

1 AN ACT in relation to disabled persons.

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. The
9 standards must provide that a person may have not more than
10 \$20,000 in assets to be eligible for the services.
11 Additionally, in determining the amount and nature of
12 services for which a person may qualify, consideration shall
13 not be given to the value of cash, property or other assets
14 held in the name of the person's spouse pursuant to a written
15 agreement dividing marital property into equal but separate
16 shares or pursuant to a transfer of the person's interest in
17 a home to his spouse, provided that the spouse's share of the
18 marital property is not made available to the person seeking
19 such services.

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

30 Personal care attendants shall be paid:

31 (i) A \$5 per hour minimum rate beginning July 1,
32 1995.

33 (ii) A \$5.30 per hour minimum rate beginning July
34 1, 1997.

1 (iii) A \$5.40 per hour minimum rate beginning July
2 1, 1998.

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

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

27 The Department, or the Department's authorized
28 representative, shall recover the amount of moneys expended
29 for services provided to or in behalf of a person under this
30 Section by a claim against the person's estate or against the
31 estate of the person's surviving spouse, but no recovery may
32 be had until after the death of the surviving spouse, if any,
33 and then only at such time when there is no surviving child
34 who is under age 21, blind, or permanently and totally

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

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

28 The requirement for reporting to the General Assembly
29 shall be satisfied by filing copies of the report with the
30 Speaker, the Minority Leader and the Clerk of the House of
31 Representatives and the President, the Minority Leader and
32 the Secretary of the Senate and the Legislative Research
33 Unit, as required by Section 3.1 of the General Assembly
34 Organization Act, and filing additional copies with the State

1 Government Report Distribution Center for the General
2 Assembly as required under paragraph (t) of Section 7 of the
3 State Library Act.

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

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

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

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

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

29 (l) To establish, operate and maintain a Statewide
30 Housing Clearinghouse of information on available, government
31 subsidized housing accessible to disabled persons and
32 available privately owned housing accessible to disabled
33 persons. The information shall include but not be limited to
34 the location, rental requirements, access features and

1 proximity to public transportation of available housing. The
2 Clearinghouse shall consist of at least a computerized
3 database for the storage and retrieval of information and a
4 separate or shared toll free telephone number for use by
5 those seeking information from the Clearinghouse. Department
6 offices and personnel throughout the State shall also assist
7 in the operation of the Statewide Housing Clearinghouse.
8 Cooperation with local, State and federal housing managers
9 shall be sought and extended in order to frequently and
10 promptly update the Clearinghouse's information.

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

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