

1 AN ACT concerning health care.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois Consumer-Directed Care Act.

6 Section 5. Legislative findings. The General Assembly
7 finds that alternatives to institutional care, such as
8 in-home and community-based care, should be encouraged. The
9 General Assembly finds that giving recipients of in-home and
10 community-based services the opportunity to select the
11 services they need and the providers they want, including
12 family and friends, enhances their sense of dignity and
13 autonomy. The General Assembly also finds that providing
14 consumers choice and control, as tested in current research
15 and demonstration projects, has been beneficial and should be
16 developed further and implemented statewide.

17 Section 10. Legislative intent. It is the intent of the
18 General Assembly to nurture the autonomy of those citizens of
19 the State, of all ages, who have disabilities by providing
20 the long-term care services they need in the least
21 restrictive and appropriate setting. It is the intent of the
22 General Assembly to give these individuals more choices in
23 and greater control over the purchased long-term care
24 services that they receive.

25 Section 15. Definitions. In this Act
26 "Budget allowance" means the amount of money made
27 available each month to a consumer to purchase needed
28 long-term care services, based on the results of a functional
29 needs assessment.

1 "Consultant" means an individual who provides technical
2 assistance to consumers in meeting their responsibilities
3 under this Act.

4 "Consumer" means a person who has chosen to participate
5 in the program, has met the enrollment requirements, and has
6 received an approved budget allowance.

7 "Department" means the Illinois Department on Aging.

8 "Fiscal intermediary" means an entity approved by the
9 Department that helps the consumer manage the consumer's
10 budget allowance, retains the funds, processes employment
11 information, if any, and tax information, reviews records to
12 ensure correctness, writes paychecks to providers, and
13 delivers paychecks to the consumer for distribution to
14 providers and caregivers.

15 "Provider" means (i) a person licensed or otherwise
16 permitted to render services eligible for reimbursement under
17 this Act for whom the consumer is not the employer of record
18 or (ii) a consumer-employed caregiver for whom the consumer
19 is the employer of record.

20 "Representative" means an uncompensated individual
21 designated by the consumer to assist in managing the
22 consumer's budget allowance and needed services.

23 Section 20. Program established. Beginning July 1,
24 2004, the Department, in conjunction with the Illinois
25 Department of Public Aid, the Illinois Department of Public
26 Health, and the Illinois Department of Human Services, shall
27 establish as a demonstration program the consumer-directed
28 care program, which shall be based on the principles of
29 consumer choice and control. The Department shall implement
30 the demonstration program upon federal approval. The program
31 shall allow enrolled persons to choose the providers of
32 services and to direct the delivery of services, to best meet
33 their long-term care needs. The program must operate within

1 the funds appropriated.

2 Section 25. Eligibility and enrollment. Persons who are
3 enrolled in a Medicaid home and community-based waiver
4 program and are who able to direct their own care or to
5 designate an eligible representative may choose to
6 participate in the consumer-directed care program.

7 Section 30. Budget allowances. Consumers enrolled in
8 the program shall be given a monthly budget allowance based
9 on the results of their assessed functional needs and the
10 financial resources of the program. Consumers shall receive
11 the budget allowance directly from a Department-approved
12 fiscal intermediary. Each participating State agency shall
13 develop purchasing guidelines to assist consumers in using
14 the budget allowance to purchase needed and cost-effective
15 services. The Department shall approve all purchasing
16 guidelines.

17 Section 35. Services. Consumers may use the budget
18 allowance to pay only for home and community-based services
19 that meet the consumer's long-term care needs and that are a
20 cost-efficient use of funds. These services may include, but
21 are not limited to, the following:

22 (1) Personal care.

23 (2) Homemaking and chores, including housework,
24 meals, shopping, and transportation.

25 (3) Home modifications and assistive devices that
26 may increase the consumer's independence or make it
27 possible to avoid institutional placement.

28 (4) Assistance in taking self-administered
29 medication.

30 (5) Day care and respite care services, including
31 those provided by nursing home facilities or by adult day

1 care facilities.

2 (6) Personal care and support services provided in
3 an assisted living facility.

4 Section 40. Consumer roles and responsibilities.

5 (a) Consumers shall be allowed to choose the providers
6 of services, as well as when and how the services are
7 provided. Providers may include a consumer's neighbor,
8 friend, spouse, or relative.

9 (b) In cases where a consumer is the employer of record,
10 the consumer's roles and responsibilities include, but are
11 not limited to, the following:

12 (1) Developing a job description.

13 (2) Selecting caregivers and submitting information
14 for the background screening as required by law.

15 (3) Communicating needs, preferences, and
16 expectations about services being purchased.

17 (4) Providing the fiscal intermediary with all
18 information necessary for provider payments and tax
19 requirements.

20 (5) Ending the employment of an unsatisfactory
21 caregiver.

22 (c) In cases where a consumer is not the employer of
23 record, the consumer's roles and responsibilities include,
24 but are not limited to, the following:

25 (1) Communicating needs, preferences, and
26 expectations about services being purchased.

27 (2) Ending the services of an unsatisfactory
28 provider.

29 (3) Providing the fiscal agent with all information
30 necessary for provider payments and tax requirements.

31 Section 45. Agency and Department roles and
32 responsibilities. The Department's and the other

1 participating State agencies' roles and responsibilities
2 include, but are not limited to, the following:

3 (1) Assessing each consumer's functional needs,
4 helping with the service plan, and providing ongoing
5 assistance with the service plan.

6 (2) Offering the services of consultants to provide
7 training, technical assistance, and support to the
8 consumer.

9 (3) Completing the background screening for
10 providers.

11 (4) Approving fiscal intermediaries.

12 (5) Establishing the minimum qualifications for all
13 caregivers and providers and being the final arbiter of
14 the fitness of any individual to be a caregiver or
15 provider.

16 Section 50. Fiscal intermediary roles and
17 responsibilities. The fiscal intermediary's roles and
18 responsibilities include, but are not limited to, the
19 following:

20 (1) Providing recordkeeping services.

21 (2) Retaining the consumer-directed care funds,
22 processing employment and tax information, if any,
23 reviewing records to ensure correctness, writing
24 paychecks to providers, and delivering paychecks to the
25 consumer for distribution.

26 Section 55. Background screening requirements. All
27 persons who render care under this Act must comply with the
28 requirements of the Health Care Worker Background Check Act.

29 Section 60. Rules; federal waivers. The Department and
30 the other participating State agencies may adopt and enforce
31 rules concerning the consumer-directed care program. The

1 Department shall take all necessary action to ensure State
2 compliance with federal regulations. The Department shall
3 apply for any necessary federal waivers or waiver amendments
4 needed to implement the program.

5 Section 65. Reviews and reports. The Department and all
6 other participating State agencies shall each, on an ongoing
7 basis, review and assess the implementation of the
8 consumer-directed care program. By January 15 of each year,
9 beginning in 2004, the Department shall submit a written
10 report to the General Assembly that includes the Department's
11 and all other State agencies' review of the program and
12 recommendations for improvements to the program.

13 Section 70. Repeal. The Illinois Consumer-Directed Care
14 Act is repealed on January 1, 2008.