



Sen. Cristina Castro

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1 AMENDMENT TO SENATE BILL 2971

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2971 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Rehabilitation of Persons with  
5 Disabilities Act is 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 cooperate with the federal government in the  
10 administration of the provisions of the federal  
11 Rehabilitation Act of 1973, as amended by the Workforce  
12 Innovation and Opportunity Act, and of the federal Social  
13 Security Act to the extent and in the manner provided in  
14 these Acts.

15 (b) To prescribe and supervise such courses of  
16 vocational training and provide such other services as may

1 be necessary for the vocational rehabilitation of persons  
2 with one or more disabilities, including the  
3 administrative activities under subsection (e) of this  
4 Section; to cooperate with State and local school  
5 authorities and other recognized agencies engaged in  
6 vocational rehabilitation services; and to cooperate with  
7 the Department of Children and Family Services, the  
8 Illinois State Board of Education, and others regarding  
9 the education of children with one or more disabilities.

10 (c) (Blank).

11 (d) To report in writing, to the Governor, annually on  
12 or before the first day of December, and at such other  
13 times and in such manner and upon such subjects as the  
14 Governor may require. The annual report shall contain (1)  
15 information on the programs and activities dedicated to  
16 vocational rehabilitation, independent living, and other  
17 community services and supports administered by the  
18 Director; (2) information on the development of vocational  
19 rehabilitation services, independent living services, and  
20 supporting services administered by the Director in the  
21 State; and (3) information detailing the amounts of money  
22 received from federal, State, and other sources, and of  
23 the objects and purposes to which the respective items of  
24 these several amounts have been devoted.

25 (e) (Blank).

26 (f) To establish a program of services to prevent the

1 unnecessary institutionalization of persons in need of  
2 long term care and who meet the criteria for blindness or  
3 disability as defined by the Social Security Act, thereby  
4 enabling them to remain in their own homes. Such  
5 preventive services include any or all of the following:

- 6 (1) personal assistant services;
- 7 (2) homemaker services;
- 8 (3) home-delivered meals;
- 9 (4) adult day care services;
- 10 (5) respite care;
- 11 (6) home modification or assistive equipment;
- 12 (7) home health services;
- 13 (8) electronic home response;
- 14 (9) brain injury behavioral/cognitive services;
- 15 (10) brain injury habilitation;
- 16 (11) brain injury pre-vocational services; or
- 17 (12) brain injury supported employment.

18 The Department shall establish eligibility standards  
19 for such services taking into consideration the unique  
20 economic and social needs of the population for whom they  
21 are to be provided. Such eligibility standards may be  
22 based on the recipient's ability to pay for services;  
23 provided, however, that any portion of a person's income  
24 that is equal to or less than the "protected income" level  
25 shall not be considered by the Department in determining  
26 eligibility. The "protected income" level shall be

1       determined by the Department, shall never be less than the  
2       federal poverty standard, and shall be adjusted each year  
3       to reflect changes in the Consumer Price Index For All  
4       Urban Consumers as determined by the United States  
5       Department of Labor. The standards must provide that a  
6       person may not have more than \$10,000 in assets to be  
7       eligible for the services, and the Department may increase  
8       or decrease the asset limitation by rule. The Department  
9       may not decrease the asset level below \$10,000. Subject to  
10      federal approval, the Department shall allow a recipient's  
11      spouse, guardian, kin, or siblings to serve as his or her  
12      provider of personal care or similar services.

13       The services shall be provided, as established by the  
14      Department by rule, to eligible persons to prevent  
15      unnecessary or premature institutionalization, to the  
16      extent that the cost of the services, together with the  
17      other personal maintenance expenses of the persons, are  
18      reasonably related to the standards established for care  
19      in a group facility appropriate to their condition. These  
20      non-institutional services, pilot projects or experimental  
21      facilities may be provided as part of or in addition to  
22      those authorized by federal law or those funded and  
23      administered by the Illinois Department on Aging. The  
24      Department shall set rates and fees for services in a fair  
25      and equitable manner. Services identical to those offered  
26      by the Department on Aging shall be paid at the same rate.

1           Except as otherwise provided in this paragraph,  
2           personal assistants shall be paid at a rate negotiated  
3           between the State and an exclusive representative of  
4           personal assistants under a collective bargaining  
5           agreement. In no case shall the Department pay personal  
6           assistants an hourly wage that is less than the federal  
7           minimum wage. Within 30 days after July 6, 2017 (the  
8           effective date of Public Act 100-23), the hourly wage paid  
9           to personal assistants and individual maintenance home  
10          health workers shall be increased by \$0.48 per hour. Wages  
11          and other benefits for personal assistants shall not count  
12          against benefits that guardians receive as outlined in  
13          Article XIa of the Probate Act of 1975.

