



Sen. William Delgado

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1 AMENDMENT TO SENATE BILL 281

2 AMENDMENT NO. _____. Amend Senate Bill 281 by replacing
3 everything after the enacting clause with the following:

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 Rehabilitation
11 Act of 1973, as amended, of the Workforce Investment Act of
12 1998, and of the federal Social Security Act to the extent and
13 in the manner provided in these Acts.

14 (b) To prescribe and supervise such courses of vocational
15 training and provide such other services as may be necessary
16 for the habilitation and rehabilitation of persons with one or

1 more disabilities, including the administrative activities
2 under subsection (e) of this Section, and to co-operate with
3 State and local school authorities and other recognized
4 agencies engaged in habilitation, rehabilitation and
5 comprehensive rehabilitation services; and to cooperate with
6 the Department of Children and Family Services regarding the
7 care and education of children with one or more disabilities.

8 (c) (Blank).

9 (d) To report ~~in writing~~, to the Governor, annually on or
10 before the first day of December, and at such other times and
11 in such manner and upon such subjects as the Governor may
12 require. The annual report shall contain (1) a statement of the
13 existing condition of comprehensive rehabilitation services,
14 habilitation, and rehabilitation in the State; (2) a statement
15 of suggestions and recommendations with reference to the
16 development of comprehensive rehabilitation services,
17 habilitation, and rehabilitation in the State; and (3) an
18 itemized statement of the amounts of money received from
19 federal, State, and other sources, and of the objects and
20 purposes to which the respective items of these several amounts
21 have been devoted. This annual report must be made publicly
22 available on the Department's website no later than the first
23 day of January of each year.

24 (e) (Blank).

25 (f) To establish a program of services to prevent
26 unnecessary institutionalization of persons with Alzheimer's

1 disease and related disorders or persons in need of long term
2 care who are established as blind or disabled as defined by the
3 Social Security Act, thereby enabling them to remain in their
4 own homes or other living arrangements. Such preventive
5 services may include, but are not limited to, any or all of the
6 following:

7 (1) home health services;

8 (2) home nursing services;

9 (3) homemaker services;

10 (4) chore and housekeeping services;

11 (5) day care services;

12 (6) home-delivered meals;

13 (7) education in self-care;

14 (8) personal care services;

15 (9) adult day health services;

16 (10) habilitation services;

17 (11) respite care; or

18 (12) other nonmedical social services that may enable
19 the person to become self-supporting.

20 The Department shall establish eligibility standards for
21 such services taking into consideration the unique economic and
22 social needs of the population for whom they are to be
23 provided. Such eligibility standards may be based on the
24 recipient's ability to pay for services; provided, however,
25 that any portion of a person's income that is equal to or less
26 than the "protected income" level shall not be considered by

1 the Department in determining eligibility. The "protected
2 income" level shall be determined by the Department, shall
3 never be less than the federal poverty standard, and shall be
4 adjusted each year to reflect changes in the Consumer Price
5 Index For All Urban Consumers as determined by the United
6 States Department of Labor. The standards must provide that a
7 person may have not more than \$10,000 in assets to be eligible
8 for the services, and the Department may increase the asset
9 limitation by rule. Additionally, in determining the amount and
10 nature of services for which a person may qualify,
11 consideration shall not be given to the value of cash, property
12 or other assets held in the name of the person's spouse
13 pursuant to a written agreement dividing marital property into
14 equal but separate shares or pursuant to a transfer of the
15 person's interest in a home to his spouse, provided that the
16 spouse's share of the marital property is not made available to
17 the person seeking 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

1 the Illinois Department on Aging.

