

1 AN ACT concerning finance.

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

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

- 19 (a) (blank);
- 20 (b) (blank);
- 21 (c) home care aide services;
- 22 (d) personal assistant services;

- 1 (e) adult day services;
- 2 (f) home-delivered meals;
- 3 (g) education in self-care;
- 4 (h) personal care services;
- 5 (i) adult day health services;
- 6 (j) habilitation services;
- 7 (k) respite care;
- 8 (k-5) community reintegration services;
- 9 (k-6) flexible senior services;
- 10 (k-7) medication management;
- 11 (k-8) emergency home response;
- 12 (l) other nonmedical social services that may enable
- 13 the person to become self-supporting; or
- 14 (m) clearinghouse for information provided by senior
- 15 citizen home owners who want to rent rooms to or share
- 16 living space with other senior citizens.

17 The Department shall establish eligibility standards for

18 such services. In determining the amount and nature of services

19 for which a person may qualify, consideration shall not be

20 given to the value of cash, property or other assets held in

21 the name of the person's spouse pursuant to a written agreement

22 dividing marital property into equal but separate shares or

23 pursuant to a transfer of the person's interest in a home to

24 his spouse, provided that the spouse's share of the marital

25 property is not made available to the person seeking such

26 services.

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

6 The Department shall, in conjunction with the Department of
7 Public Aid (now Department of Healthcare and Family Services),
8 seek appropriate amendments under Sections 1915 and 1924 of the
9 Social Security Act. The purpose of the amendments shall be to
10 extend eligibility for home and community based services under
11 Sections 1915 and 1924 of the Social Security Act to persons
12 who transfer to or for the benefit of a spouse those amounts of
13 income and resources allowed under Section 1924 of the Social
14 Security Act. Subject to the approval of such amendments, the
15 Department shall extend the provisions of Section 5-4 of the
16 Illinois Public Aid Code to persons who, but for the provision
17 of home or community-based services, would require the level of
18 care provided in an institution, as is provided for in federal
19 law. Those persons no longer found to be eligible for receiving
20 noninstitutional services due to changes in the eligibility
21 criteria shall be given 45 days notice prior to actual
22 termination. Those persons receiving notice of termination may
23 contact the Department and request the determination be
24 appealed at any time during the 45 day notice period. The
25 target population identified for the purposes of this Section
26 are persons age 60 and older with an identified service need.

1 Priority shall be given to those who are at imminent risk of
2 institutionalization. The services shall be provided to
3 eligible persons age 60 and older to the extent that the cost
4 of the services together with the other personal maintenance
5 expenses of the persons are reasonably related to the standards
6 established for care in a group facility appropriate to the
7 person's condition. These non-institutional services, pilot
8 projects or experimental facilities may be provided as part of
9 or in addition to those authorized by federal law or those
10 funded and administered by the Department of Human Services.
11 The Departments of Human Services, Healthcare and Family
12 Services, Public Health, Veterans' Affairs, and Commerce and
13 Economic Opportunity and other appropriate agencies of State,
14 federal and local governments shall cooperate with the
15 Department on Aging in the establishment and development of the
16 non-institutional services. The Department shall require an
17 annual audit from all personal assistant and home care aide
18 vendors contracting with the Department under this Section. The
19 annual audit shall assure that each audited vendor's procedures
20 are in compliance with Department's financial reporting
21 guidelines requiring an administrative and employee wage and
22 benefits cost split as defined in administrative rules. The
23 audit is a public record under the Freedom of Information Act.
24 The Department shall execute, relative to the nursing home
25 prescreening project, written inter-agency agreements with the
26 Department of Human Services and the Department of Healthcare

1 and Family Services, to effect the following: (1) intake
2 procedures and common eligibility criteria for those persons
3 who are receiving non-institutional services; and (2) the
4 establishment and development of non-institutional services in
5 areas of the State where they are not currently available or
6 are undeveloped. On and after July 1, 1996, all nursing home
7 prescreenings for individuals 60 years of age or older shall be
8 conducted by the Department.

9 As part of the Department on Aging's routine training of
10 case managers and case manager supervisors, the Department may
11 include information on family futures planning for persons who
12 are age 60 or older and who are caregivers of their adult
13 children with developmental disabilities. The content of the
14 training shall be at the Department's discretion.

