

1 AN ACT concerning public aid.

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

4 Section 5. The Department of Human Services Act is amended
5 by changing Section 10-26 as follows:

6 (20 ILCS 1305/10-26)

7 Sec. 10-26. Disability database.

8 (a) The Department of Human Services shall compile and
9 maintain a cross-disability database of Illinois residents
10 with a disability who are potentially in need of disability
11 services funded by the Department. The database shall consist
12 of individuals with mental illness, physical disabilities,
13 developmental disabilities, and autism spectrum disorders and
14 shall include, but not be limited to, individuals transitioning
15 from special education to adulthood, individuals in
16 State-operated facilities, individuals in private nursing and
17 residential facilities, and individuals in community
18 integrated living arrangements. Within 30 days after the
19 effective date of this amendatory Act of the 93rd General
20 Assembly, the Secretary of Human Services shall seek input from
21 advisory bodies to the Department, including advisory councils
22 and committees working with the Department in the areas of
23 mental illness, physical disabilities, and developmental

1 disabilities. The database shall be operational by July 1,
2 2004. The information collected and maintained for the
3 disability database shall include, but is not limited to, the
4 following: (i) the types of services of which the individual is
5 potentially in need; (ii) demographic and identifying
6 information about the individual; (iii) factors indicating
7 need, including diagnoses, assessment information, age of
8 primary caregivers, and current living situation; (iv) if
9 applicable, the date information about the individual is
10 submitted for inclusion in the database and the types of
11 services sought by the individual; and (v) the representative
12 district in which the individual resides. In collecting and
13 maintaining information under this Section, the Department
14 shall give consideration to cost-effective appropriate
15 services for individuals.

16 (b) This amendatory Act of the 93rd General Assembly does
17 not create any new entitlement to a service, program, or
18 benefit, but shall not affect any entitlement to a service,
19 program, or benefit created by any other law. Except for a
20 service, program, or benefit that is an entitlement, a service,
21 program, or benefit provided as a result of the collection and
22 maintenance of the disability database shall be subject to
23 appropriations made by the General Assembly.

24 (c) The Department, consistent with applicable federal and
25 State law, shall make general information from the disability
26 database available to the public such as: (i) the number of

1 individuals potentially in need of each type of service,
2 program, or benefit and (ii) the general characteristics of
3 those individuals. The Department shall protect the
4 confidentiality of each individual in the database when
5 releasing database information by not disclosing any
6 personally identifying information.

7 (d) The Department shall allow legal residents who are
8 dependents of a military service member and who are absent from
9 the State due to the member's military service to be added to
10 the database to indicate the need for services upon return to
11 the State. Should an individual in such a situation be selected
12 from the database to receive services, the individual shall
13 have 6 months from the date of the selection notification to
14 apply for services and another 6 months to commence using such
15 services. In the event an individual is receiving services
16 funded by the Department and the services are disrupted due to
17 the military service member's need for the individual to leave
18 the State because of his or her military service, the services
19 shall be resumed upon the individual's return to the State if
20 the dependent is otherwise eligible. No payment pursuant to
21 this Section or Section 12-4.47 of the Illinois Public Aid Code
22 shall be made for home and community based services provided
23 outside the State of Illinois. A dependent of a military
24 service member shall be required to provide the Department
25 with:

26 (1) a copy of the military service member's DD-214 or

1 other equivalent discharge paperwork; and

2 (2) proof of the military service member's legal
3 residence in the State, as prescribed by the Department.

4 (Source: P.A. 95-251, eff. 8-17-07.)

5 Section 10. The Illinois Public Aid Code is amended by
6 adding Section 12-4.47 as follows:

7 (305 ILCS 5/12-4.47 new)

8 Sec. 12-4.47. Continued eligibility for developmental
9 disability services for dependents of military service
10 members.

11 (a) As used in this Section:

12 "Dependent" means a spouse, birth child, adopted child, or
13 stepchild of a military service member.

14 "Legal resident" means a person who maintains Illinois as
15 his or her principal establishment, home of record, or
16 permanent home and to where, whenever absent due to military
17 obligation, he or she intends to return.

18 "Military service" means service in the armed forces or
19 armed forces reserves of the United States, or membership in
20 the Illinois National Guard.

21 "Military service member" means a person who is currently
22 in military service or who has separated from military service
23 in the previous 18 months through either retirement or military
24 separation.

1 (b) A dependent, who is a legal resident of the State,
2 having previously been determined to be eligible for
3 developmental disability services provided by the Department
4 of Human Services, including waiver services provided under the
5 home and community based services programs authorized under
6 Section 1915(c) of the Social Security Act, shall retain
7 eligibility for those developmental disability services as
8 long as he or she remains a legal resident of the State,
9 regardless of having left the State due to the military service
10 member's military assignment outside the State, and as long as
11 he or she is otherwise eligible for such services.

12 (c) The Department of Human Services shall permit a
13 dependent who resides out-of-state to be placed on the waiting
14 list for developmental disabilities services if the dependent
15 left the State due to the military service member's military
16 assignment outside the State, is otherwise eligible for those
17 services, and furnishes the following:

18 (1) a copy of the military service member's DD-214 or
19 other equivalent discharge paperwork; and

20 (2) proof of the military service member's legal
21 residence in the State, as prescribed by the Department.

22 (d) For dependents who received developmental disability
23 services and who left the State due to the military service
24 member's military assignment outside the State, upon the
25 dependent's return to the State and when a request for services
26 is made, the Department shall:

1 (1) determine the dependent's eligibility for
2 services, which may include a request for waiver services
3 provided under the home and community based services
4 programs authorized under Section 1915(c) of the Social
5 Security Act;

6 (2) provide to the dependent notification of the
7 determination of eligibility for services, which includes
8 notification of a denial of services if applicable;

9 (3) provide the dependent an opportunity to contest the
10 Department's determination through the appeals processes
11 established by the Department; and

12 (4) resume services if the individual remains
13 eligible.

14 (e) As a condition of continued eligibility for services
15 under subsection (b) of this Section, a dependent must inform
16 the Department of his or her current address and provide
17 updates as requested by the Department.

18 (f) No payment pursuant to this Section shall be made for
19 developmental disability services authorized under the
20 Illinois Title XIX State Plan and provided outside the State
21 unless those services satisfy the conditions specified in 42
22 CFR 431.52. No payment pursuant to this Section shall be made
23 for home and community based services provided outside the
24 State of Illinois.

25 (g) The Department shall request a waiver from the
26 appropriate federal agency if a waiver is necessary to

1 implement the provisions of this Section.

2 (h) The Department may adopt rules necessary to implement
3 the provisions of this Section.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.