2 ~~Personal care attendants shall be paid:~~

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

4 ~~(ii) A \$5.30 per hour minimum rate beginning July 1,~~
5 ~~1997.~~

6 ~~(iii) A \$5.40 per hour minimum rate beginning July 1,~~
7 ~~1998.~~

8 Solely for the purposes of coverage under the Illinois
9 Public Labor Relations Act (5 ILCS 315/), personal care
10 attendants and personal assistants providing services under
11 the Department's Home Services Program shall be considered to
12 be public employees and the State of Illinois shall be
13 considered to be their employer as of the effective date of
14 this amendatory Act of the 93rd General Assembly, but not
15 before. The State shall engage in collective bargaining with an
16 exclusive representative of personal care attendants and
17 personal assistants working under the Home Services Program
18 concerning their terms and conditions of employment that are
19 within the State's control. Nothing in this paragraph shall be
20 understood to limit the right of the persons receiving services
21 defined in this Section to hire and fire personal care
22 attendants and personal assistants or supervise them within the
23 limitations set by the Home Services Program. The State shall
24 not be considered to be the employer of personal care
25 attendants and personal assistants for any purposes not
26 specifically provided in this amendatory Act of the 93rd

1 General Assembly, including but not limited to, purposes of
2 vicarious liability in tort and purposes of statutory
3 retirement or health insurance benefits. Personal care
4 attendants and personal assistants shall not be covered by the
5 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

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

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

1 "protected income" level. The Department shall deduct from the
2 recipient's share of the cost of services any money expended by
3 the recipient for disability-related expenses.

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

1 claimed for recovery from the deceased spouse's estate.
2 "Homestead", as used in this paragraph, means the dwelling
3 house and contiguous real estate occupied by a surviving spouse
4 or relative, as defined by the rules and regulations of the
5 Department of Healthcare and Family Services, regardless of the
6 value of the property.

7 The Department and the Department on Aging shall cooperate
8 in the development and submission of an annual report on
9 programs and services provided under this Section. Such joint
10 report shall be filed with the Governor and the General
11 Assembly on or before March 30 each year. The Department must
12 post on its website a copy of the report filed with the
13 Governor and the General Assembly no less than 3 calendar days
14 after the report is submitted to the Governor and the General
15 Assembly.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report with the Speaker,
18 the Minority Leader and the Clerk of the House of
19 Representatives and the President, the Minority Leader and the
20 Secretary of the Senate and the Legislative Research Unit, as
21 required by Section 3.1 of the General Assembly Organization
22 Act, and filing additional copies with the State Government
23 Report Distribution Center for the General Assembly as required
24 under paragraph (t) of Section 7 of the State Library Act.

25 (g) To establish such subdivisions of the Department as
26 shall be desirable and assign to the various subdivisions the

1 responsibilities and duties placed upon the Department by law.

2 (h) To cooperate and enter into any necessary agreements
3 with the Department of Employment Security for the provision of
4 job placement and job referral services to clients of the
5 Department, including job service registration of such clients
6 with Illinois Employment Security offices and making job
7 listings maintained by the Department of Employment Security
8 available to such clients.

9 (i) To possess all powers reasonable and necessary for the
10 exercise and administration of the powers, duties and
11 responsibilities of the Department which are provided for by
12 law.

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

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

23 (l) To establish, operate and maintain a Statewide Housing
24 Clearinghouse of information on available, government
25 subsidized housing accessible to disabled persons and
26 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 database
5 for the storage and retrieval of information and a separate or
6 shared toll free telephone number for use by those seeking
7 information from the Clearinghouse. Department offices and
8 personnel throughout the State shall also assist in the
9 operation of the Statewide Housing Clearinghouse. Cooperation
10 with local, State and federal housing managers shall be sought
11 and extended in order to frequently and promptly update the
12 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 case
19 records and reports or the information contained in those
20 records and reports shall be disclosed by the Director only to
21 proper law enforcement officials, individuals authorized by a
22 court, the General Assembly or any committee or commission of
23 the General Assembly, and other persons and for reasons as the
24 Director designates by rule. Disclosure by the Director may be
25 only in accordance with other applicable law.

26 (Source: P.A. 94-252, eff. 1-1-06; 95-331, eff. 8-21-07.)"