15 The Department is authorized to establish a system of
16 recipient copayment for services provided under this Section,
17 such copayment to be based upon the recipient's ability to pay
18 but in no case to exceed the actual cost of the services
19 provided. Additionally, any portion of a person's income which
20 is equal to or less than the federal poverty standard shall not
21 be considered by the Department in determining the copayment.
22 The level of such copayment shall be adjusted whenever
23 necessary to reflect any change in the officially designated
24 federal poverty standard.

25 The Department, or the Department's authorized
26 representative, may recover the amount of moneys expended for

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

1 value of the property.

2 The Department shall increase the effectiveness of the
3 existing Community Care Program by:

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

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

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

18 (4) ensuring that the determination of need tool is
19 accurate in determining the participants' level of need; to
20 achieve this, the Department, in conjunction with the Older
21 Adult Services Advisory Committee, shall institute a study
22 of the relationship between the Determination of Need
23 scores, level of need, service cost maximums, and the
24 development and utilization of service plans no later than
25 May 1, 2008; findings and recommendations shall be
26 presented to the Governor and the General Assembly no later

1 than January 1, 2009; recommendations shall include all
2 needed changes to the service cost maximums schedule and
3 additional covered services;

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

7 (A) bathing;

8 (B) grooming;

9 (C) toileting;

10 (D) nail care;

11 (E) transferring;

12 (F) respiratory services;

13 (G) exercise; or

14 (H) positioning;

15 (6) ensuring that homemaker program vendors are not
16 restricted from hiring homemakers who are family members of
17 clients or recommended by clients; the Department may not,
18 by rule or policy, require homemakers who are family
19 members of clients or recommended by clients to accept
20 assignments in homes other than the client;

21 (7) ensuring that the State may access maximum federal
22 matching funds by seeking approval for the Centers for
23 Medicare and Medicaid Services for modifications to the
24 State's home and community based services waiver and
25 additional waiver opportunities, including applying for
26 enrollment in the Balance Incentive Payment Program by May

1 1, 2013, in order to maximize federal matching funds; this
2 shall include, but not be limited to, modification that
3 reflects all changes in the Community Care Program services
4 and all increases in the services cost maximum;

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

8 (9) ensuring that services are authorized accurately
9 and consistently for the Community Care Program (CCP); the
10 Department shall implement a Service Authorization policy
11 directive; the purpose shall be to ensure that eligibility
12 and services are authorized accurately and consistently in
13 the CCP program; the policy directive shall clarify service
14 authorization guidelines to Care Coordination Units and
15 Community Care Program providers no later than May 1, 2013;

16 (10) working in conjunction with Care Coordination
17 Units, the Department of Healthcare and Family Services,
18 the Department of Human Services, Community Care Program
19 providers, and other stakeholders to make improvements to
20 the Medicaid claiming processes and the Medicaid
21 enrollment procedures or requirements as needed,
22 including, but not limited to, specific policy changes or
23 rules to improve the up-front enrollment of participants in
24 the Medicaid program and specific policy changes or rules
25 to insure more prompt submission of bills to the federal
26 government to secure maximum federal matching dollars as

1 promptly as possible; the Department on Aging shall have at
2 least 3 meetings with stakeholders by January 1, 2014 in
3 order to address these improvements;

4 (11) requiring home care service providers to comply
5 with the rounding of hours worked provisions under the
6 federal Fair Labor Standards Act (FLSA) and as set forth in
7 29 CFR 785.48(b) by May 1, 2013;

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

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

17 By January 1, 2009 or as soon after the end of the Cash and
18 Counseling Demonstration Project as is practicable, the
19 Department may, based on its evaluation of the demonstration
20 project, promulgate rules concerning personal assistant
21 services, to include, but need not be limited to,
22 qualifications, employment screening, rights under fair labor
23 standards, training, fiduciary agent, and supervision
24 requirements. All applicants shall be subject to the provisions
25 of the Health Care Worker Background Check Act.

26 The Department shall develop procedures to enhance

1 availability of services on evenings, weekends, and on an
2 emergency basis to meet the respite needs of caregivers.
3 Procedures shall be developed to permit the utilization of
4 services in successive blocks of 24 hours up to the monthly
5 maximum established by the Department. Workers providing these
6 services shall be appropriately trained.

