



Rep. Arthur Turner

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LRB101 10420 KTG 57215 a

1 AMENDMENT TO HOUSE BILL 3516

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3516 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Rehabilitation of Persons with  
5 Disabilities Act is 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 Innovation and Opportunity Act, and of the federal Social  
13 Security Act to the extent and in the manner provided in  
14 these Acts.

15 (b) To prescribe and supervise such courses of  
16 vocational training and provide such other services as may

1 be necessary for the habilitation and rehabilitation of  
2 persons with one or more disabilities, including the  
3 administrative activities under subsection (e) of this  
4 Section, and to co-operate with State and local school  
5 authorities and other recognized agencies engaged in  
6 habilitation, rehabilitation and comprehensive  
7 rehabilitation services; and to cooperate with the  
8 Department of Children and Family Services regarding the  
9 care and education of children with one or more  
10 disabilities.

11 (c) (Blank).

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

26 (e) (Blank).

1 (f) To establish a program of services to prevent the  
2 unnecessary institutionalization of persons in need of  
3 long term care and who meet the criteria for blindness or  
4 disability as defined by the Social Security Act, thereby  
5 enabling them to remain in their own homes. Such preventive  
6 services include any or all of the following:

- 7 (1) personal assistant services;
- 8 (2) homemaker services;
- 9 (3) home-delivered meals;
- 10 (4) adult day care services;
- 11 (5) respite care;
- 12 (6) home modification or assistive equipment;
- 13 (7) home health services;
- 14 (8) electronic home response;
- 15 (9) brain injury behavioral/cognitive services;
- 16 (10) brain injury habilitation;
- 17 (11) brain injury pre-vocational services; or
- 18 (12) brain injury supported employment.

19 The Department shall establish eligibility standards  
20 for such services taking into consideration the unique  
21 economic and social needs of the population for whom they  
22 are to be provided. Such eligibility standards may be based  
23 on the recipient's ability to pay for services; provided,  
24 however, that any portion of a person's income that is  
25 equal to or less than the "protected income" level shall  
26 not be considered by the Department in determining

1 eligibility. The "protected income" level shall be  
2 determined by the Department, shall never be less than the  
3 federal poverty standard, and shall be adjusted each year  
4 to reflect changes in the Consumer Price Index For All  
5 Urban Consumers as determined by the United States  
6 Department of Labor. The standards must provide that a  
7 person may not have more than \$10,000 in assets to be  
8 eligible for the services, and the Department may increase  
9 or decrease the asset limitation by rule. The Department  
10 may not decrease the asset level below \$10,000.

11 The services shall be provided, as established by the  
12 Department by rule, to eligible persons to prevent  
13 unnecessary or premature institutionalization, to the  
14 extent that the cost of the services, together with the  
15 other personal maintenance expenses of the persons, are  
16 reasonably related to the standards established for care in  
17 a group facility appropriate to their condition.  
18 Notwithstanding this paragraph, medical services shall be  
19 provided, including, but not limited to, nursing staff  
20 services for basic medical care. These non-institutional  
21 services, pilot projects or experimental facilities may be  
22 provided as part of or in addition to those authorized by  
23 federal law or those funded and administered by the  
24 Illinois Department on Aging. The Department shall set  
25 rates and fees for services in a fair and equitable manner.  
26 Services identical to those offered by the Department on

1 Aging shall be paid at the same rate.

2 Except as otherwise provided in this paragraph,  
3 personal assistants shall be paid at a rate negotiated  
4 between the State and an exclusive representative of  
5 personal assistants under a collective bargaining  
6 agreement. In no case shall the Department pay personal  
7 assistants an hourly wage that is less than the federal  
8 minimum wage. Within 30 days after July 6, 2017 (the  
9 effective date of Public Act 100-23), the hourly wage paid  
10 to personal assistants and individual maintenance home  
11 health workers shall be increased by \$0.48 per hour.

