



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4236

Introduced 2/27/2009, by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2805/2.03

from Ch. 126 1/2, par. 67.03

Amends the Department of Veterans Affairs Act. Removes the provision that a veterans home resident's maintenance charges must be paid first and to the fullest extent possible from sources of income other than pensions or compensation paid by the U.S. Department of Veterans Affairs.

LRB096 07695 JAM 17796 b

1 AN ACT concerning State government.

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

4 Section 5. The Department of Veterans Affairs Act is  
5 amended by changing Section 2.03 as follows:

6 (20 ILCS 2805/2.03) (from Ch. 126 1/2, par. 67.03)

7 Sec. 2.03. Admissions. Admissions to an Illinois Veterans  
8 Home are subject to the rules and regulations adopted by the  
9 Department of Veterans' Affairs to govern the admission of  
10 applicants.

11 Each resident of a Home is liable for the payment of sums  
12 representing maintenance charges for care at the Home at a rate  
13 to be determined by the Department, based on the resident's  
14 ability to pay. However, the charges shall not exceed the  
15 average annual per capita cost of maintaining the resident in  
16 the Home. The Department, upon being furnished proof of  
17 payment, shall in its discretion make allowances for unusual  
18 expenses in determining the ability of the resident to pay  
19 maintenance charges.

20 ~~Payment of maintenance charges shall be made first and to~~  
21 ~~the fullest extent possible from sources of income other than~~  
22 ~~pension or compensation paid by the U.S. Department of Veterans~~  
23 ~~Affairs.~~

1           The basis upon which the payment of maintenance charges  
2 shall be calculated by the Department is the average per capita  
3 cost for the care of all residents at each Home for the fiscal  
4 year immediately preceding the period for which the rate for  
5 each Home is being calculated.

6           The Department may require residents to pay charges  
7 monthly, quarterly, or otherwise as may be most suitably  
8 arranged for the individual members. The amounts received from  
9 each Home for the charges shall be transmitted to the Treasurer  
10 of the State of Illinois for deposit in each Veterans Home  
11 Fund, respectively.

12           The Department may investigate the financial condition of  
13 residents of a Home to determine their ability to pay  
14 maintenance charges and to establish standards as a basis of  
15 judgment for such determination. Such standards shall be  
16 recomputed periodically to reflect changes in the cost of  
17 living and other pertinent factors.

18           Refusal to pay the maintenance charges is cause for  
19 discharge of a resident from a Home.

20           The Department may collect any medical or health benefits  
21 to which a resident may become entitled through tax supported  
22 or privately financed systems of insurance, as a result of his  
23 or her care or treatment in the facilities provided by the  
24 Department, or because of care or treatment in other facilities  
25 when such care or treatment has been paid for by the  
26 Department.

1 Admission of a resident is not limited or conditioned in  
2 any manner by the financial status of the resident or his or  
3 her ability to pay maintenance charges.

4 The Department may accept and hold on behalf of the State,  
5 if for the public interest, a grant, gift, devise, or bequest  
6 of money or property to the Department made in trust for the  
7 maintenance or support of a resident of an Illinois Veterans  
8 Home or for any other legitimate purpose. The Department shall  
9 cause each gift, grant, devise, or bequest to be kept as a  
10 distinct fund and shall invest the same in the manner provided  
11 by the laws of this State relating to securities in which the  
12 deposit in savings banks may be invested. However, the  
13 Department may, at its discretion, deposit in a proper trust  
14 company, bank, or savings bank, during the continuance of the  
15 trust, any fund left in trust for the life of a person and  
16 shall adopt rules and regulations governing the deposit,  
17 transfer, or withdrawal of the fund. The Department shall, on  
18 the expiration of any trust as provided in any instrument  
19 creating the trust, dispose of the fund in the manner provided  
20 in the instrument. The Department shall include in its required  
21 reports a statement showing what funds are so held by it and  
22 the condition of the funds; provided that monies found on  
23 residents at the time of their admission or accruing to them  
24 during their residence at a Home and monies deposited with the  
25 administrators by relatives, guardians, or friends of  
26 residents for the special comfort and pleasure of the resident

1 shall remain in the custody of the administrators who shall act  
2 as trustees for disbursement to, on behalf of, or for the  
3 benefit of the resident. All types of retirement and pension  
4 benefits from private and public sources may be paid directly  
5 to the administrator of a Home for deposit to the resident  
6 trust fund account.

7 (Source: P.A. 89-324, eff. 8-13-95; 90-168, eff. 7-23-97.)