7 Beginning on the effective date of this Amendatory Act of
8 1991, no person may perform chore/housekeeping and home care
9 aide services under a program authorized by this Section unless
10 that person has been issued a certificate of pre-service to do
11 so by his or her employing agency. Information gathered to
12 effect such certification shall include (i) the person's name,
13 (ii) the date the person was hired by his or her current
14 employer, and (iii) the training, including dates and levels.
15 Persons engaged in the program authorized by this Section
16 before the effective date of this amendatory Act of 1991 shall
17 be issued a certificate of all pre- and in-service training
18 from his or her employer upon submitting the necessary
19 information. The employing agency shall be required to retain
20 records of all staff pre- and in-service training, and shall
21 provide such records to the Department upon request and upon
22 termination of the employer's contract with the Department. In
23 addition, the employing agency is responsible for the issuance
24 of certifications of in-service training completed to their
25 employees.

26 The Department is required to develop a system to ensure

1 that persons working as home care aides and personal assistants
2 receive increases in their wages when the federal minimum wage
3 is increased by requiring vendors to certify that they are
4 meeting the federal minimum wage statute for home care aides
5 and personal assistants. An employer that cannot ensure that
6 the minimum wage increase is being given to home care aides and
7 personal assistants shall be denied any increase in
8 reimbursement costs.

9 The Community Care Program Advisory Committee is created in
10 the Department on Aging. The Director shall appoint individuals
11 to serve in the Committee, who shall serve at their own
12 expense. Members of the Committee must abide by all applicable
13 ethics laws. The Committee shall advise the Department on
14 issues related to the Department's program of services to
15 prevent unnecessary institutionalization. The Committee shall
16 meet on a bi-monthly basis and shall serve to identify and
17 advise the Department on present and potential issues affecting
18 the service delivery network, the program's clients, and the
19 Department and to recommend solution strategies. Persons
20 appointed to the Committee shall be appointed on, but not
21 limited to, their own and their agency's experience with the
22 program, geographic representation, and willingness to serve.
23 The Director shall appoint members to the Committee to
24 represent provider, advocacy, policy research, and other
25 constituencies committed to the delivery of high quality home
26 and community-based services to older adults. Representatives

1 shall be appointed to ensure representation from community care
2 providers including, but not limited to, adult day service
3 providers, homemaker providers, case coordination and case
4 management units, emergency home response providers, statewide
5 trade or labor unions that represent home care aides and direct
6 care staff, area agencies on aging, adults over age 60,
7 membership organizations representing older adults, and other
8 organizational entities, providers of care, or individuals
9 with demonstrated interest and expertise in the field of home
10 and community care as determined by the Director.

11 Nominations may be presented from any agency or State
12 association with interest in the program. The Director, or his
13 or her designee, shall serve as the permanent co-chair of the
14 advisory committee. One other co-chair shall be nominated and
15 approved by the members of the committee on an annual basis.
16 Committee members' terms of appointment shall be for 4 years
17 with one-quarter of the appointees' terms expiring each year. A
18 member shall continue to serve until his or her replacement is
19 named. The Department shall fill vacancies that have a
20 remaining term of over one year, and this replacement shall
21 occur through the annual replacement of expiring terms. The
22 Director shall designate Department staff to provide technical
23 assistance and staff support to the committee. Department
24 representation shall not constitute membership of the
25 committee. All Committee papers, issues, recommendations,
26 reports, and meeting memoranda are advisory only. The Director,

1 or his or her designee, shall make a written report, as
2 requested by the Committee, regarding issues before the
3 Committee.

4 The Department on Aging and the Department of Human
5 Services shall cooperate in the development and submission of
6 an annual report on programs and services provided under this
7 Section. Such joint report shall be filed with the Governor and
8 the General Assembly on or before September 30 each year.

9 The requirement for reporting to the General Assembly shall
10 be satisfied by filing copies of the report with the Speaker,
11 the Minority Leader and the Clerk of the House of
12 Representatives and the President, the Minority Leader and the
13 Secretary of the Senate and the Legislative Research Unit, as
14 required by Section 3.1 of the General Assembly Organization
15 Act and filing such additional copies with the State Government
16 Report Distribution Center for the General Assembly as is
17 required under paragraph (t) of Section 7 of the State Library
18 Act.

