

SB1997



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1997

Introduced 2/6/2025, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

20 ILCS 105/4.02

20 ILCS 2405/3

from Ch. 23, par. 3434

Amends the Illinois Act on the Aging and the Rehabilitation of Persons with Disabilities Act. Provides that, subject to and upon federal approval if required, on and after January 1, 2026, the hourly wage paid to direct service workers, including, but not limited to personal assistants and individual maintenance home health workers, who provide services under the Community Care Program and the Home Services Program shall be increased to a sufficient amount to sustain a minimum wage of \$30 per hour.

LRB104 11042 KTG 21124 b

A BILL FOR

1 AN ACT concerning State government.

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

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

6 (20 ILCS 105/4.02)

7 Sec. 4.02. Community Care Program. The Department shall
8 establish a program of services to prevent unnecessary
9 institutionalization of persons age 60 and older in need of
10 long term care or who are established as persons who suffer
11 from Alzheimer's disease or a related disorder under the
12 Alzheimer's Disease Assistance Act, thereby enabling them to
13 remain in their own homes or in other living arrangements.
14 Such preventive services, which may be coordinated with other
15 programs for the aged, may include, but are not limited to, any
16 or all of the following:

17 (a) (blank);

18 (b) (blank);

19 (c) home care aide services;

20 (d) personal assistant services;

21 (e) adult day services;

22 (f) home-delivered meals;

23 (g) education in self-care;

- 1 (h) personal care services;
2 (i) adult day health services;
3 (j) habilitation services;
4 (k) respite care;
5 (k-5) community reintegration services;
6 (k-6) flexible senior services;
7 (k-7) medication management;
8 (k-8) emergency home response;
9 (l) other nonmedical social services that may enable
10 the person to become self-supporting; or
11 (m) (blank).

12 The Department shall establish eligibility standards for
13 such services. In determining the amount and nature of
14 services for which a person may qualify, consideration shall
15 not be given to the value of cash, property, or other assets
16 held in the name of the person's spouse pursuant to a written
17 agreement dividing marital property into equal but separate
18 shares or pursuant to a transfer of the person's interest in a
19 home to his spouse, provided that the spouse's share of the
20 marital property is not made available to the person seeking
21 such services.

22 The Department shall require as a condition of eligibility
23 that all new financially eligible applicants apply for and
24 enroll in medical assistance under Article V of the Illinois
25 Public Aid Code in accordance with rules promulgated by the
26 Department.

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

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

1 establishment and development of noninstitutional
2 ~~non-institutional~~ services in areas of the State where they
3 are not currently available or are undeveloped. On and after
4 July 1, 1996, all nursing home prescreenings for individuals
5 60 years of age or older shall be conducted by the Department.

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

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

22 The Department, or the Department's authorized
23 representative, may recover the amount of moneys expended for
24 services provided to or in behalf of a person under this
25 Section by a claim against the person's estate or against the
26 estate of the person's surviving spouse, but no recovery may

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

25 The Department shall increase the effectiveness of the
26 existing Community Care Program by:

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

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

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

15 (4) (blank);

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

19 (A) bathing;

20 (B) grooming;

21 (C) toileting;

22 (D) nail care;

23 (E) transferring;

24 (F) respiratory services;

25 (G) exercise; or

26 (H) positioning;

1 (6) ensuring that homemaker program vendors are not
2 restricted from hiring homemakers who are family members
3 of clients or recommended by clients; the Department may
4 not, by rule or policy, require homemakers who are family
5 members of clients or recommended by clients to accept
6 assignments in homes other than the client;

7 (7) ensuring that the State may access maximum federal
8 matching funds by seeking approval for the Centers for
9 Medicare and Medicaid Services for modifications to the
10 State's home and community based services waiver and
11 additional waiver opportunities, including applying for
12 enrollment in the Balance Incentive Payment Program by May
13 1, 2013, in order to maximize federal matching funds; this
14 shall include, but not be limited to, modification that
15 reflects all changes in the Community Care Program
16 services and all increases in the services cost maximum;

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

20 (9) ensuring that services are authorized accurately
21 and consistently for the Community Care Program (CCP); the
22 Department shall implement a Service Authorization policy
23 directive; the purpose shall be to ensure that eligibility
24 and services are authorized accurately and consistently in
25 the CCP program; the policy directive shall clarify
26 service authorization guidelines to Care Coordination

