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1 AMENDMENT TO SENATE BILL 29

2 AMENDMENT NO. _____. Amend Senate Bill 29 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 5. AMENDATORY PROVISIONS

5 Section 5-5. The Illinois Act on the Aging is amended by
6 changing Section 4.02 as follows:

7 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

8 Sec. 4.02. Community Care Program. The Department shall
9 establish a program of services to prevent unnecessary
10 institutionalization of persons age 60 and older in need of
11 long term care or who are established as persons who suffer
12 from Alzheimer's disease or a related disorder under the
13 Alzheimer's Disease Assistance Act, thereby enabling them to
14 remain in their own homes or in other living arrangements. Such
15 preventive services, which may be coordinated with other

1 programs for the aged and monitored by area agencies on aging
2 in cooperation with the Department, may include, but are not
3 limited to, any or all of the following:

4 (a) (blank);

5 (b) (blank);

6 (c) home care aide services;

7 (d) personal assistant services;

8 (e) adult day services;

9 (f) home-delivered meals;

10 (g) education in self-care;

11 (h) personal care services;

12 (i) adult day health services;

13 (j) habilitation services;

14 (k) respite care;

15 (k-5) community reintegration services;

16 (k-6) flexible senior services;

17 (k-7) medication management;

18 (k-8) emergency home response;

19 (l) other nonmedical social services that may enable
20 the person to become self-supporting; or

21 (m) clearinghouse for information provided by senior
22 citizen home owners who want to rent rooms to or share
23 living space with other senior citizens.

24 The Department shall establish eligibility standards for
25 such services. In determining the amount and nature of services
26 for which a person may qualify, consideration shall not be

1 given to the value of cash, property or other assets held in
2 the name of the person's spouse pursuant to a written agreement
3 dividing marital property into equal but separate shares or
4 pursuant to a transfer of the person's interest in a home to
5 his spouse, provided that the spouse's share of the marital
6 property is not made available to the person seeking such
7 services.

8 Beginning January 1, 2008, the Department shall require as
9 a condition of eligibility that all new financially eligible
10 applicants apply for and enroll in medical assistance under
11 Article V of the Illinois Public Aid Code in accordance with
12 rules promulgated by the Department.

13 The Department shall, in conjunction with the Department of
14 Public Aid (now Department of Healthcare and Family Services),
15 seek appropriate amendments under Sections 1915 and 1924 of the
16 Social Security Act. The purpose of the amendments shall be to
17 extend eligibility for home and community based services under
18 Sections 1915 and 1924 of the Social Security Act to persons
19 who transfer to or for the benefit of a spouse those amounts of
20 income and resources allowed under Section 1924 of the Social
21 Security Act. Subject to the approval of such amendments, the
22 Department shall extend the provisions of Section 5-4 of the
23 Illinois Public Aid Code to persons who, but for the provision
24 of home or community-based services, would require the level of
25 care provided in an institution, as is provided for in federal
26 law. Those persons no longer found to be eligible for receiving

1 noninstitutional services due to changes in the eligibility
2 criteria shall be given 45 days notice prior to actual
3 termination. Those persons receiving notice of termination may
4 contact the Department and request the determination be
5 appealed at any time during the 45 day notice period. The
6 target population identified for the purposes of this Section
7 are persons age 60 and older with an identified service need.
8 Priority shall be given to those who are at imminent risk of
9 institutionalization. The services shall be provided to
10 eligible persons age 60 and older to the extent that the cost
11 of the services together with the other personal maintenance
12 expenses of the persons are reasonably related to the standards
13 established for care in a group facility appropriate to the
14 person's condition. These non-institutional services, pilot
15 projects or experimental facilities may be provided as part of
16 or in addition to those authorized by federal law or those
17 funded and administered by the Department of Human Services.
18 The Departments of Human Services, Healthcare and Family
19 Services, Public Health, Veterans' Affairs, and Commerce and
20 Economic Opportunity and other appropriate agencies of State,
21 federal and local governments shall cooperate with the
22 Department on Aging in the establishment and development of the
23 non-institutional services. The Department shall require an
24 annual audit from all personal assistant and home care aide
25 vendors contracting with the Department under this Section. The
26 annual audit shall assure that each audited vendor's procedures

1 are in compliance with Department's financial reporting
2 guidelines requiring an administrative and employee wage and
3 benefits cost split as defined in administrative rules. The
4 audit is a public record under the Freedom of Information Act.
5 The Department shall execute, relative to the nursing home
6 prescreening project, written inter-agency agreements with the
7 Department of Human Services and the Department of Healthcare
8 and Family Services, to effect the following: (1) intake
9 procedures and common eligibility criteria for those persons
10 who are receiving non-institutional services; and (2) the
11 establishment and development of non-institutional services in
12 areas of the State where they are not currently available or
13 are undeveloped. On and after July 1, 1996, all nursing home
14 prescreenings for individuals 60 years of age or older shall be
15 conducted by the Department.

16 As part of the Department on Aging's routine training of
17 case managers and case manager supervisors, the Department may
18 include information on family futures planning for persons who
19 are age 60 or older and who are caregivers of their adult
20 children with developmental disabilities. The content of the
21 training shall be at the Department's discretion.