14          Solely for the purposes of coverage under the Illinois  
15          Public Labor Relations Act, personal assistants providing  
16          services under the Department's Home Services Program  
17          shall be considered to be public employees and the State  
18          of Illinois shall be considered to be their employer as of  
19          July 16, 2003 (the effective date of Public Act 93-204),  
20          but not before. Solely for the purposes of coverage under  
21          the Illinois Public Labor Relations Act, home care and  
22          home health workers who function as personal assistants  
23          and individual maintenance home health workers and who  
24          also provide services under the Department's Home Services  
25          Program shall be considered to be public employees, no  
26          matter whether the State provides such services through

1 direct fee-for-service arrangements, with the assistance  
2 of a managed care organization or other intermediary, or  
3 otherwise, and the State of Illinois shall be considered  
4 to be the employer of those persons as of January 29, 2013  
5 (the effective date of Public Act 97-1158), but not before  
6 except as otherwise provided under this subsection (f).  
7 The State shall engage in collective bargaining with an  
8 exclusive representative of home care and home health  
9 workers who function as personal assistants and individual  
10 maintenance home health workers working under the Home  
11 Services Program concerning their terms and conditions of  
12 employment that are within the State's control. Nothing in  
13 this paragraph shall be understood to limit the right of  
14 the persons receiving services defined in this Section to  
15 hire and fire home care and home health workers who  
16 function as personal assistants and individual maintenance  
17 home health workers working under the Home Services  
18 Program or to supervise them within the limitations set by  
19 the Home Services Program. The State shall not be  
20 considered to be the employer of home care and home health  
21 workers who function as personal assistants and individual  
22 maintenance home health workers working under the Home  
23 Services Program for any purposes not specifically  
24 provided in Public Act 93-204 or Public Act 97-1158,  
25 including but not limited to, purposes of vicarious  
26 liability in tort and purposes of statutory retirement or

1 health insurance benefits. Home care and home health  
2 workers who function as personal assistants and individual  
3 maintenance home health workers and who also provide  
4 services under the Department's Home Services Program  
5 shall not be covered by the State Employees Group  
6 Insurance Act of 1971.

7 The Department shall execute, relative to nursing home  
8 prescreening, as authorized by Section 4.03 of the  
9 Illinois Act on the Aging, written inter-agency agreements  
10 with the Department on Aging and the Department of  
11 Healthcare and Family Services, to effect the intake  
12 procedures and eligibility criteria for those persons who  
13 may need long term care. On and after July 1, 1996, all  
14 nursing home prescreenings for individuals 18 through 59  
15 years of age shall be conducted by the Department, or a  
16 designee of the Department.

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

1           The Department shall deduct from the recipient's share of  
2           the cost of services any money expended by the recipient  
3           for disability-related expenses.

4           To the extent permitted under the federal Social  
5           Security Act, the Department, or the Department's  
6           authorized representative, may recover the amount of  
7           moneys expended for services provided to or in behalf of a  
8           person under this Section by a claim against the person's  
9           estate or against the estate of the person's surviving  
10          spouse, but no recovery may be had until after the death of  
11          the surviving spouse, if any, and then only at such time  
12          when there is no surviving child who is under age 21 or  
13          blind or who has a permanent and total disability. This  
14          paragraph, however, shall not bar recovery, at the death  
15          of the person, of moneys for services provided to the  
16          person or in behalf of the person under this Section to  
17          which the person was not entitled; provided that such  
18          recovery shall not be enforced against any real estate  
19          while it is occupied as a homestead by the surviving  
20          spouse or other dependent, if no claims by other creditors  
21          have been filed against the estate, or, if such claims  
22          have been filed, they remain dormant for failure of  
23          prosecution or failure of the claimant to compel  
24          administration of the estate for the purpose of payment.  
25          This paragraph shall not bar recovery from the estate of a  
26          spouse, under Sections 1915 and 1924 of the Social

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

11 This paragraph applies to direct service workers who  
12 provide services to individuals participating in the Home  
13 Services Program. Direct service workers shall complete  
14 dementia training totaling at least 2 hours at the start  
15 of their employment. Direct service workers employed on  
16 the effective date of this amendatory Act of the 104th  
17 General Assembly shall complete this training within 6  
18 months after the effective date of this amendatory Act of  
19 the 104th General Assembly. The training shall cover the  
20 following subjects: (1) Alzheimer's disease and dementia,  
21 (2) safety risks, and (3) communication and behavior.  
22 Annual continuing education training shall include  
23 dementia training totaling at least 2 hours covering the  
24 subjects described in this paragraph. The purpose of this  
25 paragraph is to improve the quality of training for direct  
26 service workers under the Home Services Program. If other

1 laws or rules existing on the effective date of this  
2 amendatory Act of the 104th General Assembly contain more  
3 rigorous dementia training requirements for specific  
4 individuals providing direct services under the Home  
5 Services Program, then those laws or rules shall continue  
6 to apply. An individual who is required to receive  
7 dementia training under any other law or rule may be  
8 considered exempt from the requirements of this paragraph  
9 if the other law's or rule's training requirement includes  
10 a minimum 2 hours of dementia training. The individual  
11 shall be required to show proof that he or she received  
12 dementia training equivalent to the training required  
13 under this paragraph. For personal assistants covered by a  
14 collective bargaining agreement, the Department shall work  
15 with the joint training committee established by the  
16 collective bargaining agreement covering personal  
17 assistants to discuss parameters and specific topics for  
18 the curriculum covering dementia training as part of the  
19 provided training for personal assistants.

20 (g) To establish such subdivisions of the Department  
21 as shall be desirable and assign to the various  
22 subdivisions the responsibilities and duties placed upon  
23 the Department by law.

24 (h) To cooperate and enter into any necessary  
25 agreements with the Department of Employment Security for  
26 the provision of job placement and job referral services

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

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

10 (j) (Blank).

11 (k) (Blank).

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

1 managers shall be sought and extended in order to  
2 frequently and promptly update the Clearinghouse's  
3 information.

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

18 (Source: P.A. 102-264, eff. 8-6-21; 102-826, eff. 5-13-22;  
19 103-479, eff. 1-1-24.)".