19 Those persons previously found eligible for receiving
20 non-institutional services whose services were discontinued
21 under the Emergency Budget Act of Fiscal Year 1992, and who do
22 not meet the eligibility standards in effect on or after July
23 1, 1992, shall remain ineligible on and after July 1, 1992.
24 Those persons previously not required to cost-share and who
25 were required to cost-share effective March 1, 1992, shall
26 continue to meet cost-share requirements on and after July 1,

1 1992. Beginning July 1, 1992, all clients will be required to
2 meet eligibility, cost-share, and other requirements and will
3 have services discontinued or altered when they fail to meet
4 these requirements.

5 For the purposes of this Section, "flexible senior
6 services" refers to services that require one-time or periodic
7 expenditures including, but not limited to, respite care, home
8 modification, assistive technology, housing assistance, and
9 transportation.

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

14 The Department shall require, as a condition of
15 eligibility, enrollment in the medical assistance program
16 under Article V of the Illinois Public Aid Code (i) beginning
17 August 1, 2013, if the Auditor General has reported that the
18 Department has failed to comply with the reporting requirements
19 of Section 2-27 of the Illinois State Auditing Act; or (ii)
20 beginning June 1, 2014, if the Auditor General has reported
21 that the Department has not undertaken the required actions
22 listed in the report required by subsection (a) of Section 2-27
23 of the Illinois State Auditing Act.

24 The Department shall delay Community Care Program services
25 until an applicant is determined eligible for medical
26 assistance under Article V of the Illinois Public Aid Code (i)

1 beginning August 1, 2013, if the Auditor General has reported
2 that the Department has failed to comply with the reporting
3 requirements of Section 2-27 of the Illinois State Auditing
4 Act; or (ii) beginning June 1, 2014, if the Auditor General has
5 reported that the Department has not undertaken the required
6 actions listed in the report required by subsection (a) of
7 Section 2-27 of the Illinois State Auditing Act.

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

17 The Department shall provide a bi-monthly report on the
18 progress of the Community Care Program reforms set forth in
19 this amendatory Act of the 98th General Assembly to the
20 Governor, the Speaker of the House of Representatives, the
21 Minority Leader of the House of Representatives, the President
22 of the Senate, and the Minority Leader of the Senate.

23 The Department shall conduct a quarterly review of Care
24 Coordination Unit performance and adherence to service
25 guidelines. The quarterly review shall be reported to the
26 Speaker of the House of Representatives, the Minority Leader of

1 the House of Representatives, the President of the Senate, and
2 the Minority Leader of the Senate. The Department shall collect
3 and report longitudinal data on the performance of each care
4 coordination unit. Nothing in this paragraph shall be construed
5 to require the Department to identify specific care
6 coordination units.

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

16 The Director of the Department on Aging shall make
17 information available to the State Board of Elections as may be
18 required by an agreement the State Board of Elections has
19 entered into with a multi-state voter registration list
20 maintenance system.

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

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

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

5 (20 ILCS 2805/2g)

6 Sec. 2g. The Illinois Veterans' Homes Fund. The Illinois
7 Veterans' Homes Fund is hereby created as a special fund in the
8 State treasury. From appropriations to the Department from the
9 Fund the Department shall purchase needed equipment and
10 supplies to enhance the lives of the residents at and for ~~to~~
11 ~~enhance~~ the operations of veterans' homes in Illinois, and
12 including capital improvements, building rehabilitation, and
13 repairs.

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

15 (20 ILCS 2805/2.03) (from Ch. 126 1/2, par. 67.03)

16 Sec. 2.03. Admissions. Admissions to an Illinois Veterans
17 Home are subject to the rules and regulations adopted by the
18 Department of Veterans' Affairs to govern the admission of
19 applicants.

20 Each resident of a Home is liable for the payment of sums
21 representing maintenance charges for care at the Home at a rate
22 to be determined by the Department, based on the resident's
23 ability to pay. However, the charges shall not exceed the

1 average annual per capita cost of maintaining the resident in
2 the Home. The Department, upon being furnished proof of
3 payment, shall in its discretion make allowances for unusual
4 expenses in determining the ability of the resident to pay
5 maintenance charges.

6 The basis upon which the payment of maintenance charges
7 shall be calculated by the Department is the average per capita
8 cost for the care of all residents at each Home for the fiscal
9 year immediately preceding the period for which the rate for
10 each Home is being calculated.