22 The Department is authorized to establish a system of
23 recipient copayment for services provided under this Section,
24 such copayment to be based upon the recipient's ability to pay
25 but in no case to exceed the actual cost of the services
26 provided. Additionally, any portion of a person's income which

1 is equal to or less than the federal poverty standard shall not
2 be considered by the Department in determining the copayment.
3 The level of such copayment shall be adjusted whenever
4 necessary to reflect any change in the officially designated
5 federal poverty standard.

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

1 services under this Section in death. All moneys for services
2 paid to or in behalf of the person under this Section shall be
3 claimed for recovery from the deceased spouse's estate.
4 "Homestead", as used in this paragraph, means the dwelling
5 house and contiguous real estate occupied by a surviving spouse
6 or relative, as defined by the rules and regulations of the
7 Department of Healthcare and Family Services, regardless of the
8 value of the property.

9 The Department shall increase the effectiveness of the
10 existing Community Care Program by:

11 (1) ensuring that in-home services included in the care
12 plan are available on evenings and weekends;

13 (2) ensuring that care plans contain the services that
14 eligible participants need based on the number of days in a
15 month, not limited to specific blocks of time, as
16 identified by the comprehensive assessment tool selected
17 by the Department for use statewide, not to exceed the
18 total monthly service cost maximum allowed for each
19 service; the Department shall develop administrative rules
20 to implement this item (2);

21 (3) ensuring that the participants have the right to
22 choose the services contained in their care plan and to
23 direct how those services are provided, based on
24 administrative rules established by the Department;

25 (4) ensuring that the determination of need tool is
26 accurate in determining the participants' level of need; to

1 achieve this, the Department, in conjunction with the Older
2 Adult Services Advisory Committee, shall institute a study
3 of the relationship between the Determination of Need
4 scores, level of need, service cost maximums, and the
5 development and utilization of service plans no later than
6 May 1, 2008; findings and recommendations shall be
7 presented to the Governor and the General Assembly no later
8 than January 1, 2009; recommendations shall include all
9 needed changes to the service cost maximums schedule and
10 additional covered services;

11 (5) ensuring that homemakers can provide personal care
12 services that may or may not involve contact with clients,
13 including but not limited to:

- 14 (A) bathing;
- 15 (B) grooming;
- 16 (C) toileting;
- 17 (D) nail care;
- 18 (E) transferring;
- 19 (F) respiratory services;
- 20 (G) exercise; or
- 21 (H) positioning;

22 (6) ensuring that homemaker program vendors are not
23 restricted from hiring homemakers who are family members of
24 clients or recommended by clients; the Department may not,
25 by rule or policy, require homemakers who are family
26 members of clients or recommended by clients to accept

1 assignments in homes other than the client;

2 (7) ensuring that the State may access maximum federal
3 matching funds by seeking approval for the Centers for
4 Medicare and Medicaid Services for modifications to the
5 State's home and community based services waiver and
6 additional waiver opportunities, including applying for
7 enrollment in the Balance Incentive Payment Program by May
8 1, 2013, in order to maximize federal matching funds; this
9 shall include, but not be limited to, modification that
10 reflects all changes in the Community Care Program services
11 and all increases in the services cost maximum;

12 (8) ensuring that the determination of need tool
13 accurately reflects the service needs of individuals with
14 Alzheimer's disease and related dementia disorders;

15 (9) ensuring that services are authorized accurately
16 and consistently for the Community Care Program (CCP); the
17 Department shall implement a Service Authorization policy
18 directive; the purpose shall be to ensure that eligibility
19 and services are authorized accurately and consistently in
20 the CCP program; the policy directive shall clarify service
21 authorization guidelines to Care Coordination Units and
22 Community Care Program providers no later than May 1, 2013;

23 (10) working in conjunction with Care Coordination
24 Units, the Department of Healthcare and Family Services,
25 the Department of Human Services, Community Care Program
26 providers, and other stakeholders to make improvements to

1 the Medicaid claiming processes and the Medicaid
2 enrollment procedures or requirements as needed,
3 including, but not limited to, specific policy changes or
4 rules to improve the up-front enrollment of participants in
5 the Medicaid program and specific policy changes or rules
6 to insure more prompt submission of bills to the federal
7 government to secure maximum federal matching dollars as
8 promptly as possible; the Department on Aging shall have at
9 least 3 meetings with stakeholders by January 1, 2014 in
10 order to address these improvements;

11 (11) requiring home care service providers to comply
12 with the rounding of hours worked provisions under the
13 federal Fair Labor Standards Act (FLSA) and as set forth in
14 29 CFR 785.48(b) by May 1, 2013;

15 (12) implementing any necessary policy changes or
16 promulgating any rules, no later than January 1, 2014, to
17 assist the Department of Healthcare and Family Services in
18 moving as many participants as possible, consistent with
19 federal regulations, into coordinated care plans if a care
20 coordination plan that covers long term care is available
21 in the recipient's area; and

22 (13) maintaining fiscal year 2014 rates at the same
23 level established on January 1, 2013.