1 Units and Community Care Program providers no later than
2 May 1, 2013;

3 (10) working in conjunction with Care Coordination
4 Units, the Department of Healthcare and Family Services,
5 the Department of Human Services, Community Care Program
6 providers, and other stakeholders to make improvements to
7 the Medicaid claiming processes and the Medicaid
8 enrollment procedures or requirements as needed,
9 including, but not limited to, specific policy changes or
10 rules to improve the up-front enrollment of participants
11 in the Medicaid program and specific policy changes or
12 rules to insure more prompt submission of bills to the
13 federal government to secure maximum federal matching
14 dollars as promptly as possible; the Department on Aging
15 shall have at least 3 meetings with stakeholders by
16 January 1, 2014 in order to address these improvements;

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

21 (12) implementing any necessary policy changes or
22 promulgating any rules, no later than January 1, 2014, to
23 assist the Department of Healthcare and Family Services in
24 moving as many participants as possible, consistent with
25 federal regulations, into coordinated care plans if a care
26 coordination plan that covers long term care is available

1 in the recipient's area; and

2 (13) (blank).

3 By January 1, 2009 or as soon after the end of the Cash and
4 Counseling Demonstration Project as is practicable, the
5 Department may, based on its evaluation of the demonstration
6 project, promulgate rules concerning personal assistant
7 services, to include, but need not be limited to,
8 qualifications, employment screening, rights under fair labor
9 standards, training, fiduciary agent, and supervision
10 requirements. All applicants shall be subject to the
11 provisions of the Health Care Worker Background Check Act.

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

19 No ~~September 23, 1991~~ (~~Public Act 87-729~~) person may
20 perform chore/housekeeping and home care aide services under a
21 program authorized by this Section unless that person has been
22 issued a certificate of pre-service to do so by his or her
23 employing agency. Information gathered to effect such
24 certification shall include (i) the person's name, (ii) the
25 date the person was hired by his or her current employer, and
26 (iii) the training, including dates and levels. Persons

1 engaged in the program authorized by this Section before the
2 effective date of this amendatory Act of 1991 shall be issued a
3 certificate of all pre-service and in-service training from
4 his or her employer upon submitting the necessary information.
5 The employing agency shall be required to retain records of
6 all staff pre-service and in-service training, and shall
7 provide such records to the Department upon request and upon
8 termination of the employer's contract with the Department. In
9 addition, the employing agency is responsible for the issuance
10 of certifications of in-service training completed to their
11 employees.

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

21 The Community Care Program Advisory Committee is created
22 in the Department on Aging. The Director shall appoint
23 individuals to serve in the Committee, who shall serve at
24 their own expense. Members of the Committee must abide by all
25 applicable ethics laws. The Committee shall advise the
26 Department on issues related to the Department's program of

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

24 Nominations may be presented from any agency or State
25 association with interest in the program. The Director, or his
26 or her designee, shall serve as the permanent co-chair of the

1 advisory committee. One other co-chair shall be nominated and
2 approved by the members of the committee on an annual basis.
3 Committee members' terms of appointment shall be for 4 years
4 with one-quarter of the appointees' terms expiring each year.
5 A member shall continue to serve until his or her replacement
6 is named. The Department shall fill vacancies that have a
7 remaining term of over one year, and this replacement shall
8 occur through the annual replacement of expiring terms. The
9 Director shall designate Department staff to provide technical
10 assistance and staff support to the committee. Department
11 representation shall not constitute membership of the
12 committee. All Committee papers, issues, recommendations,
13 reports, and meeting memoranda are advisory only. The
14 Director, or his or her designee, shall make a written report,
15 as requested by the Committee, regarding issues before the
16 Committee.

17 The Department on Aging and the Department of Human
18 Services shall cooperate in the development and submission of
19 an annual report on programs and services provided under this
20 Section. Such joint report shall be filed with the Governor
21 and the General Assembly on or before March 31 of the following
22 fiscal year.

23 The requirement for reporting to the General Assembly
24 shall be satisfied by filing copies of the report as required
25 by Section 3.1 of the General Assembly Organization Act and
26 filing such additional copies with the State Government Report

1 Distribution Center for the General Assembly as is required
2 under paragraph (t) of Section 7 of the State Library Act.

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

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

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

24 The Department shall require, as a condition of
25 eligibility, application for the medical assistance program
26 under Article V of the Illinois Public Aid Code.

1 The Department may authorize Community Care Program
2 services until an applicant is determined eligible for medical
3 assistance under Article V of the Illinois Public Aid Code.

