

1 AN ACT concerning regulation.

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

4 Section 5. The Community-Integrated Living Arrangements
5 Licensure and Certification Act is amended by adding Section
6 9.1 as follows:

7 (210 ILCS 135/9.1 new)

8 Sec. 9.1. Recipient's funds; protection.

9 (a) To protect a recipient's funds, a service provider:

10 (1) May accept funds from a recipient for safekeeping
11 and management if the service provider receives written
12 authorization from the recipient or the recipient's
13 guardian.

14 (2) Shall maintain a written record of all financial
15 arrangements and transactions involving each individual
16 recipient's funds and shall allow each recipient, or the
17 recipient's guardian, access to that written record.

18 (3) Shall provide, in order of priority, each
19 recipient, or the recipient's guardian, if any, or the
20 recipient's immediate family member, if any, with a written
21 itemized statement of all financial transactions involving
22 the recipient's funds or a copy of the recipient's checking
23 or savings account register for the period. This

1 information shall be provided at least quarterly.

2 (4) Shall purchase and maintain a surety bond or other
3 commercial policy with crime coverage in an amount equal to
4 or greater than all of the recipient's personal funds
5 deposited with the service provider to which employees of
6 the service provider have access to secure against loss,
7 theft, and insolvency. The insurance company that provides
8 the surety bond or commercial policy with crime coverage
9 shall inform the Division of Developmental Disabilities of
10 the Department of Human Services of any reduction or
11 cancellation of the surety bond or commercial policy with
12 crime coverage.

13 (5) Shall keep any funds received from a recipient in
14 an account separate from the service provider's funds for
15 safekeeping, and shall not withdraw all or any part of the
16 recipient's funds unless the service provider is (i)
17 returning the funds to the recipient upon the request of
18 the recipient or any other person entitled to make the
19 request, (ii) paying the recipient his or her allowance, or
20 (iii) making any other payment authorized by the recipient
21 or any other person entitled to make that authorization.

22 (6) Shall deposit any funds received from a recipient
23 in excess of \$100 in an interest-bearing account insured by
24 agencies of, or corporations chartered by, the State or the
25 federal government. The account shall be in a form that
26 clearly indicates that the service provider has only a

1 fiduciary interest in the funds and that any interest
2 earned on funds in the account shall accrue to the
3 recipient. The service provider may keep up to \$100 of a
4 recipient's funds in a non-interest-bearing account or
5 petty cash fund, to be readily available for the
6 recipient's current expenditures.

7 (7) Shall, upon written request of a recipient or the
8 recipient's guardian, return to the recipient or the
9 recipient's guardian of the estate all or any part of the
10 recipient's funds given to the service provider for
11 safekeeping, including the accrued interest earned on the
12 deposits of the recipient's funds.

13 (8) Shall (i) place any monthly allowance that a
14 recipient is entitled to in the recipient's personal
15 account or give the monthly allowance directly to the
16 recipient, unless the service provider has written
17 authorization from the recipient, the recipient's
18 guardian, or the recipient's parent if the recipient is a
19 minor, to handle the monthly allowance differently, (ii)
20 take all steps necessary to ensure that a monthly allowance
21 that is placed in a recipient's personal account is used
22 exclusively by the recipient or for the recipient's
23 benefit, and (iii) require any person other than the
24 recipient who withdraws funds from the recipient's
25 personal account that constitute any portion of the
26 recipient's monthly allowance to execute an affidavit that

1 the funds will be used exclusively for the benefit of the
2 recipient.

3 (9) If an adult recipient is incapable of managing his
4 or her funds and does not have a guardian or immediate
5 family member, the service provider shall notify the Office
6 of the State Guardian of the Guardianship and Advocacy
7 Commission.

8 (b) Upon the death of a recipient, unless otherwise
9 provided by State law, the service provider shall provide the
10 executor or administrator of the recipient's estate with a
11 complete accounting of all the recipient's personal property,
12 including any funds of the recipient being held by the service
13 provider.

14 (c) If a recipient changes service providers, the former
15 service provider shall provide the new service provider with a
16 written verification by a public accountant of all the
17 recipient's money and property being transferred and shall
18 obtain a signed receipt for the money and property from the new
19 service provider upon transfer of the recipient's money and
20 property.

21 (d) If a service provider is sold, the service provider
22 shall provide the new owner with a written verification by a
23 public accountant of all the recipient's money and property
24 being transferred and shall obtain a signed receipt for the
25 money and property from the new owner upon transfer of the
26 recipient's money and property.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.