in the manner provided in these Acts.

3 (b) To prescribe and supervise such courses of
4 vocational training and provide such other services as may be
5 necessary for the habilitation and rehabilitation of persons
6 with one or more disabilities, including the administrative
7 activities under subsection (e) of this Section, and to
8 co-operate with State and local school authorities and other
9 recognized agencies engaged in habilitation, rehabilitation
10 and comprehensive rehabilitation services; and to cooperate
11 with the Department of Children and Family Services regarding
12 the care and education of children with one or more
13 disabilities.

14 (c) To make such reports and submit such plans to the
15 federal government as are required by the provisions of the
16 federal Rehabilitation Act of 1973, as amended, and by the
17 rules and regulations of the federal agency or agencies
18 administering the federal Rehabilitation Act of 1973, as
19 amended, the Workforce Investment Act of 1998, and the
20 federal Social Security Act.

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

34 (e) To exercise, pursuant to Section 13 of this Act,

1 executive and administrative supervision over all
2 institutions, divisions, programs and services now existing
3 or hereafter acquired or created under the jurisdiction of
4 the Department, including, but not limited to, the following:

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

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

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

11 (f) To establish a program of services to prevent
12 unnecessary institutionalization of persons with Alzheimer's
13 disease and related disorders or persons in need of long term
14 care who are established as blind or disabled as defined by
15 the Social Security Act, thereby enabling them to remain in
16 their own homes or other living arrangements. Such preventive
17 services may include, but are not limited to, any or all of
18 the following:

- 19 (1) home health services;
- 20 (2) home nursing services;
- 21 (3) homemaker services;
- 22 (4) chore and housekeeping services;
- 23 (5) day care services;
- 24 (6) home-delivered meals;
- 25 (7) education in self-care;
- 26 (8) personal care services;
- 27 (9) adult day health services;
- 28 (10) habilitation services;
- 29 (11) respite care; or
- 30 (12) other nonmedical social services that may
31 enable the person to become self-supporting.

32 The Department shall establish eligibility standards for
33 such services taking into consideration the unique economic
34 and social needs of the population for whom they are to be

1 provided. Such eligibility standards may be based on the
2 recipient's ability to pay for services; provided, however,
3 that any portion of a person's income that is equal to or
4 less than the "protected income" level shall not be
5 considered by the Department in determining eligibility. The
6 "protected income" level shall be determined by the
7 Department, shall never be less than the federal poverty
8 standard, and shall be adjusted each year to reflect changes
9 in the Consumer Price Index For All Urban Consumers as
10 determined by the United States Department of Labor.
11 Additionally, in determining the amount and nature of
12 services for which a person may qualify, consideration shall
13 not be given to the value of cash, property or other assets
14 held in the name of the person's spouse pursuant to a written
15 agreement dividing marital property into equal but separate
16 shares or pursuant to a transfer of the person's interest in
17 a home to his spouse, provided that the spouse's share of the
18 marital property is not made available to the person seeking
19 such services.

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

30 Personal care attendants shall be paid:

31 (i) A \$5 per hour minimum rate beginning July 1,
32 1995.

33 (ii) A \$5.30 per hour minimum rate beginning July
34 1, 1997.

1 (iii) A \$5.40 per hour minimum rate beginning July
2 1, 1998.

3 Beginning July 1, 2001, personal care attendants shall
4 receive an automatic cost of living allowance of at least 3%
5 but no more than 5% on July 1 of each year based on the
6 percentage change in the consumer price index-u during the
7 preceding 12-month calendar year. "Consumer price index-u"
8 means the index published by the Bureau of Labor Statistics
9 of the United States Department of Labor that measures the
10 average change in prices of goods and services purchased by
11 all urban consumers, United States city average, all items,
12 1982-84 = 100. If this index is no longer published, the
13 Department shall use a comparable substitute index as
14 determined by rule.

15 The Department shall execute, relative to the nursing
16 home prescreening project, as authorized by Section 4.03 of
17 the Illinois Act on the Aging, written inter-agency
18 agreements with the Department on Aging and the Department of
19 Public Aid, to effect the following: (i) intake procedures
20 and common eligibility criteria for those persons who are
21 receiving non-institutional services; and (ii) the
22 establishment and development of non-institutional services
23 in areas of the State where they are not currently available
24 or are undeveloped. On and after July 1, 1996, all nursing
25 home prescreenings for individuals 18 through 59 years of age
26 shall be conducted by the Department.