4 The Department shall continue to provide Community Care
5 Program reports as required by statute, which shall include an
6 annual report on Care Coordination Unit performance and
7 adherence to service guidelines and a 6-month supplemental
8 report.

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

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

23 The Department shall pay an enhanced rate of at least
24 \$1.77 per unit under the Community Care Program to those
25 in-home service provider agencies that offer health insurance
26 coverage as a benefit to their direct service worker employees

1 pursuant to rules adopted by the Department. The Department
2 shall review the enhanced rate as part of its process to rebase
3 in-home service provider reimbursement rates pursuant to
4 federal waiver requirements. Subject to federal approval,
5 beginning on January 1, 2024, rates for adult day services
6 shall be increased to \$16.84 per hour and rates for each way
7 transportation services for adult day services shall be
8 increased to \$12.44 per unit transportation.

9 Subject to federal approval, on and after January 1, 2024,
10 rates for homemaker services shall be increased to \$28.07 to
11 sustain a minimum wage of \$17 per hour for direct service
12 workers. Rates in subsequent State fiscal years shall be no
13 lower than the rates put into effect upon federal approval.
14 Providers of in-home services shall be required to certify to
15 the Department that they remain in compliance with the
16 mandated wage increase for direct service workers. Fringe
17 benefits, including, but not limited to, paid time off and
18 payment for training, health insurance, travel, or
19 transportation, shall not be reduced in relation to the rate
20 increases described in this paragraph.

21 Subject to and upon federal approval, on and after January
22 1, 2025 through December 31, 2025, rates for homemaker
23 services shall be increased to \$29.63 to sustain a minimum
24 wage of \$18 per hour for direct service workers. Rates in
25 subsequent State fiscal years shall be no lower than the rates
26 put into effect upon federal approval. Providers of in-home

1 services shall be required to certify to the Department that
2 they remain in compliance with the mandated wage increase for
3 direct service workers. Fringe benefits, including, but not
4 limited to, paid time off and payment for training, health
5 insurance, travel, or transportation, shall not be reduced in
6 relation to the rate increases described in this paragraph.

7 Subject to and upon federal approval, on and after January
8 1, 2026, rates for homemaker services shall be increased to a
9 sufficient amount to sustain a minimum wage of \$30 per hour for
10 direct service workers. Rates in subsequent State fiscal years
11 shall be no lower than the rates put into effect upon federal
12 approval. Providers of in-home services shall be required to
13 certify to the Department that they remain in compliance with
14 the mandated wage increase for direct service workers. Fringe
15 benefits, including, but not limited to, paid time off and
16 payment for training, health insurance, travel, or
17 transportation, shall not be reduced in relation to the rate
18 increases described in this paragraph.

19 The General Assembly finds it necessary to authorize an
20 aggressive Medicaid enrollment initiative designed to maximize
21 federal Medicaid funding for the Community Care Program which
22 produces significant savings for the State of Illinois. The
23 Department on Aging shall establish and implement a Community
24 Care Program Medicaid Initiative. Under the Initiative, the
25 Department on Aging shall, at a minimum: (i) provide an
26 enhanced rate to adequately compensate care coordination units

1 to enroll eligible Community Care Program clients into
2 Medicaid; (ii) use recommendations from a stakeholder
3 committee on how best to implement the Initiative; and (iii)
4 establish requirements for State agencies to make enrollment
5 in the State's Medical Assistance program easier for seniors.

6 The Community Care Program Medicaid Enrollment Oversight
7 Subcommittee is created as a subcommittee of the Older Adult
8 Services Advisory Committee established in Section 35 of the
9 Older Adult Services Act to make recommendations on how best
10 to increase the number of medical assistance recipients who
11 are enrolled in the Community Care Program. The Subcommittee
12 shall consist of all of the following persons who must be
13 appointed within 30 days after June 4, 2018 (the effective
14 date of Public Act 100-587):

15 (1) The Director of Aging, or his or her designee, who
16 shall serve as the chairperson of the Subcommittee.

17 (2) One representative of the Department of Healthcare
18 and Family Services, appointed by the Director of
19 Healthcare and Family Services.

20 (3) One representative of the Department of Human
21 Services, appointed by the Secretary of Human Services.

22 (4) One individual representing a care coordination
23 unit, appointed by the Director of Aging.

24 (5) One individual from a non-governmental statewide
25 organization that advocates for seniors, appointed by the
26 Director of Aging.

