

1 AN ACT concerning personal care attendants.

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

4 Section 5. The Disabled Persons Rehabilitation Act is
5 amended by changing Section 3 as follows:

6 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

7 (Text of Section before amendment by P.A. 92-84)

8 Sec. 3. Powers and duties. The Department shall have the
9 powers and duties enumerated herein:

10 (a) To co-operate with the federal government in the
11 administration of the provisions of the federal
12 Rehabilitation Act of 1973, as amended, of the Workforce
13 Investment Act of 1998, and of the federal Social Security
14 Act to the extent and in the manner provided in these Acts.

15 (b) To prescribe and supervise such courses of
16 vocational training and provide such other services as may be
17 necessary for the habilitation and rehabilitation of persons
18 with one or more disabilities, including the administrative
19 activities under subsection (e) of this Section, and to
20 co-operate with State and local school authorities and other
21 recognized agencies engaged in habilitation, rehabilitation
22 and comprehensive rehabilitation services; and to cooperate
23 with the Department of Children and Family Services regarding
24 the care and education of children with one or more
25 disabilities.

26 (c) To make such reports and submit such plans to the
27 federal government as are required by the provisions of the
28 federal Rehabilitation Act of 1973, as amended, and by the
29 rules and regulations of the federal agency or agencies
30 administering the federal Rehabilitation Act of 1973, as
31 amended, the Workforce Investment Act of 1998, and the

1 federal Social Security Act.

2 (d) To report in writing, to the Governor, annually on
3 or before the first day of December, and at such other times
4 and in such manner and upon such subjects as the Governor may
5 require. The annual report shall contain (1) a statement of
6 the existing condition of comprehensive rehabilitation
7 services, habilitation and rehabilitation in the State; (2) a
8 statement of suggestions and recommendations with reference
9 to the development of comprehensive rehabilitation services,
10 habilitation and rehabilitation in the State; and (3) an
11 itemized statement of the amounts of money received from
12 federal, State and other sources, and of the objects and
13 purposes to which the respective items of these several
14 amounts have been devoted.

15 (e) To exercise, pursuant to Section 13 of this Act,
16 executive and administrative supervision over all
17 institutions, divisions, programs and services now existing
18 or hereafter acquired or created under the jurisdiction of
19 the Department, including, but not limited to, the following:

20 The Illinois School for the Visually Impaired at
21 Jacksonville, as provided under Section 10 of this Act,

22 The Illinois School for the Deaf at Jacksonville, as
23 provided under Section 10 of this Act, and

24 The Illinois Center for Rehabilitation and Education, as
25 provided under Section 11 of this Act.

26 (f) To establish a program of services to prevent
27 unnecessary institutionalization of persons with Alzheimer's
28 disease and related disorders or persons in need of long term
29 care who are established as blind or disabled as defined by
30 the Social Security Act, thereby enabling them to remain in
31 their own homes or other living arrangements. Such preventive
32 services may include, but are not limited to, any or all of
33 the following:

34 (1) home health services;

- 1 (2) home nursing services;
- 2 (3) homemaker services;
- 3 (4) chore and housekeeping services;
- 4 (5) day care services;
- 5 (6) home-delivered meals;
- 6 (7) education in self-care;
- 7 (8) personal care services;
- 8 (9) adult day health services;
- 9 (10) habilitation services;
- 10 (11) respite care; or
- 11 (12) other nonmedical social services that may
- 12 enable the person to become self-supporting.

13 The Department shall establish eligibility standards for
14 such services taking into consideration the unique economic
15 and social needs of the population for whom they are to be
16 provided. Such eligibility standards may be based on the
17 recipient's ability to pay for services; provided, however,
18 that any portion of a person's income that is equal to or
19 less than the "protected income" level shall not be
20 considered by the Department in determining eligibility. The
21 "protected income" level shall be determined by the
22 Department, shall never be less than the federal poverty
23 standard, and shall be adjusted each year to reflect changes
24 in the Consumer Price Index For All Urban Consumers as
25 determined by the United States Department of Labor.
26 Additionally, in determining the amount and nature of
27 services for which a person may qualify, consideration shall
28 not be given to the value of cash, property or other assets
29 held in the name of the person's spouse pursuant to a written
30 agreement dividing marital property into equal but separate
31 shares or pursuant to a transfer of the person's interest in
32 a home to his spouse, provided that the spouse's share of the
33 marital property is not made available to the person seeking
34 such services.

1 The services shall be provided to eligible persons to
2 prevent unnecessary or premature institutionalization, to the
3 extent that the cost of the services, together with the other
4 personal maintenance expenses of the persons, are reasonably
5 related to the standards established for care in a group
6 facility appropriate to their condition. These
7 non-institutional services, pilot projects or experimental
8 facilities may be provided as part of or in addition to those
9 authorized by federal law or those funded and administered by
10 the Illinois Department on Aging.

11 Personal care attendants shall be paid:

12 (i) A \$5 per hour minimum rate beginning July 1,
13 1995.

14 (ii) A \$5.30 per hour minimum rate beginning July
15 1, 1997.

16 (iii) A \$5.40 per hour minimum rate beginning July
17 1, 1998.