11 The Department may require residents to pay charges
12 monthly, quarterly, or otherwise as may be most suitably
13 arranged for the individual members. The amounts received from
14 each Home for the charges shall be transmitted to the Treasurer
15 of the State of Illinois for deposit in the Illinois Veterans'
16 Homes Fund ~~each Veterans Home Fund, respectively.~~

17 The Department may investigate the financial condition of
18 residents of a Home to determine their ability to pay
19 maintenance charges and to establish standards as a basis of
20 judgment for such determination. Such standards shall be
21 recomputed periodically to reflect changes in the cost of
22 living and other pertinent factors.

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

25 The Department may collect any medical or health benefits
26 to which a resident may become entitled through tax supported

1 or privately financed systems of insurance, as a result of his
2 or her care or treatment in the facilities provided by the
3 Department, or because of care or treatment in other facilities
4 when such care or treatment has been paid for by the
5 Department.

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

9 The Department may accept and hold on behalf of the State,
10 if for the public interest, a grant, gift, devise, or bequest
11 of money or property to the Department made in trust for the
12 maintenance or support of a resident of an Illinois Veterans
13 Home or for any other legitimate purpose. The Department shall
14 cause each gift, grant, devise, or bequest to be kept as a
15 distinct fund and shall invest the same in the manner provided
16 by the laws of this State relating to securities in which the
17 deposit in savings banks may be invested. However, the
18 Department may, at its discretion, deposit in a proper trust
19 company, bank, or savings bank, during the continuance of the
20 trust, any fund left in trust for the life of a person and
21 shall adopt rules and regulations governing the deposit,
22 transfer, or withdrawal of the fund. The Department shall, on
23 the expiration of any trust as provided in any instrument
24 creating the trust, dispose of the fund in the manner provided
25 in the instrument. The Department shall include in its required
26 reports a statement showing what funds are so held by it and

1 the condition of the funds; provided that monies found on
2 residents at the time of their admission or accruing to them
3 during their residence at a Home and monies deposited with the
4 administrators by relatives, guardians, or friends of
5 residents for the special comfort and pleasure of the resident
6 shall remain in the custody of the administrators who shall act
7 as trustees for disbursement to, on behalf of, or for the
8 benefit of the resident. All types of retirement and pension
9 benefits from private and public sources may be paid directly
10 to the administrator of a Home for deposit to the resident
11 trust fund account.

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

13 (20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

14 Sec. 2.04. ~~There shall be established in the State Treasury~~
15 ~~special funds known as (i) the LaSalle Veterans Home Fund, (ii)~~
16 ~~the Anna Veterans Home Fund, (iii) the Manteno Veterans Home~~
17 ~~Fund, and (iv) the Quincy Veterans Home Fund.~~ All moneys
18 received by an Illinois Veterans Home from Medicare and from
19 maintenance charges to veterans, spouses, and surviving
20 spouses residing at that Home shall be paid into the Illinois
21 Veterans' Homes Fund ~~that Home's Fund~~. All moneys received from
22 the U.S. Department of Veterans Affairs for patient care shall
23 be transmitted to the Treasurer of the State for deposit in the
24 Illinois Veterans' Homes Fund ~~Veterans Home Fund for the Home~~
25 ~~in which the veteran resides~~. Appropriations shall be made from

1 the Illinois Veterans' Homes Fund ~~a Fund~~ only for the needs of
2 the Illinois Veterans' Homes Home, including capital
3 improvements, building rehabilitation, and repairs.

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

14 Upon request of the Department, the State's Attorney of the
15 county in which a resident or living former resident of an
16 Illinois Veterans Home who is liable under this Act for payment
17 of sums representing maintenance charges resides shall file an
18 action in a court of competent jurisdiction against any such
19 person who fails or refuses to pay such sums. The court may
20 order the payment of sums due to maintenance charges for such
21 period or periods of time as the circumstances require.

22 Upon the death of a person who is or has been a resident of
23 an Illinois Veterans Home who is liable for maintenance charges
24 and who is possessed of property, the Department may present a
25 claim for such sum or for the balance due in case less than the
26 rate prescribed under this Act has been paid. The claim shall

1 be allowed and paid as other lawful claims against the estate.

