

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           2002.

3           (v) A \$7 per hour minimum rate beginning January 1,  
4           2004.

5           The Department shall execute, relative to the nursing  
6 home prescreening project, as authorized by Section 4.03 of  
7 the Illinois Act on the Aging, written inter-agency  
8 agreements with the Department on Aging and the Department of  
9 Public Aid, to effect the following: (i) intake procedures  
10 and common eligibility criteria for those persons who are  
11 receiving non-institutional services; and (ii) the  
12 establishment and development of non-institutional services  
13 in areas of the State where they are not currently available  
14 or are undeveloped. On and after July 1, 1996, all nursing  
15 home prescreenings for individuals 18 through 59 years of age  
16 shall be conducted by 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 shall  
21 the recipient's share exceed the actual cost of the services  
22 provided. Protected income shall not be considered by the  
23 Department in its determination of the recipient's ability to  
24 pay a share of the cost of services. The level of  
25 cost-sharing shall be adjusted each year to reflect changes  
26 in the "protected income" level. The Department shall deduct  
27 from the recipient's share of the cost of services any money  
28 expended by the recipient for disability-related expenses.

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

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

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

30 The requirement for reporting to the General Assembly  
31 shall be satisfied by filing copies of the report with the  
32 Speaker, the Minority Leader and the Clerk of the House of  
33 Representatives and the President, the Minority Leader and  
34 the Secretary of the Senate and the Legislative Research

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

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

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

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

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

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

31 (l) To establish, operate and maintain a Statewide  
32 Housing Clearinghouse of information on available, government  
33 subsidized housing accessible to disabled persons and  
34 available privately owned housing accessible to disabled

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

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

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

28 Section 99. Effective date. This Act takes effect July  
29 1, 2003.