

1 AN ACT concerning preventive services.

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

4 Section 5. The Illinois Act on the Aging is amended by  
5 changing Section 4.02 as follows:

6 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

7 Sec. 4.02. Preventive services. The Department shall  
8 establish a program of services to prevent unnecessary  
9 institutionalization of persons age 60 and older in need of  
10 long term care or who are established as persons who suffer  
11 from Alzheimer's disease or a related disorder under the  
12 Alzheimer's Disease Assistance Act, thereby enabling them to  
13 remain in their own homes or in other living arrangements.  
14 Such preventive services, which may be coordinated with other  
15 programs for the aged and monitored by area agencies on aging  
16 in cooperation with the Department, may include, but are not  
17 limited to, any or all of the following:

- 18 (a) home health services;
- 19 (b) home nursing services;
- 20 (c) homemaker services;
- 21 (d) chore and housekeeping services;
- 22 (e) day care services;
- 23 (f) home-delivered meals;
- 24 (g) education in self-care;
- 25 (h) personal care services;
- 26 (i) adult day health services;
- 27 (j) habilitation services;
- 28 (k) respite care;
- 29 (l) other nonmedical social services that may  
30 enable the person to become self-supporting; or
- 31 (m) clearinghouse for information provided by

1 senior citizen home owners who want to rent rooms to or  
2 share living space with other senior citizens.

3 The Department shall establish eligibility standards for  
4 such services taking into consideration the unique economic  
5 and social needs of the target population for whom they are  
6 to be provided. Such eligibility standards shall be based on  
7 the recipient's ability to pay for services; provided,  
8 however, that in determining the amount and nature of  
9 services for which a person may qualify, consideration shall  
10 not be given to the value of cash, property or other assets  
11 held in the name of the person's spouse pursuant to a written  
12 agreement dividing marital property into equal but separate  
13 shares or pursuant to a transfer of the person's interest in  
14 a home to his spouse, provided that the spouse's share of the  
15 marital property is not made available to the person seeking  
16 such services.

17 Beginning July 1, 2002, the Department shall require as a  
18 condition of eligibility that all applicants and recipients  
19 apply for medical assistance under Article V of the Illinois  
20 Public Aid Code in accordance with rules promulgated by the  
21 Department.

22 The Department shall, in conjunction with the Department  
23 of Public Aid, seek appropriate amendments under Sections  
24 1915 and 1924 of the Social Security Act. The purpose of the  
25 amendments shall be to extend eligibility for home and  
26 community based services under Sections 1915 and 1924 of the  
27 Social Security Act to persons who transfer to or for the  
28 benefit of a spouse those amounts of income and resources  
29 allowed under Section 1924 of the Social Security Act.  
30 Subject to the approval of such amendments, the Department  
31 shall extend the provisions of Section 5-4 of the Illinois  
32 Public Aid Code to persons who, but for the provision of home  
33 or community-based services, would require the level of care  
34 provided in an institution, as is provided for in federal

1 law. Those persons no longer found to be eligible for  
2 receiving noninstitutional services due to changes in the  
3 eligibility criteria shall be given 60 days notice prior to  
4 actual termination. Those persons receiving notice of  
5 termination may contact the Department and request the  
6 determination be appealed at any time during the 60 day  
7 notice period. With the exception of the lengthened notice  
8 and time frame for the appeal request, the appeal process  
9 shall follow the normal procedure. In addition, each person  
10 affected regardless of the circumstances for discontinued  
11 eligibility shall be given notice and the opportunity to  
12 purchase the necessary services through the Community Care  
13 Program. If the individual does not elect to purchase  
14 services, the Department shall advise the individual of  
15 alternative services. The target population identified for  
16 the purposes of this Section are persons age 60 and older  
17 with an identified service need. Priority shall be given to  
18 those who are at imminent risk of institutionalization. The  
19 services shall be provided to eligible persons age 60 and  
20 older to the extent that the cost of the services together  
21 with the other personal maintenance expenses of the persons  
22 are reasonably related to the standards established for care  
23 in a group facility appropriate to the person's condition.  
24 These non-institutional services, pilot projects or  
25 experimental facilities may be provided as part of or in  
26 addition to those authorized by federal law or those funded  
27 and administered by the Department of Human Services. The  
28 Departments of Human Services, Public Aid, Public Health,  
29 Veterans' Affairs, and Commerce and Community Affairs and  
30 other appropriate agencies of State, federal and local  
31 governments shall cooperate with the Department on Aging in  
32 the establishment and development of the non-institutional  
33 services. The Department shall require an annual audit from  
34 all chore/housekeeping and homemaker vendors contracting with

1 the Department under this Section. The annual audit shall  
2 assure that each audited vendor's procedures are in  
3 compliance with Department's financial reporting guidelines  
4 requiring a 27% administrative cost split and a 73% employee  
5 wages and benefits cost split. The audit is a public record  
6 under the Freedom of Information Act. The Department shall  
7 execute, relative to the nursing home prescreening project,  
8 written inter-agency agreements with the Department of Human  
9 Services and the Department of Public Aid, to effect the  
10 following: (1) intake procedures and common eligibility  
11 criteria for those persons who are receiving  
12 non-institutional services; and (2) the establishment and  
13 development of non-institutional services in areas of the  
14 State where they are not currently available or are  
15 undeveloped. On and after July 1, 1996, all nursing home  
16 prescreenings for individuals 60 years of age or older shall  
17 be conducted by the Department.