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

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

19 The Director of Central Management Services, with the
20 consent of the Director of Veterans' Affairs, is authorized and
21 empowered to lease or let any real property held by the
22 Department of Veterans' Affairs for an Illinois Veterans Home
23 to entities or persons upon terms and conditions which are
24 considered to be in the best interest of that Home. The real
25 property must not be needed for any direct or immediate purpose
26 of the Home. In any leasing or letting, primary consideration

1 shall be given to the use of real property for agricultural
2 purposes, and all moneys received shall be transmitted to the
3 Treasurer of the State for deposit in the Illinois Veterans'
4 Homes Fund ~~appropriate Veterans Home Fund.~~

5 Notwithstanding any other provision of law, in addition to
6 any other transfers that may be provided by law, on July 1,
7 2015, or as soon thereafter as practical, the State Comptroller
8 shall direct and the State Treasurer shall transfer the
9 remaining balances from the LaSalle Veterans Home Fund, the
10 Anna Veterans Home Fund, the Manteno Veterans Home Fund, and
11 the Quincy Veterans Home Fund into the Illinois Veterans' Homes
12 Fund. Upon completion of the transfers, the LaSalle Veterans
13 Home Fund, the Anna Veterans Home Fund, the Manteno Veterans
14 Home Fund, and the Quincy Veterans Home Fund are dissolved, and
15 any future deposits due to those Funds and any outstanding
16 obligations or liabilities of those Funds pass to the Illinois
17 Veterans' Homes Fund.

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

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

21 (30 ILCS 105/8g-1)

22 Sec. 8g-1. Fund transfers.

23 (a) In addition to any other transfers that may be provided
24 for by law, on and after July 1, 2012 and until May 1, 2013, 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, 2013.

10 (b) In addition to any other transfers that may be provided
11 for by law, on and after July 1, 2013 and until May 1, 2014, at
12 the direction of and upon notification from the Governor, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer amounts not exceeding a total of \$80,000,000 from the
15 General Revenue Fund to the Tobacco Settlement Recovery Fund.
16 Any amounts so transferred shall be retransferred by the State
17 Comptroller and the State Treasurer from the Tobacco Settlement
18 Recovery Fund to the General Revenue Fund at the direction of
19 and upon notification from the Governor, but in any event on or
20 before June 30, 2014.

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

26 (d) In addition to any other transfers that may be provided

1 for by law, on July 1, 2013, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$1,500,000 from the General
4 Revenue Fund to the Illinois Veterans Assistance Fund.

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

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

16 (g) In addition to any other transfers that may be provided
17 for by law, on July 1, 2013, or as soon thereafter as
18 practical, the State Comptroller shall direct and the State
19 Treasurer shall transfer the sum of \$5,000,000 from the General
20 Revenue Fund to the Communications Revolving Fund.

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

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

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

18 (k) In addition to any other transfers that may be provided
19 for by law, on and after July 1, 2015 and until May 1, 2016, at
20 the direction of and upon notification from the Governor, the
21 State Comptroller shall direct and the State Treasurer shall
22 transfer amounts not exceeding a total of \$80,000,000 from the
23 General Revenue Fund to the Tobacco Settlement Recovery Fund.
24 Any amounts so transferred shall be retransferred by the State
25 Comptroller and the State Treasurer from the Tobacco Settlement
26 Recovery Fund to the General Revenue Fund at the direction of

1 and upon notification from the Governor, but in any event on or
2 before June 30, 2016.

3 (Source: P.A. 97-732, eff. 6-30-12; 98-24, eff. 6-19-13;
4 98-674, eff. 6-30-14.)

5 (30 ILCS 105/5.27 rep.)

6 (30 ILCS 105/5.170 rep.)

7 (30 ILCS 105/5.243 rep.)

8 (30 ILCS 105/5.244 rep.)

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

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

13 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

14 Sec. 9A-11. Child Care.

15 (a) The General Assembly recognizes that families with
16 children need child care in order to work. Child care is
17 expensive and families with low incomes, including those who
18 are transitioning from welfare to work, often struggle to pay
19 the costs of day care. The General Assembly understands the
20 importance of helping low income working families become and
21 remain self-sufficient. The General Assembly also believes
22 that it is the responsibility of families to share in the costs
23 of child care. It is also the preference of the General

1 Assembly that all working poor families should be treated
2 equally, regardless of their welfare status.

3 (b) To the extent resources permit, the Illinois Department
4 shall provide child care services to parents or other relatives
5 as defined by rule who are working or participating in
6 employment or Department approved education or training
7 programs. At a minimum, the Illinois Department shall cover the
8 following categories of families:

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

12 (2) families transitioning from TANF to work;

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

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

15 (5) working families with very low incomes as defined
16 by rule.