1 (6) One individual representing Area Agencies on
2 Aging, appointed by the Director of Aging.

3 (7) One individual from a statewide association
4 dedicated to Alzheimer's care, support, and research,
5 appointed by the Director of Aging.

6 (8) One individual from an organization that employs
7 persons who provide services under the Community Care
8 Program, appointed by the Director of Aging.

9 (9) One member of a trade or labor union representing
10 persons who provide services under the Community Care
11 Program, appointed by the Director of Aging.

12 (10) One member of the Senate, who shall serve as
13 co-chairperson, appointed by the President of the Senate.

14 (11) One member of the Senate, who shall serve as
15 co-chairperson, appointed by the Minority Leader of the
16 Senate.

17 (12) One member of the House of Representatives, who
18 shall serve as co-chairperson, appointed by the Speaker of
19 the House of Representatives.

20 (13) One member of the House of Representatives, who
21 shall serve as co-chairperson, appointed by the Minority
22 Leader of the House of Representatives.

23 (14) One individual appointed by a labor organization
24 representing frontline employees at the Department of
25 Human Services.

26 The Subcommittee shall provide oversight to the Community

1 Care Program Medicaid Initiative and shall meet quarterly. At
2 each Subcommittee meeting the Department on Aging shall
3 provide the following data sets to the Subcommittee: (A) the
4 number of Illinois residents, categorized by planning and
5 service area, who are receiving services under the Community
6 Care Program and are enrolled in the State's Medical
7 Assistance Program; (B) the number of Illinois residents,
8 categorized by planning and service area, who are receiving
9 services under the Community Care Program, but are not
10 enrolled in the State's Medical Assistance Program; and (C)
11 the number of Illinois residents, categorized by planning and
12 service area, who are receiving services under the Community
13 Care Program and are eligible for benefits under the State's
14 Medical Assistance Program, but are not enrolled in the
15 State's Medical Assistance Program. In addition to this data,
16 the Department on Aging shall provide the Subcommittee with
17 plans on how the Department on Aging will reduce the number of
18 Illinois residents who are not enrolled in the State's Medical
19 Assistance Program but who are eligible for medical assistance
20 benefits. The Department on Aging shall enroll in the State's
21 Medical Assistance Program those Illinois residents who
22 receive services under the Community Care Program and are
23 eligible for medical assistance benefits but are not enrolled
24 in the State's Medicaid Assistance Program. The data provided
25 to the Subcommittee shall be made available to the public via
26 the Department on Aging's website.

1 The Department on Aging, with the involvement of the
2 Subcommittee, shall collaborate with the Department of Human
3 Services and the Department of Healthcare and Family Services
4 on how best to achieve the responsibilities of the Community
5 Care Program Medicaid Initiative.

6 The Department on Aging, the Department of Human Services,
7 and the Department of Healthcare and Family Services shall
8 coordinate and implement a streamlined process for seniors to
9 access benefits under the State's Medical Assistance Program.

10 The Subcommittee shall collaborate with the Department of
11 Human Services on the adoption of a uniform application
12 submission process. The Department of Human Services and any
13 other State agency involved with processing the medical
14 assistance application of any person enrolled in the Community
15 Care Program shall include the appropriate care coordination
16 unit in all communications related to the determination or
17 status of the application.

18 The Community Care Program Medicaid Initiative shall
19 provide targeted funding to care coordination units to help
20 seniors complete their applications for medical assistance
21 benefits. On and after July 1, 2019, care coordination units
22 shall receive no less than \$200 per completed application,
23 which rate may be included in a bundled rate for initial intake
24 services when Medicaid application assistance is provided in
25 conjunction with the initial intake process for new program
26 participants.

1 The Community Care Program Medicaid Initiative shall cease
2 operation 5 years after June 4, 2018 (the effective date of
3 Public Act 100-587), after which the Subcommittee shall
4 dissolve.

5 Effective July 1, 2023, subject to federal approval, the
6 Department on Aging shall reimburse Care Coordination Units at
7 the following rates for case management services: \$252.40 for
8 each initial assessment; \$366.40 for each initial assessment
9 with translation; \$229.68 for each redetermination assessment;
10 \$313.68 for each redetermination assessment with translation;
11 \$200.00 for each completed application for medical assistance
12 benefits; \$132.26 for each face-to-face, choices-for-care
13 screening; \$168.26 for each face-to-face, choices-for-care
14 screening with translation; \$124.56 for each 6-month,
15 face-to-face visit; \$132.00 for each MCO participant
16 eligibility determination; and \$157.00 for each MCO
17 participant eligibility determination with translation.

