



Rep. Greg Harris

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09800HB5307ham001

LRB098 19527 RPS 57005 a

1 AMENDMENT TO HOUSE BILL 5307

2 AMENDMENT NO. _____. Amend House Bill 5307 by replacing
3 everything after the enacting clause with the following:

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

1 recipient's guardian, access to that written record.

2 (3) Shall provide, in order of priority, each
3 recipient, or the recipient's guardian, if any, or the
4 recipient's immediate family member, if any, with a written
5 itemized statement of all financial transactions involving
6 the recipient's funds or a copy of the recipient's checking
7 or savings account register for the period. This
8 information shall be provided at least quarterly.

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

20 (5) Shall keep any funds received from a recipient in
21 an account separate from the service provider's funds for
22 safekeeping, and shall not withdraw all or any part of the
23 recipient's funds unless the service provider is (i)
24 returning the funds to the recipient upon the request of
25 the recipient or any other person entitled to make the
26 request, (ii) paying the recipient his or her allowance, or

1 (iii) making any other payment authorized by the recipient
2 or any other person entitled to make that authorization.

3 (6) Shall deposit any funds received from a recipient
4 in excess of \$100 in an interest-bearing account insured by
5 agencies of, or corporations chartered by, the State or the
6 federal government. The account shall be in a form that
7 clearly indicates that the service provider has only a
8 fiduciary interest in the funds and that any interest
9 earned on funds in the account shall accrue to the
10 recipient. The service provider may keep up to \$100 of a
11 recipient's funds in a non-interest-bearing account or
12 petty cash fund, to be readily available for the
13 recipient's current expenditures.

14 (7) Shall, upon written request of a recipient or the
15 recipient's guardian, return to the recipient or the
16 recipient's guardian of the estate all or any part of the
17 recipient's funds given to the service provider for
18 safekeeping, including the accrued interest earned on the
19 deposits of the recipient's funds.

20 (8) Shall (i) place any monthly allowance that a
21 recipient is entitled to in the recipient's personal
22 account or give the monthly allowance directly to the
23 recipient, unless the service provider has written
24 authorization from the recipient, the recipient's
25 guardian, or the recipient's parent if the recipient is a
26 minor, to handle the monthly allowance differently, (ii)

1 take all steps necessary to ensure that a monthly allowance
2 that is placed in a recipient's personal account is used
3 exclusively by the recipient or for the recipient's
4 benefit, and (iii) require any person other than the
5 recipient who withdraws funds from the recipient's
6 personal account that constitute any portion of the
7 recipient's monthly allowance to execute an affidavit that
8 the funds will be used exclusively for the benefit of the
9 recipient.

10 (9) If an adult recipient is incapable of managing his
11 or her funds and does not have a guardian or immediate
12 family member, the service provider shall notify the Office
13 of the State Guardian of the Guardianship and Advocacy
14 Commission.

15 (b) Upon the death of a recipient, unless otherwise
16 provided by State law, the service provider shall provide the
17 executor or administrator of the recipient's estate with a
18 complete accounting of all the recipient's personal property,
19 including any funds of the recipient being held by the service
20 provider.

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

1 property.

2 (d) If a service provider is sold, the service provider
3 shall provide the new owner with a written verification by a
4 public accountant of all the recipients' money and property
5 being transferred and shall obtain a signed receipt for the
6 money and property from the new owner upon transfer of the
7 recipients' money and property.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".