17 The Department shall provide child care services to all
18 children who (i) are eligible for assistance, and (ii) are
19 under age 13, or who are under age 19 and under court
20 supervision, or who have physical or mental incapacities as
21 documented by a statement from a local health provider or other
22 health professional.

23 The Department shall specify by rule the conditions of
24 eligibility, the application process, and the types, amounts,
25 and duration of services. Eligibility for child care benefits
26 and the amount of child care provided may vary based on family

1 size, income, and other factors as specified by rule.

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

15 In determining eligibility for assistance, the Department
16 shall not give preference to any category of recipients or give
17 preference to individuals based on their receipt of benefits
18 under this Code.

19 The Department shall allocate \$7,500,000 annually for a
20 test program for families who are income-eligible for child
21 care assistance, who are not recipients of TANF under Article
22 IV, and who need child care assistance to participate in
23 education and training activities. The Department shall
24 specify by rule the conditions of eligibility for this test
25 program.

26 Nothing in this Section shall be construed as conferring

1 entitlement status to eligible families.

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

12 The Illinois Department may contract with other State
13 agencies or child care organizations for the administration of
14 child care services.

15 (c) Payment shall be made for child care that otherwise
16 meets the requirements of this Section and applicable standards
17 of State and local law and regulation, including any
18 requirements the Illinois Department promulgates by rule in
19 addition to the licensure requirements promulgated by the
20 Department of Children and Family Services and Fire Prevention
21 and Safety requirements promulgated by the Office of the State
22 Fire Marshal and is provided in any of the following:

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

26 (2) a licensed child care home or home exempt from

1 licensing;

2 (3) a licensed group child care home;

3 (4) other types of child care, including child care
4 provided by relatives or persons living in the same home as
5 the child, as determined by the Illinois Department by
6 rule.

7 (c-5) Solely for the purposes of coverage under the
8 Illinois Public Labor Relations Act, child and day care home
9 providers, including licensed and license exempt,
10 participating in the Department's child care assistance
11 program shall be considered to be public employees and the
12 State of Illinois shall be considered to be their employer as
13 of the effective date of this amendatory Act of the 94th
14 General Assembly, but not before. The State shall engage in
15 collective bargaining with an exclusive representative of
16 child and day care home providers participating in the child
17 care assistance program concerning their terms and conditions
18 of employment that are within the State's control. Nothing in
19 this subsection shall be understood to limit the right of
20 families receiving services defined in this Section to select
21 child and day care home providers or supervise them within the
22 limits of this Section. The State shall not be considered to be
23 the employer of child and day care home providers for any
24 purposes not specifically provided in this amendatory Act of
25 the 94th General Assembly, including but not limited to,
26 purposes of vicarious liability in tort and purposes of

1 statutory retirement or health insurance benefits. Child and
2 day care home providers shall not be covered by the State
3 Employees Group Insurance Act of 1971.

4 In according child and day care home providers and their
5 selected representative rights under the Illinois Public Labor
6 Relations Act, the State intends that the State action
7 exemption to application of federal and State antitrust laws be
8 fully available to the extent that their activities are
9 authorized by this amendatory Act of the 94th General Assembly.

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

18 (d-5) The Illinois Department, in consultation with its
19 Child Care and Development Advisory Council, shall develop a
20 plan to revise the child care assistance program's co-payment
21 scale. The plan shall be completed no later than February 1,
22 2008, and shall include:

23 (1) findings as to the percentage of income that the
24 average American family spends on child care and the
25 relative amounts that low-income families and the average
26 American family spend on other necessities of life;

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

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

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

10 (e) (Blank).

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

14 (1) arranging the child care through eligible
15 providers by use of purchase of service contracts or
16 vouchers;

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

19 (3) (blank); or

20 (4) adopting such other arrangements as the Department
21 determines appropriate.

22 (f-5) (Blank).

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

25 (1) receiving a child care certificate issued by the
26 Department or a subcontractor of the Department that may be

1 used by the parents as payment for child care and
2 development services only; or

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

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

15 ARTICLE 9. GENERAL PROVISIONS

16 Section 9-99. Effective date. This Act takes effect July 1,
17 2015.