

1 AN ACT in relation to disabled persons.

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 The Department shall pay an amount into a health care
18 fund jointly administered by recipients of preventive
19 services under this Section, individuals who perform those
20 services, and representatives of the individuals who perform
21 those services. The amount must equal \$1.40 for each hour
22 of preventive services provided under this Section. The
23 Department must use the moneys in the fund to provide
24 comprehensive health care coverage for all individuals who
25 perform more than 20 hours of preventive services per week.
26 If such an individual has dependents, the health care
27 coverage must also be extended to those dependents.

28 The Department shall execute, relative to the nursing
29 home prescreening project, as authorized by Section 4.03 of
30 the Illinois Act on the Aging, written inter-agency
31 agreements with the Department on Aging and the Department of
32 Public Aid, to effect the following: (i) intake procedures
33 and common eligibility criteria for those persons who are
34 receiving non-institutional services; and (ii) the

1 establishment and development of non-institutional services
2 in areas of the State where they are not currently available
3 or are undeveloped. On and after July 1, 1996, all nursing
4 home prescreenings for individuals 18 through 59 years of age
5 shall be conducted by the Department.

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

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

1 the claimant to compel administration of the estate for the
2 purpose of payment. This paragraph shall not bar recovery
3 from the estate of a spouse, under Sections 1915 and 1924 of
4 the Social Security Act and Section 5-4 of the Illinois
5 Public Aid Code, who precedes a person receiving services
6 under this Section in death. All moneys for services paid to
7 or in behalf of the person under this Section shall be
8 claimed for recovery from the deceased spouse's estate.
9 "Homestead", as used in this paragraph, means the dwelling
10 house and contiguous real estate occupied by a surviving
11 spouse or relative, as defined by the rules and regulations
12 of the Illinois Department of Public Aid, regardless of the
13 value of the property.

14 The Department and the Department on Aging shall
15 cooperate in the development and submission of an annual
16 report on programs and services provided under this Section.
17 Such joint report shall be filed with the Governor and the
18 General Assembly on or before March 30 each year.

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

29 (g) To establish such subdivisions of the Department as
30 shall be desirable and assign to the various subdivisions the
31 responsibilities and duties placed upon the Department by
32 law.

33 (h) To cooperate and enter into any necessary agreements
34 with the Department of Employment Security for the provision

1 of job placement and job referral services to clients of the
2 Department, including job service registration of such
3 clients with Illinois Employment Security offices and making
4 job listings maintained by the Department of Employment
5 Security available to such clients.

6 (i) To possess all powers reasonable and necessary for
7 the exercise and administration of the powers, duties and
8 responsibilities of the Department which are provided for by
9 law.

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

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

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

1 promptly update the Clearinghouse's information.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.