18 (Source: P.A. 102-1071, eff. 6-10-22; 103-8, eff. 6-7-23;
19 103-102, Article 45, Section 45-5, eff. 1-1-24; 103-102,
20 Article 85, Section 85-5, eff. 1-1-24; 103-102, Article 90,
21 Section 90-5, eff. 1-1-24; 103-588, eff. 6-5-24; 103-605, eff.
22 7-1-24; 103-670, eff. 1-1-25; revised 11-26-24.)

23 Section 10. The Rehabilitation of Persons with
24 Disabilities Act is amended by changing Section 3 as follows:

1 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

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

4 (a) To cooperate with the federal government in the
5 administration of the provisions of the federal
6 Rehabilitation Act of 1973, as amended by the Workforce
7 Innovation and Opportunity Act, and of the federal Social
8 Security Act to the extent and in the manner provided in
9 these Acts.

10 (b) To prescribe and supervise such courses of
11 vocational training and provide such other services as may
12 be necessary for the vocational rehabilitation of persons
13 with one or more disabilities, including the
14 administrative activities under subsection (e) of this
15 Section; to cooperate with State and local school
16 authorities and other recognized agencies engaged in
17 vocational rehabilitation services; and to cooperate with
18 the Department of Children and Family Services, the
19 Illinois State Board of Education, and others regarding
20 the education of children with one or more disabilities.

21 (c) (Blank).

22 (d) To report in writing, to the Governor, annually on
23 or before the first day of December, and at such other
24 times and in such manner and upon such subjects as the
25 Governor may require. The annual report shall contain (1)
26 information on the programs and activities dedicated to

1 vocational rehabilitation, independent living, and other
2 community services and supports administered by the
3 Director; (2) information on the development of vocational
4 rehabilitation services, independent living services, and
5 supporting services administered by the Director in the
6 State; and (3) information detailing the amounts of money
7 received from federal, State, and other sources, and of
8 the objects and purposes to which the respective items of
9 these several amounts have been devoted.

10 (e) (Blank).

11 (f) To establish a program of services to prevent the
12 unnecessary institutionalization of persons in need of
13 long term care and who meet the criteria for blindness or
14 disability as defined by the Social Security Act, thereby
15 enabling them to remain in their own homes. Such
16 preventive services include any or all of the following:

- 17 (1) personal assistant services;
18 (2) homemaker services;
19 (3) home-delivered meals;
20 (4) adult day care services;
21 (5) respite care;
22 (6) home modification or assistive equipment;
23 (7) home health services;
24 (8) electronic home response;
25 (9) brain injury behavioral/cognitive services;
26 (10) brain injury habilitation;

1 (11) brain injury pre-vocational services; or

2 (12) brain injury supported employment.

3 The Department shall establish eligibility standards
4 for such services taking into consideration the unique
5 economic and social needs of the population for whom they
6 are to be provided. Such eligibility standards may be
7 based on the recipient's ability to pay for services;
8 provided, however, that any portion of a person's income
9 that is equal to or less than the "protected income" level
10 shall not be considered by the Department in determining
11 eligibility. The "protected income" level shall be
12 determined by the Department, shall never be less than the
13 federal poverty standard, and shall be adjusted each year
14 to reflect changes in the Consumer Price Index For All
15 Urban Consumers as determined by the United States
16 Department of Labor. The standards must provide that a
17 person may not have more than \$10,000 in assets to be
18 eligible for the services, and the Department may increase
19 or decrease the asset limitation by rule. The Department
20 may not decrease the asset level below \$10,000. Subject to
21 federal approval, the Department shall allow a recipient's
22 spouse, guardian, kin, or siblings to serve as his or her
23 provider of personal care or similar services.

24 The services shall be provided, as established by the
25 Department by rule, to eligible persons to prevent
26 unnecessary or premature institutionalization, to the

1 extent that the cost of the services, together with the
2 other personal maintenance expenses of the persons, are
3 reasonably related to the standards established for care
4 in a group facility appropriate to their condition. These
5 non-institutional services, pilot projects or experimental
6 facilities may be provided as part of or in addition to
7 those authorized by federal law or those funded and
8 administered by the Illinois Department on Aging. The
9 Department shall set rates and fees for services in a fair
10 and equitable manner. Services identical to those offered
11 by the Department on Aging shall be paid at the same rate.

