

- 1 (c) homemaker services;
- 2 (d) chore and housekeeping services;
- 3 (e) day care services;
- 4 (f) home-delivered meals;
- 5 (g) education in self-care;
- 6 (h) personal care services;
- 7 (i) adult day health services;
- 8 (j) habilitation services;
- 9 (k) respite care;
- 10 (l) other nonmedical social services that may
- 11 enable the person to become self-supporting; or
- 12 (m) clearinghouse for information provided by
- 13 senior citizen home owners who want to rent rooms to or
- 14 share living space with other senior citizens.

15 The Department shall establish eligibility standards for
 16 such services taking into consideration the unique economic
 17 and social needs of the target population for whom they are
 18 to be provided. The eligibility standards must include a
 19 provision that, to be eligible for services under this
 20 Section, a person may not have assets (other than
 21 specifically exempt assets) totaling more than \$20,000 if:

- 22 (1) the person is unmarried; or
- 23 (2) the person is married and the Department
- 24 determines that:
 - 25 (A) the person's spouse receives services under
 - 26 this Section; or
 - 27 (B) the person's spouse resides in a skilled
 - 28 nursing or intermediate long-term care facility that
 - 29 is subject to licensure by the Department of Public
 - 30 Health under the Nursing Home Care Act; or
 - 31 (C) the person's spouse does not reside on a
 - 32 permanent basis with the person and does not receive
 - 33 support from or give support to the person; or
 - 34 (D) the person has been abandoned by his or her

1 spouse; or

2 (E) the person has been the subject of a report
3 of abuse (as defined in the Elder Abuse and Neglect
4 Act) by his or her spouse.

5 Notwithstanding the preceding paragraph, the eligibility
6 standards must also include a provision that, to be eligible
7 for services under this Section, a person who is married and
8 whose spouse does not receive services under this Section may
9 not have assets (other than specifically exempt assets)
10 totaling more than the asset disregard amount used by the
11 Department of Public Aid in determining eligibility for
12 medical assistance under Article V of the Illinois Public Aid
13 Code.

14 Such eligibility standards shall be based on the
15 recipient's ability to pay for services; provided, however,
16 that in determining the amount and nature of services for
17 which a person may qualify, consideration shall not be given
18 to the value of cash, property or other assets held in the
19 name of the person's spouse pursuant to a written agreement
20 dividing marital property into equal but separate shares or
21 pursuant to a transfer of the person's interest in a home to
22 his spouse, provided that the spouse's share of the marital
23 property is not made available to the person seeking such
24 services. The Department shall, in conjunction with the
25 Department of Public Aid, seek appropriate amendments under
26 Sections 1915 and 1924 of the Social Security Act. The
27 purpose of the amendments shall be to extend eligibility for
28 home and community based services under Sections 1915 and
29 1924 of the Social Security Act to persons who transfer to or
30 for the benefit of a spouse those amounts of income and
31 resources allowed under Section 1924 of the Social Security
32 Act. Subject to the approval of such amendments, the
33 Department shall extend the provisions of Section 5-4 of the
34 Illinois Public Aid Code to persons who, but for the

1 provision of home or community-based services, would require
2 the level of care provided in an institution, as is provided
3 for in federal law.

4 Those persons no longer found to be eligible for
5 receiving noninstitutional services due to changes in the
6 eligibility criteria shall be given 60 days notice prior to
7 actual termination. Those persons receiving notice of
8 termination may contact the Department and request the
9 determination be appealed at any time during the 60 day
10 notice period. With the exception of the lengthened notice
11 and time frame for the appeal request, the appeal process
12 shall follow the normal procedure. In addition, each person
13 affected regardless of the circumstances for discontinued
14 eligibility shall be given notice and the opportunity to
15 purchase the necessary services through the Community Care
16 Program. If the individual does not elect to purchase
17 services, the Department shall advise the individual of
18 alternative services.