18 (iv) A \$6 per hour minimum rate beginning July 1,
19 2000.

20 (v) A \$7 per hour minimum rate beginning January 1,
21 2002.

22 (vi) An \$8 per hour minimum rate beginning July 1,
23 2002.

24 The Department shall execute, relative to the nursing
25 home prescreening project, as authorized by Section 4.03 of
26 the Illinois Act on the Aging, written inter-agency
27 agreements with the Department on Aging and the Department of
28 Public Aid, to effect the following: (i) intake procedures
29 and common eligibility criteria for those persons who are
30 receiving non-institutional services; and (ii) the
31 establishment and development of non-institutional services
32 in areas of the State where they are not currently available
33 or are undeveloped. On and after July 1, 1996, all nursing
34 home prescreenings for individuals 18 through 59 years of age

1 shall be conducted by the Department.

2 The Department is authorized to establish a system of
3 recipient cost-sharing for services provided under this
4 Section. The cost-sharing shall be based upon the
5 recipient's ability to pay for services, but in no case shall
6 the recipient's share exceed the actual cost of the services
7 provided. Protected income shall not be considered by the
8 Department in its determination of the recipient's ability to
9 pay a share of the cost of services. The level of
10 cost-sharing shall be adjusted each year to reflect changes
11 in the "protected income" level. The Department shall deduct
12 from the recipient's share of the cost of services any money
13 expended by the recipient for disability-related expenses.

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

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

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

15 The requirement for reporting to the General Assembly
16 shall be satisfied by filing copies of the report with the
17 Speaker, the Minority Leader and the Clerk of the House of
18 Representatives and the President, the Minority Leader and
19 the Secretary of the Senate and the Legislative Research
20 Unit, as required by Section 3.1 of the General Assembly
21 Organization Act, and filing additional copies with the State
22 Government Report Distribution Center for the General
23 Assembly as required under paragraph (t) of Section 7 of the
24 State Library Act.

25 (g) To establish such subdivisions of the Department as
26 shall be desirable and assign to the various subdivisions the
27 responsibilities and duties placed upon the Department by
28 law.

29 (h) To cooperate and enter into any necessary agreements
30 with the Department of Employment Security for the provision
31 of job placement and job referral services to clients of the
32 Department, including job service registration of such
33 clients with Illinois Employment Security offices and making
34 job listings maintained by the Department of Employment

1 Security available to such clients.

2 (i) To possess all powers reasonable and necessary for
3 the exercise and administration of the powers, duties and
4 responsibilities of the Department which are provided for by
5 law.

6 (j) To establish a procedure whereby new providers of
7 personal care attendant services shall submit vouchers to the
8 State for payment two times during their first month of
9 employment and one time per month thereafter. In no case
10 shall the Department pay personal care attendants an hourly
11 wage that is less than the federal minimum wage.

12 (k) To provide adequate notice to providers of chore and
13 housekeeping services informing them that they are entitled
14 to an interest payment on bills which are not promptly paid
15 pursuant to Section 3 of the State Prompt Payment Act.

16 (l) To establish, operate and maintain a Statewide
17 Housing Clearinghouse of information on available, government
18 subsidized housing accessible to disabled persons and
19 available privately owned housing accessible to disabled
20 persons. The information shall include but not be limited to
21 the location, rental requirements, access features and
22 proximity to public transportation of available housing. The
23 Clearinghouse shall consist of at least a computerized
24 database for the storage and retrieval of information and a
25 separate or shared toll free telephone number for use by
26 those seeking information from the Clearinghouse. Department
27 offices and personnel throughout the State shall also assist
28 in the operation of the Statewide Housing Clearinghouse.
29 Cooperation with local, State and federal housing managers
30 shall be sought and extended in order to frequently and
31 promptly update the Clearinghouse's information.

32 (Source: P.A. 90-365, eff. 8-10-97; 91-540, eff. 8-13-99.)

33 (Text of Section after amendment by P.A. 92-84)

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15 with the Department of Children and Family Services regarding
16 the care and education of children with one or more
17 disabilities.

18 (c) (Blank).

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31 database for the storage and retrieval of information and a
32 separate or shared toll free telephone number for use by
33 those seeking information from the Clearinghouse. Department
34 offices and personnel throughout the State shall also assist

1 in the operation of the Statewide Housing Clearinghouse.
2 Cooperation with local, State and federal housing managers
3 shall be sought and extended in order to frequently and
4 promptly update the Clearinghouse's information.

5 (m) To assure that the names and case records of persons
6 who received or are receiving services from the Department,
7 including persons receiving vocational rehabilitation, home
8 services, or other services, and those attending one of the
9 Department's schools or other supervised facility shall be
10 confidential and not be open to the general public. Those
11 case records and reports or the information contained in
12 those records and reports shall be disclosed by the Director
13 only to proper law enforcement officials, individuals
14 authorized by a court, the General Assembly or any committee
15 or commission of the General Assembly, and other persons and
16 for reasons as the Director designates by rule. Disclosure
17 by the Director may be only in accordance with other
18 applicable law.

19 (Source: P.A. 91-540, eff. 8-13-99; 92-84, eff. 7-1-02.)

20 Section 99. Effective date. This Act takes effect July
21 1, 2002.