

1 AN ACT concerning seniors.

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 and by adding Section 4.12 as follows:

6 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

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

17 (a) home health services;

18 (b) home nursing services;

19 (c) homemaker services;

20 (d) chore and housekeeping services;

21 (e) day care services;

22 (f) home-delivered meals;

23 (g) education in self-care;

24 (h) personal care services;

25 (i) adult day health services;

26 (j) habilitation services;

27 (k) respite care;

28 (k-5) community reintegration services;

29 (l) other nonmedical social services that may enable  
30 the person to become self-supporting; or

31 (m) clearinghouse for information provided by senior  
32 citizen home owners who want to rent rooms to or share

1 living space with other senior citizens.

2 The Department shall establish eligibility standards for  
3 such services taking into consideration the unique economic and  
4 social needs of the target population for whom they are to be  
5 provided. Such eligibility standards shall be based on the  
6 recipient's ability to pay for services; provided, however,  
7 that in determining the amount and nature of services for which  
8 a person may qualify, consideration shall not be given to the  
9 value of cash, property or other assets held in the name of the  
10 person's spouse pursuant to a written agreement dividing  
11 marital property into equal but separate shares or pursuant to  
12 a transfer of the person's interest in a home to his spouse,  
13 provided that the spouse's share of the marital property is not  
14 made available to the person seeking such services.

15 Beginning July 1, 2002, the Department shall require as a  
16 condition of eligibility that all financially eligible  
17 applicants and recipients apply for medical assistance under  
18 Article V of the Illinois Public Aid Code in accordance with  
19 rules promulgated by the Department.

20 The Department shall, in conjunction with the Department of  
21 Public Aid, seek appropriate amendments under Sections 1915 and  
22 1924 of the Social Security Act. The purpose of the amendments  
23 shall be to extend eligibility for home and community based  
24 services under Sections 1915 and 1924 of the Social Security  
25 Act to persons who transfer to or for the benefit of a spouse  
26 those amounts of income and resources allowed under Section  
27 1924 of the Social Security Act. Subject to the approval of  
28 such amendments, the Department shall extend the provisions of  
29 Section 5-4 of the Illinois Public Aid Code to persons who, but  
30 for the provision of home or community-based services, would  
31 require the level of care provided in an institution, as is  
32 provided for in federal law. Those persons no longer found to  
33 be eligible for receiving noninstitutional services due to  
34 changes in the eligibility criteria shall be given 60 days  
35 notice prior to actual termination. Those persons receiving  
36 notice of termination may contact the Department and request

1 the determination be appealed at any time during the 60 day  
2 notice period. With the exception of the lengthened notice and  
3 time frame for the appeal request, the appeal process shall  
4 follow the normal procedure. In addition, each person affected  
5 regardless of the circumstances for discontinued eligibility  
6 shall be given notice and the opportunity to purchase the  
7 necessary services through the Community Care Program. If the  
8 individual does not elect to purchase services, the Department  
9 shall advise the individual of alternative services. The target  
10 population identified for the purposes of this Section are  
11 persons age 60 and older with an identified service need.  
12 Priority shall be given to those who are at imminent risk of  
13 institutionalization. The services shall be provided to  
14 eligible persons age 60 and older to the extent that the cost  
15 of the services together with the other personal maintenance  
16 expenses of the persons are reasonably related to the standards  
17 established for care in a group facility appropriate to the  
18 person's condition. These non-institutional services, pilot  
19 projects or experimental facilities may be provided as part of  
20 or in addition to those authorized by federal law or those  
21 funded and administered by the Department of Human Services.  
22 The Departments of Human Services, Public Aid, Public Health,  
23 Veterans' Affairs, and Commerce and Economic Opportunity  
24 ~~Community Affairs~~ and other appropriate agencies of State,  
25 federal and local governments shall cooperate with the  
26 Department on Aging in the establishment and development of the  
27 non-institutional services. The Department shall require an  
28 annual audit from all chore/housekeeping and homemaker vendors  
29 contracting with the Department under this Section. The annual  
30 audit shall assure that each audited vendor's procedures are in  
31 compliance with Department's financial reporting guidelines  
32 requiring a 27% administrative cost split and a 73% employee  
33 wages and benefits cost split. The audit is a public record  
34 under the Freedom of Information Act. The Department shall  
35 execute, relative to the nursing home prescreening project,  
36 written inter-agency agreements with the Department of Human

1 Services and the Department of Public Aid, to effect the  
2 following: (1) intake procedures and common eligibility  
3 criteria for those persons who are receiving non-institutional  
4 services; and (2) the establishment and development of  
5 non-institutional services in areas of the State where they are  
6 not currently available or are undeveloped. On and after July  
7 1, 1996, all nursing home prescreenings for individuals 60  
8 years of age or older shall be conducted by the Department.