12 Solely for the purposes of coverage under the Illinois  
13 Public Labor Relations Act, personal assistants providing  
14 services under the Department's Home Services Program  
15 shall be considered to be public employees and the State of  
16 Illinois shall be considered to be their employer as of  
17 July 16, 2003 (the effective date of Public Act 93-204),  
18 but not before. Solely for the purposes of coverage under  
19 the Illinois Public Labor Relations Act, home care and home  
20 health workers who function as personal assistants and  
21 individual maintenance home health workers and who also  
22 provide services under the Department's Home Services  
23 Program shall be considered to be public employees, no  
24 matter whether the State provides such services through  
25 direct fee-for-service arrangements, with the assistance  
26 of a managed care organization or other intermediary, or

1 otherwise, and the State of Illinois shall be considered to  
2 be the employer of those persons as of January 29, 2013  
3 (the effective date of Public Act 97-1158), but not before  
4 except as otherwise provided under this subsection (f). The  
5 State shall engage in collective bargaining with an  
6 exclusive representative of home care and home health  
7 workers who function as personal assistants and individual  
8 maintenance home health workers working under the Home  
9 Services Program concerning their terms and conditions of  
10 employment that are within the State's control. Nothing in  
11 this paragraph shall be understood to limit the right of  
12 the persons receiving services defined in this Section to  
13 hire and fire home care and home health workers who  
14 function as personal assistants and individual maintenance  
15 home health workers working under the Home Services Program  
16 or to supervise them within the limitations set by the Home  
17 Services Program. The State shall not be considered to be  
18 the employer of home care and home health workers who  
19 function as personal assistants and individual maintenance  
20 home health workers working under the Home Services Program  
21 for any purposes not specifically provided in Public Act  
22 93-204 or Public Act 97-1158, including but not limited to,  
23 purposes of vicarious liability in tort and purposes of  
24 statutory retirement or health insurance benefits. Home  
25 care and home health workers who function as personal  
26 assistants and individual maintenance home health workers

1 and who also provide services under the Department's Home  
2 Services Program shall not be covered by the State  
3 Employees Group Insurance Act of 1971.

4 The Department shall execute, relative to nursing home  
5 prescreening, as authorized by Section 4.03 of the Illinois  
6 Act on the Aging, written inter-agency agreements with the  
7 Department on Aging and the Department of Healthcare and  
8 Family Services, to effect the intake procedures and  
9 eligibility criteria for those persons who may need long  
10 term care. On and after July 1, 1996, all nursing home  
11 prescreenings for individuals 18 through 59 years of age  
12 shall be conducted by the Department, or a designee of the  
13 Department.

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

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



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

8 The Department shall submit an annual report on  
9 programs and services provided under this Section. The  
10 report shall be filed with the Governor and the General  
11 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 as  
14 required by Section 3.1 of the General Assembly  
15 Organization Act, and filing additional copies with the  
16 State Government Report Distribution Center for the  
17 General Assembly as required under paragraph (t) of Section  
18 7 of the State Library Act.

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

23 (h) To cooperate and enter into any necessary  
24 agreements with the Department of Employment Security for  
25 the provision of job placement and job referral services to  
26 clients of the Department, including job service

1 registration of such clients with Illinois Employment  
2 Security offices and making job listings maintained by the  
3 Department of Employment Security available to such  
4 clients.

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

9 (j) (Blank).

10 (k) (Blank).

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

1 frequently and promptly update the Clearinghouse's  
2 information.

3 (m) To assure that the names and case records of  
4 persons who received or are receiving services from the  
5 Department, including persons receiving vocational  
6 rehabilitation, home services, or other services, and  
7 those attending one of the Department's schools or other  
8 supervised facility shall be confidential and not be open  
9 to the general public. Those case records and reports or  
10 the information contained in those records and reports  
11 shall be disclosed by the Director only to proper law  
12 enforcement officials, individuals authorized by a court,  
13 the General Assembly or any committee or commission of the  
14 General Assembly, and other persons and for reasons as the  
15 Director designates by rule. Disclosure by the Director may  
16 be only in accordance with other applicable law.

17 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17;  
18 100-477, eff. 9-8-17; 100-587, eff. 6-4-18; 100-863, eff.  
19 8-14-18; 100-1148, eff. 12-10-18.)".