19 The target population identified for the purposes of this
20 Section are persons age 60 and older with an identified
21 service need. Priority shall be given to those who are at
22 imminent risk of institutionalization. The services shall be
23 provided to eligible persons age 60 and older to the extent
24 that the cost of the services together with the other
25 personal maintenance expenses of the persons are reasonably
26 related to the standards established for care in a group
27 facility appropriate to the person's condition.

28 These non-institutional services, pilot projects or
29 experimental facilities may be provided as part of or in
30 addition to those authorized by federal law or those funded
31 and administered by the Department of Human Services. The
32 Departments of Human Services, Public Aid, Public Health,
33 Veterans' Affairs, and Commerce and Community Affairs and
34 other appropriate agencies of State, federal and local

1 governments shall cooperate with the Department on Aging in
2 the establishment and development of the non-institutional
3 services.

4 The Department shall require an annual audit from all
5 chore/housekeeping and homemaker vendors contracting with the
6 Department under this Section. The annual audit shall assure
7 that each audited vendor's procedures are in compliance with
8 Department's financial reporting guidelines requiring a 27%
9 administrative cost split and a 73% employee wages and
10 benefits cost split. The audit is a public record under the
11 Freedom of Information Act.

12 The Department shall execute, relative to the nursing
13 home prescreening project, written inter-agency agreements
14 with the Department of Human Services and the Department of
15 Public Aid, to effect the following: (1) intake procedures
16 and common eligibility criteria for those persons who are
17 receiving non-institutional services; and (2) the
18 establishment and development of non-institutional services
19 in areas of the State where they are not currently available
20 or are undeveloped. On and after July 1, 1996, all nursing
21 home prescreenings for individuals 60 years of age or older
22 shall be conducted by the Department.

23 The Department is authorized to establish a system of
24 recipient copayment for services provided under this Section,
25 such copayment to be based upon the recipient's ability to
26 pay but in no case to exceed the actual cost of the services
27 provided. Additionally, any portion of a person's income
28 which is equal to or less than the federal poverty standard
29 shall not be considered by the Department in determining the
30 copayment. The level of such copayment shall be adjusted
31 whenever necessary to reflect any change in the officially
32 designated federal poverty standard.

33 The Department, or the Department's authorized
34 representative, shall recover the amount of moneys expended

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

29 The Department shall develop procedures to enhance
30 availability of services on evenings, weekends, and on an
31 emergency basis to meet the respite needs of caregivers.
32 Procedures shall be developed to permit the utilization of
33 services in successive blocks of 24 hours up to the monthly
34 maximum established by the Department. Workers providing

1 these services shall be appropriately trained.

2 Beginning on the effective date of this Amendatory Act of
3 1991, no person may perform chore/housekeeping and homemaker
4 services under a program authorized by this Section unless
5 that person has been issued a certificate of pre-service to
6 do so by his or her employing agency. Information gathered
7 to effect such certification shall include (i) the person's
8 name, (ii) the date the person was hired by his or her
9 current employer, and (iii) the training, including dates and
10 levels. Persons engaged in the program authorized by this
11 Section before the effective date of this amendatory Act of
12 1991 shall be issued a certificate of all pre- and in-service
13 training from his or her employer upon submitting the
14 necessary information. The employing agency shall be
15 required to retain records of all staff pre- and in-service
16 training, and shall provide such records to the Department
17 upon request and upon termination of the employer's contract
18 with the Department. In addition, the employing agency is
19 responsible for the issuance of certifications of in-service
20 training completed to their employees.

21 The Department is required to develop a system to ensure
22 that persons working as homemakers and chore housekeepers
23 receive increases in their wages when the federal minimum
24 wage is increased by requiring vendors to certify that they
25 are meeting the federal minimum wage statute for homemakers
26 and chore housekeepers. An employer that cannot ensure that
27 the minimum wage increase is being given to homemakers and
28 chore housekeepers shall be denied any increase in
29 reimbursement costs.

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

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

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

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

25 on page 4, by replacing lines 16 and 17 with the following:

26 "Section 99. Effective date. This Act takes effect upon
27 becoming law, except that the changes to Sec. 4.02 of the
28 Illinois Act on the Aging take effect January 1, 2002."