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

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

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

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 Beginning on the effective date of this Amendatory Act of  
20 1991, no person may perform chore/housekeeping and homemaker  
21 services under a program authorized by this Section unless that  
22 person has been issued a certificate of pre-service to do so by  
23 his or her employing agency. Information gathered to effect  
24 such certification shall include (i) the person's name, (ii)  
25 the date the person was hired by his or her current employer,  
26 and (iii) the training, including dates and levels. Persons  
27 engaged in the program authorized by this Section before the  
28 effective date of this amendatory Act of 1991 shall be issued a  
29 certificate of all pre- and in-service training from his or her  
30 employer upon submitting the necessary information. The  
31 employing agency shall be required to retain records of all  
32 staff pre- and in-service training, and shall provide such  
33 records to the Department upon request and upon termination of  
34 the employer's contract with the Department. In addition, the  
35 employing agency is responsible for the issuance of  
36 certifications of in-service training completed to their

1 employees.

2 The Department is required to develop a system to ensure  
3 that persons working as homemakers and chore housekeepers  
4 receive increases in their wages when the federal minimum wage  
5 is increased by requiring vendors to certify that they are  
6 meeting the federal minimum wage statute for homemakers and  
7 chore housekeepers. An employer that cannot ensure that the  
8 minimum wage increase is being given to homemakers and chore  
9 housekeepers shall be denied any increase in reimbursement  
10 costs.

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

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

26 Those persons previously found eligible for receiving  
27 non-institutional services whose services were discontinued  
28 under the Emergency Budget Act of Fiscal Year 1992, and who do  
29 not meet the eligibility standards in effect on or after July  
30 1, 1992, shall remain ineligible on and after July 1, 1992.  
31 Those persons previously not required to cost-share and who  
32 were required to cost-share effective March 1, 1992, shall  
33 continue to meet cost-share requirements on and after July 1,  
34 1992. Beginning July 1, 1992, all clients will be required to  
35 meet eligibility, cost-share, and other requirements and will  
36 have services discontinued or altered when they fail to meet

1 these requirements.

2 (Source: P.A. 92-597, eff. 6-28-02; 93-85, eff. 1-1-04; revised  
3 12-6-03.)

4 (20 ILCS 105/4.12 new)

5 Sec. 4.12. Assistance to nursing home residents.

6 (a) The Department on Aging shall assist nursing home  
7 residents and their families to select long-term care options  
8 that meet their needs and reflect their preferences. At any  
9 time during the process, the resident or his or her  
10 representative may decline further assistance.

11 (b) To provide assistance, the Department shall develop a  
12 community reintegration program. The program shall be  
13 established by rule pursuant to the Illinois Administrative  
14 Procedure Act and developed in consultation with nursing homes,  
15 case managers, Area Agencies on Aging, and others interested in  
16 the well-being of frail elderly Illinois residents. The rules  
17 shall address the following:

18 (1) Appropriate time frames for introducing the  
19 reintegration program to nursing home residents.

20 (2) A process for discussing community living options  
21 with the resident and the resident's family or  
22 representative to determine their preferences and to  
23 obtain information concerning the nature and availability  
24 of family and community assistance or support for the  
25 resident.

26 (3) Assessment of the resident's health, cognitive,  
27 and social needs to evaluate his or her functional level  
28 and eligibility and need for housing, health, and  
29 supportive services, including the opinions of the  
30 resident's personal physician, if any.

31 (4) Development of a comprehensive service transition  
32 plan based upon the best interests of the resident that  
33 includes cost-effective alternatives for which the  
34 resident would qualify and have been verified to be  
35 available upon discharge. The comprehensive service

1 transition plans shall reflect:

2 (A) arrangements for housing, health, and  
3 supportive services for the resident;

4 (B) assistance in applying for financial  
5 assistance, if requested;

6 (C) environmental modifications and transitional  
7 services, equipment, and supplies to reestablish a  
8 community residence; and

9 (D) the provision of case management services and,  
10 if necessary, provisions for the readmission of the  
11 individual to a nursing home if the community placement  
12 is unsuccessful.

13 (5) A process for the resident and the resident's  
14 designated representative, if any, to review, approve,  
15 modify, or reject the comprehensive services transition  
16 plan, which shall include a procedure to present to and  
17 review the plan with the resident, the resident's  
18 designated representative, the resident's personal  
19 physician, if any, and the nursing facility staff  
20 responsible for the resident's care.

21 (c) The Director of Public Aid, in cooperation with the  
22 Director of Aging, shall apply for any necessary waivers under  
23 Title XIX of the Social Security Act.

24 (d) Funding to support community reintegration services  
25 must be identified in the appropriation process and is not  
26 intended to reduce the level of services provided to any other  
27 clients.

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.