24 By January 1, 2009 or as soon after the end of the Cash and
25 Counseling Demonstration Project as is practicable, the
26 Department may, based on its evaluation of the demonstration

1 project, promulgate rules concerning personal assistant
2 services, to include, but need not be limited to,
3 qualifications, employment screening, rights under fair labor
4 standards, training, fiduciary agent, and supervision
5 requirements. All applicants shall be subject to the provisions
6 of the Health Care Worker Background Check Act.

7 The Department shall develop procedures to enhance
8 availability of services on evenings, weekends, and on an
9 emergency basis to meet the respite needs of caregivers.
10 Procedures shall be developed to permit the utilization of
11 services in successive blocks of 24 hours up to the monthly
12 maximum established by the Department. Workers providing these
13 services shall be appropriately trained.

14 Beginning on the effective date of this Amendatory Act of
15 1991, no person may perform chore/housekeeping and home care
16 aide services under a program authorized by this Section unless
17 that person has been issued a certificate of pre-service to do
18 so by his or her employing agency. Information gathered to
19 effect such certification shall include (i) the person's name,
20 (ii) the date the person was hired by his or her current
21 employer, and (iii) the training, including dates and levels.
22 Persons engaged in the program authorized by this Section
23 before the effective date of this amendatory Act of 1991 shall
24 be issued a certificate of all pre- and in-service training
25 from his or her employer upon submitting the necessary
26 information. The employing agency shall be required to retain

1 records of all staff pre- and in-service training, and shall
2 provide such records to the Department upon request and upon
3 termination of the employer's contract with the Department. In
4 addition, the employing agency is responsible for the issuance
5 of certifications of in-service training completed to their
6 employees.

7 The Department is required to develop a system to ensure
8 that persons working as home care aides and personal assistants
9 receive increases in their wages when the federal minimum wage
10 is increased by requiring vendors to certify that they are
11 meeting the federal minimum wage statute for home care aides
12 and personal assistants. An employer that cannot ensure that
13 the minimum wage increase is being given to home care aides and
14 personal assistants shall be denied any increase in
15 reimbursement costs.

16 The Community Care Program Advisory Committee is created in
17 the Department on Aging. The Director shall appoint individuals
18 to serve in the Committee, who shall serve at their own
19 expense. Members of the Committee must abide by all applicable
20 ethics laws. The Committee shall advise the Department on
21 issues related to the Department's program of services to
22 prevent unnecessary institutionalization. The Committee shall
23 meet on a bi-monthly basis and shall serve to identify and
24 advise the Department on present and potential issues affecting
25 the service delivery network, the program's clients, and the
26 Department and to recommend solution strategies. Persons

1 appointed to the Committee shall be appointed on, but not
2 limited to, their own and their agency's experience with the
3 program, geographic representation, and willingness to serve.
4 The Director shall appoint members to the Committee to
5 represent provider, advocacy, policy research, and other
6 constituencies committed to the delivery of high quality home
7 and community-based services to older adults. Representatives
8 shall be appointed to ensure representation from community care
9 providers including, but not limited to, adult day service
10 providers, homemaker providers, case coordination and case
11 management units, emergency home response providers, statewide
12 trade or labor unions that represent home care aides and direct
13 care staff, area agencies on aging, adults over age 60,
14 membership organizations representing older adults, and other
15 organizational entities, providers of care, or individuals
16 with demonstrated interest and expertise in the field of home
17 and community care as determined by the Director.

18 Nominations may be presented from any agency or State
19 association with interest in the program. The Director, or his
20 or her designee, shall serve as the permanent co-chair of the
21 advisory committee. One other co-chair shall be nominated and
22 approved by the members of the committee on an annual basis.
23 Committee members' terms of appointment shall be for 4 years
24 with one-quarter of the appointees' terms expiring each year. A
25 member shall continue to serve until his or her replacement is
26 named. The Department shall fill vacancies that have a

1 remaining term of over one year, and this replacement shall
2 occur through the annual replacement of expiring terms. The
3 Director shall designate Department staff to provide technical
4 assistance and staff support to the committee. Department
5 representation shall not constitute membership of the
6 committee. All Committee papers, issues, recommendations,
7 reports, and meeting memoranda are advisory only. The Director,
8 or his or her designee, shall make a written report, as
9 requested by the Committee, regarding issues before the
10 Committee.

11 The Department on Aging and the Department of Human
12 Services shall cooperate in the development and submission of
13 an annual report on programs and services provided under this
14 Section. Such joint report shall be filed with the Governor and
15 the General Assembly on or before September 30 each year.

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 such additional copies with the State Government
23 Report Distribution Center for the General Assembly as is
24 required under paragraph (t) of Section 7 of the State Library
25 Act.

26 Those persons previously found eligible for receiving

1 non-institutional services whose services were discontinued
2 under the Emergency Budget Act of Fiscal Year 1992, and who do
3 not meet the eligibility standards in effect on or after July
4 1, 1992, shall remain ineligible on and after July 1, 1992.
5 Those persons previously not required to cost-share and who
6 were required to cost-share effective March 1, 1992, shall
7 continue to meet cost-share requirements on and after July 1,
8 1992. Beginning July 1, 1992, all clients will be required to
9 meet eligibility, cost-share, and other requirements and will
10 have services discontinued or altered when they fail to meet
11 these requirements.

