

1 AN ACT concerning personal care attendants.

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

4 Section 5. The Disabled Persons Rehabilitation Act is
5 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 Investment Act of 1998, and of the federal Social Security
13 Act to the extent and in the manner provided in these Acts.

14 (b) To prescribe and supervise such courses of
15 vocational training and provide such other services as may be
16 necessary for the habilitation and rehabilitation of persons
17 with one or more disabilities, including the administrative
18 activities under subsection (e) of this Section, and to
19 co-operate with State and local school authorities and other
20 recognized agencies engaged in habilitation, rehabilitation
21 and comprehensive rehabilitation services; and to cooperate
22 with the Department of Children and Family Services regarding
23 the care and education of children with one or more
24 disabilities.

25 (c) (Blank).

26 (d) To report in writing, to the Governor, annually on
27 or before the first day of December, and at such other times
28 and in such manner and upon such subjects as the Governor may
29 require. The annual report shall contain (1) a statement of
30 the existing condition of comprehensive rehabilitation
31 services, habilitation and rehabilitation in the State; (2) a

1 statement of suggestions and recommendations with reference
2 to the development of comprehensive rehabilitation services,
3 habilitation and rehabilitation in the State; and (3) an
4 itemized statement of the amounts of money received from
5 federal, State and other sources, and of the objects and
6 purposes to which the respective items of these several
7 amounts have been devoted.

8 (e) (Blank).

9 (f) To establish a program of services to prevent
10 unnecessary institutionalization of persons with Alzheimer's
11 disease and related disorders or persons in need of long term
12 care who are established as blind or disabled as defined by
13 the Social Security Act, thereby enabling them to remain in
14 their own homes or other living arrangements. Such preventive
15 services may include, but are not limited to, any or all of
16 the following:

- 17 (1) home health services;
- 18 (2) home nursing services;
- 19 (3) homemaker services;
- 20 (4) chore and housekeeping services;
- 21 (5) day care services;
- 22 (6) home-delivered meals;
- 23 (7) education in self-care;
- 24 (8) personal care services;
- 25 (9) adult day health services;
- 26 (10) habilitation services;
- 27 (11) respite care; or
- 28 (12) other nonmedical social services that may
29 enable the person to become self-supporting.

30 The Department shall establish eligibility standards for
31 such services taking into consideration the unique economic
32 and social needs of the population for whom they are to be
33 provided. Such eligibility standards may be based on the
34 recipient's ability to pay for services; provided, however,

1 that any portion of a person's income that is equal to or
2 less than the "protected income" level shall not be
3 considered by the Department in determining eligibility. The
4 "protected income" level shall be determined by the
5 Department, shall never be less than the federal poverty
6 standard, and shall be adjusted each year to reflect changes
7 in the Consumer Price Index For All Urban Consumers as
8 determined by the United States Department of Labor.
9 Additionally, in determining the amount and nature of
10 services for which a person may qualify, consideration shall
11 not be given to the value of cash, property or other assets
12 held in the name of the person's spouse pursuant to a written
13 agreement dividing marital property into equal but separate
14 shares or pursuant to a transfer of the person's interest in
15 a home to his spouse, provided that the spouse's share of the
16 marital property is not made available to the person seeking
17 such services.

18 The services shall be provided to eligible persons to
19 prevent unnecessary or premature institutionalization, to the
20 extent that the cost of the services, together with the other
21 personal maintenance expenses of the persons, are reasonably
22 related to the standards established for care in a group
23 facility appropriate to their condition. These
24 non-institutional services, pilot projects or experimental
25 facilities may be provided as part of or in addition to those
26 authorized by federal law or those funded and administered by
27 the Illinois Department on Aging.

28 Personal care attendants shall be paid:

29 (i) A \$5 per hour minimum rate beginning July 1,
30 1995.

31 (ii) A \$5.30 per hour minimum rate beginning July
32 1, 1997.

33 (iii) A \$5.40 per hour minimum rate beginning July
34 1, 1998.

1 (iv) A \$6 per hour minimum rate beginning July 1,
2 2003.

3 (v) A \$7 per hour minimum rate beginning January 1,
4 2005.

5 (vi) An \$8 per hour minimum rate beginning July 1,
6 2005.

7 The Department shall execute, relative to the nursing
8 home prescreening project, as authorized by Section 4.03 of
9 the Illinois Act on the Aging, written inter-agency
10 agreements with the Department on Aging and the Department of
11 Public Aid, to effect the following: (i) intake procedures
12 and common eligibility criteria for those persons who are
13 receiving non-institutional services; and (ii) the
14 establishment and development of non-institutional services
15 in areas of the State where they are not currently available
16 or are undeveloped. On and after July 1, 1996, all nursing
17 home prescreenings for individuals 18 through 59 years of age
18 shall be conducted by the Department.

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

31 The Department, or the Department's authorized
32 representative, shall recover the amount of moneys expended
33 for services provided to or in behalf of a person under this
34 Section by a claim against the person's estate or against the

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

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

32 The requirement for reporting to the General Assembly
33 shall be satisfied by filing copies of the report with the
34 Speaker, the Minority Leader and the Clerk of the House of

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

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

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

19 (i) To possess all powers reasonable and necessary for
20 the exercise and administration of the powers, duties and
21 responsibilities of the Department which are provided for by
22 law.

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

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

33 (l) To establish, operate and maintain a Statewide
34 Housing Clearinghouse of information on available, government

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

15 (m) To assure that the names and case records of persons
16 who received or are receiving services from the Department,
17 including persons receiving vocational rehabilitation, home
18 services, or other services, and those attending one of the
19 Department's schools or other supervised facility shall be
20 confidential and not be open to the general public. Those
21 case records and reports or the information contained in
22 those records and reports shall be disclosed by the Director
23 only to proper law enforcement officials, individuals
24 authorized by a court, the General Assembly or any committee
25 or commission of the General Assembly, and other persons and
26 for reasons as the Director designates by rule. Disclosure
27 by the Director may be only in accordance with other
28 applicable law.

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

30 Section 99. Effective date. This Act takes effect July
31 1, 2003.