

1 AMENDMENT TO HOUSE BILL 2221

2 AMENDMENT NO. _____. Amend House Bill 2221 by replacing
3 everything after the enacting clause with the following:

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

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

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

1 the care and education of children with one or more
2 disabilities.

3 (c) (Blank).

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

17 (e) (Blank).

18 (f) To establish a program of services to prevent
19 unnecessary institutionalization of persons with Alzheimer's
20 disease and related disorders or persons in need of long term
21 care who are established as blind or disabled as defined by
22 the Social Security Act, thereby enabling them to remain in
23 their own homes or other living arrangements. Such preventive
24 services may include, but are not limited to, any or all of
25 the following:

- 26 (1) home health services;
- 27 (2) home nursing services;
- 28 (3) homemaker services;
- 29 (4) chore and housekeeping services;
- 30 (5) day care services;
- 31 (6) home-delivered meals;
- 32 (7) education in self-care;
- 33 (8) personal care services;
- 34 (9) adult day health services;

- 1 (10) habilitation services;
- 2 (11) respite care; or
- 3 (12) other nonmedical social services that may
- 4 enable the person to become self-supporting.

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

27 The services shall be provided to eligible persons to
28 prevent unnecessary or premature institutionalization, to the
29 extent that the cost of the services, together with the other
30 personal maintenance expenses of the persons, are reasonably
31 related to the standards established for care in a group
32 facility appropriate to their condition. These
33 non-institutional services, pilot projects or experimental
34 facilities may be provided as part of or in addition to those

1 authorized by federal law or those funded and administered by
2 the Illinois Department on Aging.

3 Personal care attendants shall be paid:

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

6 (ii) A \$5.30 per hour minimum rate beginning July
7 1, 1997.

8 (iii) A \$5.40 per hour minimum rate beginning July
9 1, 1998.

10 Personal care attendants and personal assistants
11 providing services under the Department's Home Services
12 Program shall be considered to be public employees covered by
13 the Illinois Public Labor Relations Act (5 ILCS 315/), and
14 the State of Illinois shall be considered to be their
15 employer under that Act. The State Panel of the Illinois
16 Labor Relations Board shall have and exercise jurisdiction
17 over personal care attendants and personal assistants under
18 the Act. If the State has recognized a labor organization as
19 the exclusive representative of personal care attendants or
20 personal assistants prior to the effective date of this
21 amendatory Act of the 93rd General Assembly, the organization
22 shall be considered to be the exclusive representative of the
23 personal care attendants or personal assistants as defined in
24 Section 3 of the Illinois Public Labor Relations Act. Nothing
25 in this paragraph shall be understood to limit the right of
26 the persons receiving services defined in this subsection to
27 hire and fire personal care attendants and personal
28 assistants or supervise them within the limitations set by
29 the Home Services Program. The State shall not be considered
30 to be the employer of personal care attendants or personal
31 assistants for purposes of vicarious liability in tort or for
32 purposes of statutory retirement or health insurance
33 benefits. Personal care attendants and personal assistants
34 shall not be covered by the State Employees Group Insurance

1 Act (5 ILCS 375/).

2 The Department shall execute, relative to the nursing
3 home prescreening project, as authorized by Section 4.03 of
4 the Illinois Act on the Aging, written inter-agency
5 agreements with the Department on Aging and the Department of
6 Public Aid, to effect the following: (i) intake procedures
7 and common eligibility criteria for those persons who are
8 receiving non-institutional services; and (ii) the
9 establishment and development of non-institutional services
10 in areas of the State where they are not currently available
11 or are undeveloped. On and after July 1, 1996, all nursing
12 home prescreenings for individuals 18 through 59 years of age
13 shall be conducted by the Department.

14 The Department is authorized to establish a system of
15 recipient cost-sharing for services provided under this
16 Section. The cost-sharing shall be based upon the
17 recipient's ability to pay for services, but in no case shall
18 the recipient's share exceed the actual cost of the services
19 provided. Protected income shall not be considered by the
20 Department in its determination of the recipient's ability to
21 pay a share of the cost of services. The level of
22 cost-sharing shall be adjusted each year to reflect changes
23 in the "protected income" level. The Department shall deduct
24 from the recipient's share of the cost of services any money
25 expended by the recipient for disability-related expenses.

26 The Department, or the Department's authorized
27 representative, shall recover the amount of moneys expended
28 for services provided to or in behalf of a person under this
29 Section by a claim against the person's estate or against the
30 estate of the person's surviving spouse, but no recovery may
31 be had until after the death of the surviving spouse, if any,
32 and then only at such time when there is no surviving child
33 who is under age 21, blind, or permanently and totally
34 disabled. This paragraph, however, shall not bar recovery,

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

22 The Department and the Department on Aging shall
23 cooperate in the development and submission of an annual
24 report on programs and services provided under this Section.
25 Such joint report shall be filed with the Governor and the
26 General Assembly on or before March 30 each year.

27 The requirement for reporting to the General Assembly
28 shall be satisfied by filing copies of the report with the
29 Speaker, the Minority Leader and the Clerk of the House of
30 Representatives and the President, the Minority Leader and
31 the Secretary of the Senate and the Legislative Research
32 Unit, as required by Section 3.1 of the General Assembly
33 Organization Act, and filing additional copies with the State
34 Government Report Distribution Center for the General

1 Assembly as required under paragraph (t) of Section 7 of the
2 State Library Act.

3 (g) To establish such subdivisions of the Department as
4 shall be desirable and assign to the various subdivisions the
5 responsibilities and duties placed upon the Department by
6 law.

7 (h) To cooperate and enter into any necessary agreements
8 with the Department of Employment Security for the provision
9 of job placement and job referral services to clients of the
10 Department, including job service registration of such
11 clients with Illinois Employment Security offices and making
12 job listings maintained by the Department of Employment
13 Security available to such clients.

14 (i) To possess all powers reasonable and necessary for
15 the exercise and administration of the powers, duties and
16 responsibilities of the Department which are provided for by
17 law.

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

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

28 (l) To establish, operate and maintain a Statewide
29 Housing Clearinghouse of information on available, government
30 subsidized housing accessible to disabled persons and
31 available privately owned housing accessible to disabled
32 persons. The information shall include but not be limited to
33 the location, rental requirements, access features and
34 proximity to public transportation of available housing. The

1 Clearinghouse shall consist of at least a computerized
2 database for the storage and retrieval of information and a
3 separate or shared toll free telephone number for use by
4 those seeking information from the Clearinghouse. Department
5 offices and personnel throughout the State shall also assist
6 in the operation of the Statewide Housing Clearinghouse.
7 Cooperation with local, State and federal housing managers
8 shall be sought and extended in order to frequently and
9 promptly update the Clearinghouse's information.

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

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law."