12 For the purposes of this Section, "flexible senior
13 services" refers to services that require one-time or periodic
14 expenditures including, but not limited to, respite care, home
15 modification, assistive technology, housing assistance, and
16 transportation.

17 The Department shall implement an electronic service
18 verification based on global positioning systems or other
19 cost-effective technology for the Community Care Program no
20 later than January 1, 2014.

21 The Department shall require, as a condition of
22 eligibility, enrollment in the medical assistance program
23 under Article V of the Illinois Public Aid Code (i) beginning
24 August 1, 2013, if the Auditor General has reported that the
25 Department has failed to comply with the reporting requirements
26 of Section 2-27 of the Illinois State Auditing Act; or (ii)

1 beginning June 1, 2014, if the Auditor General has reported
2 that the Department has not undertaken the required actions
3 listed in the report required by subsection (a) of Section 2-27
4 of the Illinois State Auditing Act.

5 The Department shall delay Community Care Program services
6 until an applicant is determined eligible for medical
7 assistance under Article V of the Illinois Public Aid Code (i)
8 beginning August 1, 2013, if the Auditor General has reported
9 that the Department has failed to comply with the reporting
10 requirements of Section 2-27 of the Illinois State Auditing
11 Act; or (ii) beginning June 1, 2014, if the Auditor General has
12 reported that the Department has not undertaken the required
13 actions listed in the report required by subsection (a) of
14 Section 2-27 of the Illinois State Auditing Act.

15 The Department shall implement co-payments for the
16 Community Care Program at the federally allowable maximum level
17 (i) beginning August 1, 2013, if the Auditor General has
18 reported that the Department has failed to comply with the
19 reporting requirements of Section 2-27 of the Illinois State
20 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor
21 General has reported that the Department has not undertaken the
22 required actions listed in the report required by subsection
23 (a) of Section 2-27 of the Illinois State Auditing Act.

24 The Department shall provide a bi-monthly report on the
25 progress of the Community Care Program reforms set forth in
26 this amendatory Act of the 98th General Assembly to the

1 Governor, the Speaker of the House of Representatives, the
2 Minority Leader of the House of Representatives, the President
3 of the Senate, and the Minority Leader of the Senate.

4 The Department shall conduct a quarterly review of Care
5 Coordination Unit performance and adherence to service
6 guidelines. The quarterly review shall be reported to the
7 Speaker of the House of Representatives, the Minority Leader of
8 the House of Representatives, the President of the Senate, and
9 the Minority Leader of the Senate. The Department shall collect
10 and report longitudinal data on the performance of each care
11 coordination unit. Nothing in this paragraph shall be construed
12 to require the Department to identify specific care
13 coordination units.

14 In regard to community care providers, failure to comply
15 with Department on Aging policies shall be cause for
16 disciplinary action, including, but not limited to,
17 disqualification from serving Community Care Program clients.
18 Each provider, upon submission of any bill or invoice to the
19 Department for payment for services rendered, shall include a
20 notarized statement, under penalty of perjury pursuant to
21 Section 1-109 of the Code of Civil Procedure, that the provider
22 has complied with all Department policies.

23 The Director of the Department on Aging shall make
24 information available to the State Board of Elections as may be
25 required by an agreement the State Board of Elections has
26 entered into with a multi-state voter registration list

1 maintenance system.

2 The Department shall pay an enhanced rate under the
3 Community Care Program to those in-home service provider
4 agencies that offer health insurance coverage as a benefit to
5 their direct service worker employees consistent with the
6 mandates of Public Act 95-713. The enhanced rate shall be no
7 less than \$1.61 per hour.

8 (Source: P.A. 97-333, eff. 8-12-11; 98-8, eff. 5-3-13; 98-1171,
9 eff. 6-1-15.)

10 Section 5-10. The Department of Veterans Affairs Act is
11 amended by changing Sections 2g, 2.03, and 2.04 as follows:

12 (20 ILCS 2805/2g)

13 Sec. 2g. The Illinois Veterans' Homes Fund. The Illinois
14 Veterans' Homes Fund is hereby created as a special fund in the
15 State treasury. From appropriations to the Department from the
16 Fund the Department shall purchase needed equipment and
17 supplies to enhance the lives of the residents at and for ~~to~~
18 ~~enhance~~ the operations of veterans' homes in Illinois,
19 including capital improvements, building rehabilitation, and
20 repairs.

21 (Source: P.A. 93-776, eff. 7-21-04.)

22 (20 ILCS 2805/2.03) (from Ch. 126 1/2, par. 67.03)

23 Sec. 2.03. Admissions. Admissions to an Illinois Veterans

1 Home are subject to the rules and regulations adopted by the
2 Department of Veterans' Affairs to govern the admission of
3 applicants.