12 Except as otherwise provided in this paragraph,
13 personal assistants shall be paid at a rate negotiated
14 between the State and an exclusive representative of
15 personal assistants under a collective bargaining
16 agreement. In no case shall the Department pay personal
17 assistants an hourly wage that is less than the federal
18 minimum wage. Subject to and upon federal approval if
19 required, on and after January 1, 2026, the hourly wage
20 paid to personal assistants and individual maintenance
21 home health workers shall be increased to a sufficient
22 amount to sustain a minimum wage of \$30 per hour. ~~Within 30~~
23 ~~days after July 6, 2017 (the effective date of Public Act~~
24 ~~100-23), the hourly wage paid to personal assistants and~~
25 ~~individual maintenance home health workers shall be~~
26 ~~increased by \$0.48 per hour. Wages and other benefits for~~

1 personal assistants shall not count against benefits that
2 guardians receive as outlined in Article XIa of the
3 Probate Act of 1975.

4 Solely for the purposes of coverage under the Illinois
5 Public Labor Relations Act, personal assistants providing
6 services under the Department's Home Services Program
7 shall be considered to be public employees and the State
8 of Illinois shall be considered to be their employer as of
9 July 16, 2003 (the effective date of Public Act 93-204),
10 but not before. Solely for the purposes of coverage under
11 the Illinois Public Labor Relations Act, home care and
12 home health workers who function as personal assistants
13 and individual maintenance home health workers and who
14 also provide services under the Department's Home Services
15 Program shall be considered to be public employees, no
16 matter whether the State provides such services through
17 direct fee-for-service arrangements, with the assistance
18 of a managed care organization or other intermediary, or
19 otherwise, and the State of Illinois shall be considered
20 to be the employer of those persons as of January 29, 2013
21 (the effective date of Public Act 97-1158), but not before
22 except as otherwise provided under this subsection (f).
23 The State shall engage in collective bargaining with an
24 exclusive representative of home care and home health
25 workers who function as personal assistants and individual
26 maintenance home health workers working under the Home

1 Services Program concerning their terms and conditions of
2 employment that are within the State's control. Nothing in
3 this paragraph shall be understood to limit the right of
4 the persons receiving services defined in this Section to
5 hire and fire home care and home health workers who
6 function as personal assistants and individual maintenance
7 home health workers working under the Home Services
8 Program or to supervise them within the limitations set by
9 the Home Services Program. The State shall not be
10 considered to be the employer of home care and home health
11 workers who function as personal assistants and individual
12 maintenance home health workers working under the Home
13 Services Program for any purposes not specifically
14 provided in Public Act 93-204 or Public Act 97-1158,
15 including but not limited to, purposes of vicarious
16 liability in tort and purposes of statutory retirement or
17 health insurance benefits. Home care and home health
18 workers who function as personal assistants and individual
19 maintenance home health workers and who also provide
20 services under the Department's Home Services Program
21 shall not be covered by the State Employees Group
22 Insurance Act of 1971.

23 The Department shall execute, relative to nursing home
24 prescreening, as authorized by Section 4.03 of the
25 Illinois Act on the Aging, written inter-agency agreements
26 with the Department on Aging and the Department of

1 Healthcare and Family Services, to effect the intake
2 procedures and eligibility criteria for those persons who
3 may need long term care. On and after July 1, 1996, all
4 nursing home prescreenings for individuals 18 through 59
5 years of age shall be conducted by the Department, or a
6 designee of the Department.

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

20 To the extent permitted under the federal Social
21 Security Act, the Department, or the Department's
22 authorized representative, may recover the amount of
23 moneys expended for services provided to or in behalf of a
24 person under this Section by a claim against the person's
25 estate or against the estate of the person's surviving
26 spouse, but no recovery may be had until after the death of

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

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

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

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

17 (j) (Blank).

18 (k) (Blank).

19 (l) To establish, operate, and maintain a Statewide
20 Housing Clearinghouse of information on available
21 government subsidized housing accessible to persons with
22 disabilities and available privately owned housing
23 accessible to persons with disabilities. The information
24 shall include, but not be limited to, the location, rental
25 requirements, access features and proximity to public
26 transportation of available housing. The Clearinghouse

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

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

25 (Source: P.A. 102-264, eff. 8-6-21; 102-826, eff. 5-13-22;
26 103-479, eff. 1-1-24.)