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

28 The Department, or the Department's authorized  
29 representative, shall recover the amount of moneys expended  
30 for services provided to or in behalf of a person under this  
31 Section by a claim against the person's estate or against the  
32 estate of the person's surviving spouse, but no recovery may  
33 be had until after the death of the surviving spouse, if any,  
34 and then only at such time when there is no surviving child

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

24 The Department shall develop procedures to enhance  
25 availability of services on evenings, weekends, and on an  
26 emergency basis to meet the respite needs of caregivers.  
27 Procedures shall be developed to permit the utilization of  
28 services in successive blocks of 24 hours up to the monthly  
29 maximum established by the Department. Workers providing  
30 these services shall be appropriately trained.

31 Beginning on the effective date of this Amendatory Act of  
32 1991, no person may perform chore/housekeeping and homemaker  
33 services under a program authorized by this Section unless  
34 that person has been issued a certificate of pre-service to

1 do so by his or her employing agency. Information gathered  
2 to effect such certification shall include (i) the person's  
3 name, (ii) the date the person was hired by his or her  
4 current employer, and (iii) the training, including dates and  
5 levels. Persons engaged in the program authorized by this  
6 Section before the effective date of this amendatory Act of  
7 1991 shall be issued a certificate of all pre- and in-service  
8 training from his or her employer upon submitting the  
9 necessary information. The employing agency shall be  
10 required to retain records of all staff pre- and in-service  
11 training, and shall provide such records to the Department  
12 upon request and upon termination of the employer's contract  
13 with the Department. In addition, the employing agency is  
14 responsible for the issuance of certifications of in-service  
15 training completed to their employees.

16 The Department is required to develop a system to ensure  
17 that persons working as homemakers and chore housekeepers  
18 receive increases in their wages when the federal minimum  
19 wage is increased by requiring vendors to certify that they  
20 are meeting the federal minimum wage statute for homemakers  
21 and chore housekeepers. An employer that cannot ensure that  
22 the minimum wage increase is being given to homemakers and  
23 chore housekeepers shall be denied any increase in  
24 reimbursement costs. Beginning July 1, 2003, the vendors  
25 shall receive a rate increase equal to the percent increase  
26 in the federal or State minimum wage each time the federal or  
27 State minimum wage is increased.

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

33 The requirement for reporting to the General Assembly  
34 shall be satisfied by filing copies of the report with the

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

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

21 (Source: P.A. 91-303, eff. 1-1-00; 91-798, eff. 7-9-00;  
22 92-597, eff. 6-28-02.)

23 Section 10. The Disabled Persons Rehabilitation Act is  
24 amended by changing Section 3 as follows:

25 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

26 Sec. 3. Powers and duties. The Department shall have the  
27 powers and duties enumerated herein:

28 (a) To co-operate with the federal government in the  
29 administration of the provisions of the federal  
30 Rehabilitation Act of 1973, as amended, of the Workforce  
31 Investment Act of 1998, and of the federal Social Security  
32 Act to the extent and in the manner provided in these Acts.

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

12           (c) (Blank).

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

26           (e) (Blank).

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



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

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

1 such services.

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

12 Personal care attendants shall be paid:

13 (i) A \$5 per hour minimum rate beginning July 1,  
14 1995.

15 (ii) A \$5.30 per hour minimum rate beginning July  
16 1, 1997.

17 (iii) A \$5.40 per hour minimum rate beginning July  
18 1, 1998.

19 Beginning July 1, 2003, personal care attendants shall  
20 receive a percentage increase in wages equal to the percent  
21 increase in the federal or State minimum wage each time the  
22 federal or State minimum wage is increased.

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

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

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

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

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

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

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

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

1           (i) To possess all powers reasonable and necessary for  
2 the exercise and administration of the powers, duties and  
3 responsibilities of the Department which are provided for by  
4 law.

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

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

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

31           (m) To assure that the names and case records of persons  
32 who received or are receiving services from the Department,  
33 including persons receiving vocational rehabilitation, home  
34 services, or other services, and those attending one of the

1 Department's schools or other supervised facility shall be  
2 confidential and not be open to the general public. Those  
3 case records and reports or the information contained in  
4 those records and reports shall be disclosed by the Director  
5 only to proper law enforcement officials, individuals  
6 authorized by a court, the General Assembly or any committee  
7 or commission of the General Assembly, and other persons and  
8 for reasons as the Director designates by rule. Disclosure  
9 by the Director may be only in accordance with other  
10 applicable law.

11 (Source: P.A. 91-540, eff. 8-13-99; 92-84, eff. 7-1-02.)

12 Section 99. Effective date. This Act takes effect July  
13 1, 2003.