4 Each resident of a Home is liable for the payment of sums
5 representing maintenance charges for care at the Home at a rate
6 to be determined by the Department, based on the resident's
7 ability to pay. However, the charges shall not exceed the
8 average annual per capita cost of maintaining the resident in
9 the Home. The Department, upon being furnished proof of
10 payment, shall in its discretion make allowances for unusual
11 expenses in determining the ability of the resident to pay
12 maintenance charges.

13 The basis upon which the payment of maintenance charges
14 shall be calculated by the Department is the average per capita
15 cost for the care of all residents at each Home for the fiscal
16 year immediately preceding the period for which the rate for
17 each Home is being calculated.

18 The Department may require residents to pay charges
19 monthly, quarterly, or otherwise as may be most suitably
20 arranged for the individual members. The amounts received from
21 each Home for the charges shall be transmitted to the Treasurer
22 of the State of Illinois for deposit in the Illinois Veterans'
23 Homes Fund ~~each Veterans Home Fund, respectively.~~

24 The Department may investigate the financial condition of
25 residents of a Home to determine their ability to pay
26 maintenance charges and to establish standards as a basis of

1 judgment for such determination. Such standards shall be
2 recomputed periodically to reflect changes in the cost of
3 living and other pertinent factors.

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

6 The Department may collect any medical or health benefits
7 to which a resident may become entitled through tax supported
8 or privately financed systems of insurance, as a result of his
9 or her care or treatment in the facilities provided by the
10 Department, or because of care or treatment in other facilities
11 when such care or treatment has been paid for by the
12 Department.

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

16 The Department may accept and hold on behalf of the State,
17 if for the public interest, a grant, gift, devise, or bequest
18 of money or property to the Department made in trust for the
19 maintenance or support of a resident of an Illinois Veterans
20 Home or for any other legitimate purpose. The Department shall
21 cause each gift, grant, devise, or bequest to be kept as a
22 distinct fund and shall invest the same in the manner provided
23 by the laws of this State relating to securities in which the
24 deposit in savings banks may be invested. However, the
25 Department may, at its discretion, deposit in a proper trust
26 company, bank, or savings bank, during the continuance of the

1 trust, any fund left in trust for the life of a person and
2 shall adopt rules and regulations governing the deposit,
3 transfer, or withdrawal of the fund. The Department shall, on
4 the expiration of any trust as provided in any instrument
5 creating the trust, dispose of the fund in the manner provided
6 in the instrument. The Department shall include in its required
7 reports a statement showing what funds are so held by it and
8 the condition of the funds; provided that monies found on
9 residents at the time of their admission or accruing to them
10 during their residence at a Home and monies deposited with the
11 administrators by relatives, guardians, or friends of
12 residents for the special comfort and pleasure of the resident
13 shall remain in the custody of the administrators who shall act
14 as trustees for disbursement to, on behalf of, or for the
15 benefit of the resident. All types of retirement and pension
16 benefits from private and public sources may be paid directly
17 to the administrator of a Home for deposit to the resident
18 trust fund account.

19 (Source: P.A. 96-95, eff. 1-1-10; 96-100, eff. 1-1-10.)

20 (20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

21 Sec. 2.04. ~~There shall be established in the State Treasury~~
22 ~~special funds known as (i) the LaSalle Veterans Home Fund, (ii)~~
23 ~~the Anna Veterans Home Fund, (iii) the Manteno Veterans Home~~
24 ~~Fund, and (iv) the Quincy Veterans Home Fund.~~ All moneys
25 received by an Illinois Veterans Home from Medicare and from

1 maintenance charges to veterans, spouses, and surviving
2 spouses residing at that Home shall be paid into the Illinois
3 Veterans' Homes Fund ~~that Home's Fund~~. All moneys received from
4 the U.S. Department of Veterans Affairs for patient care shall
5 be transmitted to the Treasurer of the State for deposit in the
6 Illinois Veterans' Homes Fund ~~Veterans Home Fund for the Home~~
7 ~~in which the veteran resides~~. Appropriations shall be made from
8 the Illinois Veterans' Homes Fund ~~a Fund~~ only for the needs of
9 the Illinois Veterans' Homes ~~Home~~, including capital
10 improvements, building rehabilitation, and repairs.

11 The administrator of each Veterans Home shall establish a
12 locally-held member's benefits fund. Revenues accruing to an
13 Illinois Veterans Home, including any donations, grants for the
14 operation of the Home, profits from commissary stores, and
15 funds received from any individual or other source, shall be
16 deposited into that Home's benefits fund. Expenditures from the
17 benefits funds shall be solely for the special comfort,
18 pleasure, and amusement of residents. Contributors of
19 unsolicited private donations may specify the purpose for which
20 the private donations are to be used.

21 Upon request of the Department, the State's Attorney of the
22 county in which a resident or living former resident of an
23 Illinois Veterans Home who is liable under this Act for payment
24 of sums representing maintenance charges resides shall file an
25 action in a court of competent jurisdiction against any such
26 person who fails or refuses to pay such sums. The court may

1 order the payment of sums due to maintenance charges for such
2 period or periods of time as the circumstances require.

