

1 AN ACT in relation to disabled persons.

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 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  
23 the care and education of children with one or more  
24 disabilities.

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

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

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

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

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

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

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

33 (1) home health services;

34 (2) home nursing services;

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

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

34          The services shall be provided to eligible persons to

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

10 Personal care attendants shall be paid:

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

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

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

17 The Department shall pay an amount into a health care  
18 fund jointly administered by representatives of the  
19 individuals who perform those services. The amount must  
20 equal \$1.40 for each hour of preventive services provided  
21 under this Section. The Department must use the moneys in  
22 the fund to provide comprehensive health care coverage for  
23 all individuals who perform more than 20 hours of preventive  
24 services per week. If such an individual has dependents, the  
25 health care coverage must also be extended to those  
26 dependents.

27 The Department shall execute, relative to the nursing  
28 home prescreening project, as authorized by Section 4.03 of  
29 the Illinois Act on the Aging, written inter-agency  
30 agreements with the Department on Aging and the Department of  
31 Public Aid, to effect the following: (i) intake procedures  
32 and common eligibility criteria for those persons who are  
33 receiving non-institutional services; and (ii) the  
34 establishment and development of non-institutional services

1 in areas of the State where they are not currently available  
2 or are undeveloped. On and after July 1, 1996, all nursing  
3 home prescreenings for individuals 18 through 59 years of age  
4 shall be conducted by the Department.

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

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

1 purpose of payment. This paragraph shall not bar recovery  
2 from the estate of a spouse, under Sections 1915 and 1924 of  
3 the Social Security Act and Section 5-4 of the Illinois  
4 Public Aid Code, who precedes a person receiving services  
5 under this Section in death. All moneys for services paid to  
6 or in behalf of the person under this Section shall be  
7 claimed for recovery from the deceased spouse's estate.  
8 "Homestead", as used in this paragraph, means the dwelling  
9 house and contiguous real estate occupied by a surviving  
10 spouse or relative, as defined by the rules and regulations  
11 of the Illinois Department of Public Aid, regardless of the  
12 value of the property.

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

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

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

32 (h) To cooperate and enter into any necessary agreements  
33 with the Department of Employment Security for the provision  
34 of job placement and job referral services to clients of the

1 Department, including job service registration of such  
2 clients with Illinois Employment Security offices and making  
3 job listings maintained by the Department of Employment  
4 Security available to such clients.

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

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

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

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

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

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.