

1 AN ACT concerning personal care attendants.

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

4 Section 5. The Disabled Persons Rehabilitation Act is
5 amended by changing Section 3 as follows:

6 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

7 Sec. 3. Powers and duties. The Department shall have the
8 powers and duties enumerated herein:

9 (a) To co-operate with the federal government in the
10 administration of the provisions of the federal
11 Rehabilitation Act of 1973, as amended, of the Workforce
12 Investment Act of 1998, and of the federal Social Security
13 Act to the extent and in the manner provided in these Acts.

14 (b) To prescribe and supervise such courses of
15 vocational training and provide such other services as may be
16 necessary for the habilitation and rehabilitation of persons
17 with one or more disabilities, including the administrative
18 activities under subsection (e) of this Section, and to
19 co-operate with State and local school authorities and other
20 recognized agencies engaged in habilitation, rehabilitation
21 and comprehensive rehabilitation services; and to cooperate
22 with the Department of Children and Family Services regarding
23 the care and education of children with one or more
24 disabilities.

25 (c) To make such reports and submit such plans to the
26 federal government as are required by the provisions of the
27 federal Rehabilitation Act of 1973, as amended, and by the
28 rules and regulations of the federal agency or agencies
29 administering the federal Rehabilitation Act of 1973, as
30 amended, the Workforce Investment Act of 1998, and the
31 federal Social Security Act.

1 (d) To report in writing, to the Governor, annually on
2 or before the first day of December, and at such other times
3 and in such manner and upon such subjects as the Governor may
4 require. The annual report shall contain (1) a statement of
5 the existing condition of comprehensive rehabilitation
6 services, habilitation and rehabilitation in the State; (2) a
7 statement of suggestions and recommendations with reference
8 to the development of comprehensive rehabilitation services,
9 habilitation and rehabilitation in the State; and (3) an
10 itemized statement of the amounts of money received from
11 federal, State and other sources, and of the objects and
12 purposes to which the respective items of these several
13 amounts have been devoted.

14 (e) To exercise, pursuant to Section 13 of this Act,
15 executive and administrative supervision over all
16 institutions, divisions, programs and services now existing
17 or hereafter acquired or created under the jurisdiction of
18 the Department, including, but not limited to, the following:

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

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

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

25 (f) To establish a program of services to prevent
26 unnecessary institutionalization of persons with Alzheimer's
27 disease and related disorders or persons in need of long term
28 care who are established as blind or disabled as defined by
29 the Social Security Act, thereby enabling them to remain in
30 their own homes or other living arrangements. Such preventive
31 services may include, but are not limited to, any or all of
32 the following:

- 33 (1) home health services;
- 34 (2) home nursing services;

- 1 (3) homemaker services;
- 2 (4) chore and housekeeping services;
- 3 (5) day care services;
- 4 (6) home-delivered meals;
- 5 (7) education in self-care;
- 6 (8) personal care services;
- 7 (9) adult day health services;
- 8 (10) habilitation services;
- 9 (11) respite care; or
- 10 (12) other nonmedical social services that may
- 11 enable the person to become self-supporting.

12 The Department shall establish eligibility standards for
13 such services taking into consideration the unique economic
14 and social needs of the population for whom they are to be
15 provided. Such eligibility standards may be based on the
16 recipient's ability to pay for services; provided, however,
17 that any portion of a person's income that is equal to or
18 less than the "protected income" level shall not be
19 considered by the Department in determining eligibility. The
20 "protected income" level shall be determined by the
21 Department, shall never be less than the federal poverty
22 standard, and shall be adjusted each year to reflect changes
23 in the Consumer Price Index For All Urban Consumers as
24 determined by the United States Department of Labor.
25 Additionally, in determining the amount and nature of
26 services for which a person may qualify, consideration shall
27 not be given to the value of cash, property or other assets
28 held in the name of the person's spouse pursuant to a written
29 agreement dividing marital property into equal but separate
30 shares or pursuant to a transfer of the person's interest in
31 a home to his spouse, provided that the spouse's share of the
32 marital property is not made available to the person seeking
33 such services.

34 The services shall be provided to eligible persons to

1 prevent unnecessary or premature institutionalization, to the
2 extent that the cost of the services, together with the other
3 personal maintenance expenses of the persons, are reasonably
4 related to the standards established for care in a group
5 facility appropriate to their condition. These
6 non-institutional services, pilot projects or experimental
7 facilities may be provided as part of or in addition to those
8 authorized by federal law or those funded and administered by
9 the Illinois Department on Aging.

10 Personal care attendants shall be paid:

11 (i) A \$5 per hour minimum rate beginning July 1,
12 1995.

13 (ii) A \$5.30 per hour minimum rate beginning July
14 1, 1997.

15 (iii) A \$5.40 per hour minimum rate beginning July
16 1, 1998.

17 (iv) A \$6 per hour minimum rate beginning July 1,
18 2000.

19 (v) A \$7 per hour minimum rate beginning January 1,
20 2002.

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

33 The Department is authorized to establish a system of
34 recipient cost-sharing for services provided under this

1 Section. The cost-sharing shall be based upon the
2 recipient's ability to pay for services, but in no case shall
3 the recipient's share exceed the actual cost of the services
4 provided. Protected income shall not be considered by the
5 Department in its determination of the recipient's ability to
6 pay a share of the cost of services. The level of
7 cost-sharing shall be adjusted each year to reflect changes
8 in the "protected income" level. The Department shall deduct
9 from the recipient's share of the cost of services any money
10 expended by the recipient for disability-related expenses.

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

1 claimed for recovery from the deceased spouse's estate.
2 "Homestead", as used in this paragraph, means the dwelling
3 house and contiguous real estate occupied by a surviving
4 spouse or relative, as defined by the rules and regulations
5 of the Illinois Department of Public Aid, regardless of the
6 value of the property.

7 The Department and the Department on Aging shall
8 cooperate in the development and submission of an annual
9 report on programs and services provided under this Section.
10 Such joint report shall be filed with the Governor and the
11 General Assembly on or before March 30 each year.

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

22 (g) To establish such subdivisions of the Department as
23 shall be desirable and assign to the various subdivisions the
24 responsibilities and duties placed upon the Department by
25 law.

26 (h) To cooperate and enter into any necessary agreements
27 with the Department of Employment Security for the provision
28 of job placement and job referral services to clients of the
29 Department, including job service registration of such
30 clients with Illinois Employment Security offices and making
31 job listings maintained by the Department of Employment
32 Security available to such clients.

33 (i) To possess all powers reasonable and necessary for
34 the exercise and administration of the powers, duties and

1 responsibilities of the Department which are provided for by
2 law.

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

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

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

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

30 Section 99. Effective date. This Act takes effect July
31 1, 2001.