3 Upon the death of a person who is or has been a resident of
4 an Illinois Veterans Home who is liable for maintenance charges
5 and who is possessed of property, the Department may present a
6 claim for such sum or for the balance due in case less than the
7 rate prescribed under this Act has been paid. The claim shall
8 be allowed and paid as other lawful claims against the estate.

9 The administrator of each Veterans Home shall establish a
10 locally-held trust fund to maintain moneys held for residents.
11 Whenever the Department finds it necessary to preserve order,
12 preserve health, or enforce discipline, the resident shall
13 deposit in a trust account at the Home such monies from any
14 source of income as may be determined necessary, and
15 disbursement of these funds to the resident shall be made only
16 by direction of the administrator.

17 If a resident of an Illinois Veterans Home has a dependent
18 child, spouse, or parent the administrator may require that all
19 monies received be deposited in a trust account with dependency
20 contributions being made at the direction of the administrator.
21 The balance retained in the trust account shall be disbursed to
22 the resident at the time of discharge from the Home or to his
23 or her heirs or legal representative at the time of the
24 resident's death, subject to Department regulations or order of
25 the court.

26 The Director of Central Management Services, with the

1 consent of the Director of Veterans' Affairs, is authorized and
2 empowered to lease or let any real property held by the
3 Department of Veterans' Affairs for an Illinois Veterans Home
4 to entities or persons upon terms and conditions which are
5 considered to be in the best interest of that Home. The real
6 property must not be needed for any direct or immediate purpose
7 of the Home. In any leasing or letting, primary consideration
8 shall be given to the use of real property for agricultural
9 purposes, and all moneys received shall be transmitted to the
10 Treasurer of the State for deposit in the Illinois Veterans'
11 Homes Fund ~~appropriate Veterans Home Fund.~~

12 Notwithstanding any other provision of law, in addition to
13 any other transfers that may be provided by law, on July 1,
14 2015, or as soon thereafter as practical, the State Comptroller
15 shall direct and the State Treasurer shall transfer the
16 remaining balances from the LaSalle Veterans Home Fund, the
17 Anna Veterans Home Fund, the Manteno Veterans Home Fund, and
18 the Quincy Veterans Home Fund into the Illinois Veterans' Homes
19 Fund. Upon completion of the transfers, the LaSalle Veterans
20 Home Fund, the Anna Veterans Home Fund, the Manteno Veterans
21 Home Fund, and the Quincy Veterans Home Fund are dissolved, and
22 any future deposits due to those Funds and any outstanding
23 obligations or liabilities of those Funds pass to the Illinois
24 Veterans' Homes Fund.

25 (Source: P.A. 97-297, eff. 1-1-12.)

1 Section 5-15. The State Finance Act is amended by changing
2 Section 8g-1 as follows:

3 (30 ILCS 105/8g-1)

4 Sec. 8g-1. Fund transfers.

5 (a) In addition to any other transfers that may be provided
6 for by law, on and after July 1, 2012 and until May 1, 2013, at
7 the direction of and upon notification from the Governor, the
8 State Comptroller shall direct and the State Treasurer shall
9 transfer amounts not exceeding a total of \$80,000,000 from the
10 General Revenue Fund to the Tobacco Settlement Recovery Fund.
11 Any amounts so transferred shall be retransferred by the State
12 Comptroller and the State Treasurer from the Tobacco Settlement
13 Recovery Fund to the General Revenue Fund at the direction of
14 and upon notification from the Governor, but in any event on or
15 before June 30, 2013.

16 (b) In addition to any other transfers that may be provided
17 for by law, on and after July 1, 2013 and until May 1, 2014, at
18 the direction of and upon notification from the Governor, the
19 State Comptroller shall direct and the State Treasurer shall
20 transfer amounts not exceeding a total of \$80,000,000 from the
21 General Revenue Fund to the Tobacco Settlement Recovery Fund.
22 Any amounts so transferred shall be retransferred by the State
23 Comptroller and the State Treasurer from the Tobacco Settlement
24 Recovery Fund to the General Revenue Fund at the direction of
25 and upon notification from the Governor, but in any event on or

1 before June 30, 2014.

2 (c) In addition to any other transfers that may be provided
3 for by law, on July 1, 2013, or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$1,400,000 from the General
6 Revenue Fund to the ICJIA Violence Prevention Fund.

7 (d) In addition to any other transfers that may be provided
8 for by law, on July 1, 2013, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$1,500,000 from the General
11 Revenue Fund to the Illinois Veterans Assistance Fund.

12 (e) In addition to any other transfers that may be provided
13 for by law, on July 1, 2013, or as soon thereafter as
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$500,000 from the General
16 Revenue Fund to the Senior Citizens Real Estate Deferred Tax
17 Revolving Fund.

18 (f) In addition to any other transfers that may be provided
19 for by law, on July 1, 2013, or as soon thereafter as
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$4,000,000 from the General
22 Revenue Fund to the Digital Divide Elimination Fund.

23 (g) In addition to any other transfers that may be provided
24 for by law, on July 1, 2013, or as soon thereafter as
25 practical, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$5,000,000 from the General

1 Revenue Fund to the Communications Revolving Fund.

2 (h) In addition to any other transfers that may be provided
3 for by law, on July 1, 2013, or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$9,800,000 from the General
6 Revenue Fund to the Presidential Library and Museum Operating
7 Fund.

