



Sen. Javier L. Cervantes

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1 AMENDMENT TO SENATE BILL 505

2 AMENDMENT NO. _____. Amend Senate Bill 505 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 cooperate with the federal government in the
10 administration of the provisions of the federal
11 Rehabilitation Act of 1973, as amended by 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 vocational rehabilitation of persons
2 with one or more disabilities, including the
3 administrative activities under subsection (e) of this
4 Section; to cooperate with State and local school
5 authorities and other recognized agencies engaged in
6 vocational rehabilitation services; and to cooperate with
7 the Department of Children and Family Services, the
8 Illinois State Board of Education, and others regarding
9 the education of children with one or more disabilities.

10 (c) (Blank).

11 (d) To report in writing, to the Governor, annually on
12 or before the first day of December, and at such other
13 times and in such manner and upon such subjects as the
14 Governor may require. The annual report shall contain (1)
15 information on the programs and activities dedicated to
16 vocational rehabilitation, independent living, and other
17 community services and supports administered by the
18 Director; (2) information on the development of vocational
19 rehabilitation services, independent living services, and
20 supporting services administered by the Director in the
21 State; and (3) information detailing the amounts of money
22 received from federal, State, and other sources, and of
23 the objects and purposes to which the respective items of
24 these several amounts have been devoted.

25 (e) (Blank).

26 (f) To establish a program of services to prevent the

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

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

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

1 determined by the Department, shall never be less than the
2 federal poverty standard, and shall be adjusted each year
3 to reflect changes in the Consumer Price Index For All
4 Urban Consumers as determined by the United States
5 Department of Labor. The standards must provide that a
6 person may not have more than \$10,000 in assets to be
7 eligible for the services, and the Department may increase
8 or decrease the asset limitation by rule. The Department
9 may not decrease the asset level below \$10,000. Subject to
10 federal approval, the Department shall allow a recipient's
11 spouse, guardian, kin, or siblings to serve as his or her
12 provider of personal care or similar services.

13 The services shall be provided, as established by the
14 Department by rule, to eligible persons to prevent
15 unnecessary or premature institutionalization, to the
16 extent that the cost of the services, together with the
17 other personal maintenance expenses of the persons, are
18 reasonably related to the standards established for care
19 in a group facility appropriate to their condition. These
20 non-institutional services, pilot projects or experimental
21 facilities may be provided as part of or in addition to
22 those authorized by federal law or those funded and
23 administered by the Illinois Department on Aging. The
24 Department shall set rates and fees for services in a fair
25 and equitable manner. Services identical to those offered
26 by the Department on Aging shall be paid at the same rate.

1 Except as otherwise provided in this paragraph,
2 personal assistants shall be paid at a rate negotiated
3 between the State and an exclusive representative of
4 personal assistants under a collective bargaining
5 agreement. In no case shall the Department pay personal
6 assistants an hourly wage that is less than the federal
7 minimum wage. Within 30 days after July 6, 2017 (the
8 effective date of Public Act 100-23), the hourly wage paid
9 to personal assistants and individual maintenance home
10 health workers shall be increased by \$0.48 per hour. Wages
11 and other benefits for personal assistants shall not count
12 against benefits that guardians receive as outlined in
13 Article XIa of the Probate Act of 1975.

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

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

1 health insurance benefits. Home care and home health
2 workers who function as personal assistants and individual
3 maintenance home health workers and who also provide
4 services under the Department's Home Services Program
5 shall not be covered by the State Employees Group
6 Insurance Act of 1971.

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

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

1 The Department shall deduct from the recipient's share of
2 the cost of services any money expended by the recipient
3 for disability-related expenses.

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

1 Security Act and Section 5-4 of the Illinois Public Aid
2 Code, who precedes a person receiving services under this
3 Section in death. All moneys for services paid to or in
4 behalf of the person under this Section shall be claimed
5 for recovery from the deceased spouse's estate.
6 "Homestead", as used in this paragraph, means the dwelling
7 house and contiguous real estate occupied by a surviving
8 spouse or relative, as defined by the rules and
9 regulations of the Department of Healthcare and Family
10 Services, regardless of the value of the property.

11 (g) To establish such subdivisions of the Department
12 as shall be desirable and assign to the various
13 subdivisions the responsibilities and duties placed upon
14 the Department by law.

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

23 (i) To possess all powers reasonable and necessary for
24 the exercise and administration of the powers, duties and
25 responsibilities of the Department which are provided for
26 by law.

1 (j) (Blank).

2 (k) (Blank).

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

21 (m) To assure that the names and case records of
22 persons who received or are receiving services from the
23 Department, including persons receiving vocational
24 rehabilitation, home services, or other services, and
25 those attending one of the Department's schools or other
26 supervised facility shall be confidential and not be open

1 to the general public. Those case records and reports or
2 the information contained in those records and reports
3 shall be disclosed by the Director only to proper law
4 enforcement officials, individuals authorized by a court,
5 the General Assembly or any committee or commission of the
6 General Assembly, and other persons and for reasons as the
7 Director designates by rule. Disclosure by the Director
8 may be only in accordance with other applicable law.

9 (Source: P.A. 102-264, eff. 8-6-21; 102-826, eff. 5-13-22.)".