27 The Department is authorized to establish a system of
28 recipient cost-sharing for services provided under this
29 Section. The cost-sharing shall be based upon the
30 recipient's ability to pay for services, but in no case shall
31 the recipient's share exceed the actual cost of the services
32 provided. Protected income shall not be considered by the
33 Department in its determination of the recipient's ability to
34 pay a share of the cost of services. The level of

1 cost-sharing shall be adjusted each year to reflect changes
2 in the "protected income" level. The Department shall deduct
3 from the recipient's share of the cost of services any money
4 expended by the recipient for disability-related expenses.

5 The Department, or the Department's authorized
6 representative, shall recover the amount of moneys expended
7 for services provided to or in behalf of a person under this
8 Section by a claim against the person's estate or against the
9 estate of the person's surviving spouse, but no recovery may
10 be had until after the death of the surviving spouse, if any,
11 and then only at such time when there is no surviving child
12 who is under age 21, blind, or permanently and totally
13 disabled. This paragraph, however, shall not bar recovery,
14 at the death of the person, of moneys for services provided
15 to the person or in behalf of the person under this Section
16 to which the person was not entitled; provided that such
17 recovery shall not be enforced against any real estate while
18 it is occupied as a homestead by the surviving spouse or
19 other dependent, if no claims by other creditors have been
20 filed against the estate, or, if such claims have been filed,
21 they remain dormant for failure of prosecution or failure of
22 the claimant to compel administration of the estate for the
23 purpose of payment. This paragraph shall not bar recovery
24 from the estate of a spouse, under Sections 1915 and 1924 of
25 the Social Security Act and Section 5-4 of the Illinois
26 Public Aid Code, who precedes a person receiving services
27 under this Section in death. All moneys for services paid to
28 or in behalf of the person under this Section shall be
29 claimed for recovery from the deceased spouse's estate.
30 "Homestead", as used in this paragraph, means the dwelling
31 house and contiguous real estate occupied by a surviving
32 spouse or relative, as defined by the rules and regulations
33 of the Illinois Department of Public Aid, regardless of the
34 value of the property.

1 The Department and the Department on Aging shall
2 cooperate in the development and submission of an annual
3 report on programs and services provided under this Section.
4 Such joint report shall be filed with the Governor and the
5 General Assembly on or before March 30 each year.

6 The requirement for reporting to the General Assembly
7 shall be satisfied by filing copies of the report with the
8 Speaker, the Minority Leader and the Clerk of the House of
9 Representatives and the President, the Minority Leader and
10 the Secretary of the Senate and the Legislative Research
11 Unit, as required by Section 3.1 of the General Assembly
12 Organization Act, and filing additional copies with the State
13 Government Report Distribution Center for the General
14 Assembly as required under paragraph (t) of Section 7 of the
15 State Library Act.

16 (g) To establish such subdivisions of the Department as
17 shall be desirable and assign to the various subdivisions the
18 responsibilities and duties placed upon the Department by
19 law.

20 (h) To cooperate and enter into any necessary agreements
21 with the Department of Employment Security for the provision
22 of job placement and job referral services to clients of the
23 Department, including job service registration of such
24 clients with Illinois Employment Security offices and making
25 job listings maintained by the Department of Employment
26 Security available to such clients.

27 (i) To possess all powers reasonable and necessary for
28 the exercise and administration of the powers, duties and
29 responsibilities of the Department which are provided for by
30 law.

31 (j) To establish a procedure whereby new providers of
32 personal care attendant services shall submit vouchers to the
33 State for payment two times during their first month of
34 employment and one time per month thereafter. In no case

1 shall the Department pay personal care attendants an hourly
2 wage that is less than the federal minimum wage.

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

7 (l) To establish, operate and maintain a Statewide
8 Housing Clearinghouse of information on available, government
9 subsidized housing accessible to disabled persons and
10 available privately owned housing accessible to disabled
11 persons. The information shall include but not be limited to
12 the location, rental requirements, access features and
13 proximity to public transportation of available housing. The
14 Clearinghouse shall consist of at least a computerized
15 database for the storage and retrieval of information and a
16 separate or shared toll free telephone number for use by
17 those seeking information from the Clearinghouse. Department
18 offices and personnel throughout the State shall also assist
19 in the operation of the Statewide Housing Clearinghouse.
20 Cooperation with local, State and federal housing managers
21 shall be sought and extended in order to frequently and
22 promptly update the Clearinghouse's information.

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

24 Section 99. Effective date. This Act takes effect July
25 1, 2001.