8 (i) In addition to any other transfers that may be provided
9 for by law, on and after July 1, 2014 and until May 1, 2015, at
10 the direction of and upon notification from the Governor, the
11 State Comptroller shall direct and the State Treasurer shall
12 transfer amounts not exceeding a total of \$80,000,000 from the
13 General Revenue Fund to the Tobacco Settlement Recovery Fund.
14 Any amounts so transferred shall be retransferred by the State
15 Comptroller and the State Treasurer from the Tobacco Settlement
16 Recovery Fund to the General Revenue Fund at the direction of
17 and upon notification from the Governor, but in any event on or
18 before June 30, 2015.

19 (j) In addition to any other transfers that may be provided
20 for by law, on July 1, 2014, or as soon thereafter as
21 practical, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$10,000,000 from the
23 General Revenue Fund to the Presidential Library and Museum
24 Operating Fund.

25 (k) In addition to any other transfers that may be provided
26 for by law, on and after July 1, 2015 and until May 1, 2016, at

1 the direction of and upon notification from the Governor, the
2 State Comptroller shall direct and the State Treasurer shall
3 transfer amounts not exceeding a total of \$80,000,000 from the
4 General Revenue Fund to the Tobacco Settlement Recovery Fund.
5 Any amounts so transferred shall be retransferred by the State
6 Comptroller and the State Treasurer from the Tobacco Settlement
7 Recovery Fund to the General Revenue Fund at the direction of
8 and upon notification from the Governor, but in any event on or
9 before June 30, 2016.

10 (Source: P.A. 97-732, eff. 6-30-12; 98-24, eff. 6-19-13;
11 98-674, eff. 6-30-14.)

12 (30 ILCS 105/5.27 rep.)

13 (30 ILCS 105/5.170 rep.)

14 (30 ILCS 105/5.243 rep.)

15 (30 ILCS 105/5.244 rep.)

16 Section 5-20. The State Finance Act is amended by repealing
17 Sections 5.27, 5.170, 5.243, and 5.244.

18 Section 5-25. The Illinois Public Aid Code is amended by
19 changing Section 9A-11 as follows:

20 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

21 Sec. 9A-11. Child Care.

22 (a) The General Assembly recognizes that families with
23 children need child care in order to work. Child care is

1 expensive and families with low incomes, including those who
2 are transitioning from welfare to work, often struggle to pay
3 the costs of day care. The General Assembly understands the
4 importance of helping low income working families become and
5 remain self-sufficient. The General Assembly also believes
6 that it is the responsibility of families to share in the costs
7 of child care. It is also the preference of the General
8 Assembly that all working poor families should be treated
9 equally, regardless of their welfare status.

10 (b) To the extent resources permit, the Illinois Department
11 shall provide child care services to parents or other relatives
12 as defined by rule who are working or participating in
13 employment or Department approved education or training
14 programs. At a minimum, the Illinois Department shall cover the
15 following categories of families:

16 (1) recipients of TANF under Article IV participating
17 in work and training activities as specified in the
18 personal plan for employment and self-sufficiency;

19 (2) families transitioning from TANF to work;

20 (3) families at risk of becoming recipients of TANF;

21 (4) families with special needs as defined by rule; and

22 (5) working families with very low incomes as defined
23 by rule.

24 The Department shall provide child care services to all
25 children who (i) are eligible for assistance, and (ii) are
26 under age 13, or who are under age 19 and under court

1 supervision, or who have physical or mental incapacities as
2 documented by a statement from a local health provider or other
3 health professional.

4 The Department shall specify by rule the conditions of
5 eligibility, the application process, and the types, amounts,
6 and duration of services. Eligibility for child care benefits
7 and the amount of child care provided may vary based on family
8 size, income, and other factors as specified by rule.

9 In determining income eligibility for child care benefits,
10 the Department annually, at the beginning of each fiscal year,
11 shall establish, by rule, one income threshold for each family
12 size, in relation to percentage of State median income for a
13 family of that size, that makes families with incomes below the
14 specified threshold eligible for assistance and families with
15 incomes above the specified threshold ineligible for
16 assistance. Through and including fiscal year 2007, the
17 specified threshold must be no less than 50% of the
18 then-current State median income for each family size.
19 Beginning in fiscal year 2008, the specified threshold must be
20 no less than 185% of the then-current federal poverty level for
21 each family size.

22 In determining eligibility for assistance, the Department
23 shall not give preference to any category of recipients or give
24 preference to individuals based on their receipt of benefits
25 under this Code.

26 The Department shall allocate \$7,500,000 annually for a

1 test program for families who are income-eligible for child
2 care assistance, who are not recipients of TANF under Article
3 IV, and who need child care assistance to participate in
4 education and training activities. The Department shall
5 specify by rule the conditions of eligibility for this test
6 program.

7 Nothing in this Section shall be construed as conferring
8 entitlement status to eligible families.

9 The Illinois Department is authorized to lower income
10 eligibility ceilings, raise parent co-payments, create waiting
11 lists, or take such other actions during a fiscal year as are
12 necessary to ensure that child care benefits paid under this
13 Article do not exceed the amounts appropriated for those child
14 care benefits. These changes may be accomplished by emergency
15 rule under Section 5-45 of the Illinois Administrative
16 Procedure Act, except that the limitation on the number of
17 emergency rules that may be adopted in a 24-month period shall
18 not apply.

19 The Illinois Department may contract with other State
20 agencies or child care organizations for the administration of
21 child care services.

22 (c) Payment shall be made for child care that otherwise
23 meets the requirements of this Section and applicable standards
24 of State and local law and regulation, including any
25 requirements the Illinois Department promulgates by rule in
26 addition to the licensure requirements promulgated by the

1 Department of Children and Family Services and Fire Prevention
2 and Safety requirements promulgated by the Office of the State
3 Fire Marshal and is provided in any of the following:

4 (1) a child care center which is licensed or exempt
5 from licensure pursuant to Section 2.09 of the Child Care
6 Act of 1969;

7 (2) a licensed child care home or home exempt from
8 licensing;

9 (3) a licensed group child care home;

10 (4) other types of child care, including child care
11 provided by relatives or persons living in the same home as
12 the child, as determined by the Illinois Department by
13 rule.

14 (c-5) Solely for the purposes of coverage under the
15 Illinois Public Labor Relations Act, child and day care home
16 providers, including licensed and license exempt,
17 participating in the Department's child care assistance
18 program shall be considered to be public employees and the
19 State of Illinois shall be considered to be their employer as
20 of the effective date of this amendatory Act of the 94th
21 General Assembly, but not before. The State shall engage in
22 collective bargaining with an exclusive representative of
23 child and day care home providers participating in the child
24 care assistance program concerning their terms and conditions
25 of employment that are within the State's control. Nothing in
26 this subsection shall be understood to limit the right of

1 families receiving services defined in this Section to select
2 child and day care home providers or supervise them within the
3 limits of this Section. The State shall not be considered to be
4 the employer of child and day care home providers for any
5 purposes not specifically provided in this amendatory Act of
6 the 94th General Assembly, including but not limited to,
7 purposes of vicarious liability in tort and purposes of
8 statutory retirement or health insurance benefits. Child and
9 day care home providers shall not be covered by the State
10 Employees Group Insurance Act of 1971.

11 In according child and day care home providers and their
12 selected representative rights under the Illinois Public Labor
13 Relations Act, the State intends that the State action
14 exemption to application of federal and State antitrust laws be
15 fully available to the extent that their activities are
16 authorized by this amendatory Act of the 94th General Assembly.

17 (d) The Illinois Department shall establish, by rule, a
18 co-payment scale that provides for cost sharing by families
19 that receive child care services, including parents whose only
20 income is from assistance under this Code. The co-payment shall
21 be based on family income and family size and may be based on
22 other factors as appropriate. Co-payments may be waived for
23 families whose incomes are at or below the federal poverty
24 level.

25 (d-5) The Illinois Department, in consultation with its
26 Child Care and Development Advisory Council, shall develop a

1 plan to revise the child care assistance program's co-payment
2 scale. The plan shall be completed no later than February 1,
3 2008, and shall include:

4 (1) findings as to the percentage of income that the
5 average American family spends on child care and the
6 relative amounts that low-income families and the average
7 American family spend on other necessities of life;

8 (2) recommendations for revising the child care
9 co-payment scale to assure that families receiving child
10 care services from the Department are paying no more than
11 they can reasonably afford;

12 (3) recommendations for revising the child care
13 co-payment scale to provide at-risk children with complete
14 access to Preschool for All and Head Start; and

15 (4) recommendations for changes in child care program
16 policies that affect the affordability of child care.

17 (e) (Blank).

18 (f) The Illinois Department shall, by rule, set rates to be
19 paid for the various types of child care. Child care may be
20 provided through one of the following methods:

21 (1) arranging the child care through eligible
22 providers by use of purchase of service contracts or
23 vouchers;

24 (2) arranging with other agencies and community
25 volunteer groups for non-reimbursed child care;

26 (3) (blank); or

1 (4) adopting such other arrangements as the Department
2 determines appropriate.

3 (f-5) (Blank).

4 (g) Families eligible for assistance under this Section
5 shall be given the following options:

6 (1) receiving a child care certificate issued by the
7 Department or a subcontractor of the Department that may be
8 used by the parents as payment for child care and
9 development services only; or

10 (2) if space is available, enrolling the child with a
11 child care provider that has a purchase of service contract
12 with the Department or a subcontractor of the Department
13 for the provision of child care and development services.
14 The Department may identify particular priority
15 populations for whom they may request special
16 consideration by a provider with purchase of service
17 contracts, provided that the providers shall be permitted
18 to maintain a balance of clients in terms of household
19 incomes and families and children with special needs, as
20 defined by rule.

21 (Source: P.A. 97-422, eff. 8-16-11.)

22 ARTICLE 9. GENERAL PROVISIONS

23 Section 9-99. Effective date. This Act takes effect July 1,
24 2015."