



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/05/04, by Joseph M. Lyons

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Priority for In-Home and Community Support Services Act. Requires the Department on Aging and the departments of Human Services and Public Aid to establish programs of in-home and community support services for adults with long-term care needs who have been placed inappropriately in an institutional setting. Requires the head of each department to designate multidisciplinary teams throughout the State to assist with evaluations of persons concerning their eligibility for the programs. Authorizes demonstration projects.

LRB093 15222 DRJ 45974 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning long-term care.

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

4 Section 1. Short title. This Act may be cited as the  
5 Priority for In-Home and Community Support Services Act.

6 Section 5. Findings and policy.

7 (a) The Legislature finds as follows:

8 (1) In-home and community support services have not  
9 been sufficiently available to many adults with long-term  
10 care needs.

11 (2) Many adults with long-term care needs have already  
12 been placed in institutional settings, because in-home and  
13 community support services or funds to pay for these  
14 services have not been available to them.

15 (3) In some instances placement of adults with  
16 long-term care needs in institutional settings can result  
17 in emotional and social problems for these adults and their  
18 families.

19 (4) For many adults with long-term care needs, it is  
20 less costly for the State to provide in-home and community  
21 support services than it is to provide care in  
22 institutional settings.

23 (b) The Legislature declares that it is the policy of this  
24 State:

25 (1) To increase the availability of in-home and  
26 community support services for adults with long-term care  
27 needs.

28 (2) That the priority recipients of in-home and  
29 community support services, pursuant to this Act, shall be  
30 the elderly and disabled adults who already have been  
31 placed inappropriately in an institutional setting.

32 (3) That a variety of agencies, facilities, and

1 individuals shall be encouraged to provide in-home and  
2 community support services.

3 Section 10. Definitions. In this Act:

4 "Adult with long-term care needs" means an adult who has a  
5 physical or mental limitation that restricts his or her ability  
6 to carry out activities of daily living and impedes his or her  
7 ability to live independently and who already has been placed  
8 inappropriately in an institutional setting.

9 "Agreement" means a contract, grant, or other method of  
10 payment.

11 "Department" means the Department on Aging, the Department  
12 of Human Services, or the Department of Public Aid, as  
13 applicable to the population served by each agency  
14 respectively.

15 "In-home and community support services" means health and  
16 social services and other assistance required to enable adults  
17 with long-term care needs to remain in their places of  
18 residence. These services include, but are not limited to,  
19 medical and diagnostic services; professional nursing;  
20 physical, occupational, and speech therapy; dietary and  
21 nutrition services; home health aide services; personal care  
22 assistance services; companion and attendant services;  
23 handyman, chore, and homemaker services; respite care;  
24 counseling services; transportation; small rent subsidies;  
25 various devices that lessen the effects of disabilities; and  
26 other appropriate and necessary social services.

27 "Institutional settings" means residential care  
28 facilities, intermediate care and skilled nursing facilities  
29 and units and hospitals, and State institutions for individuals  
30 who are mentally ill or mentally retarded or who have related  
31 conditions.

32 "Personal care assistance services" means services that  
33 are required by an adult with long-term care needs to achieve  
34 greater physical independence. These services may be  
35 consumer-directed and include, but are not limited to, the

1 following:

2 (1) Routine bodily functions, such as bowel or bladder  
3 care.

4 (2) Dressing.

5 (3) Preparation and consumption of food.

6 (4) Moving in and out of bed.

7 (5) Routine bathing.

8 (6) Ambulation.

9 (7) Any other similar activity of daily living.

10 "Provider" means any entity, agency, facility, or  
11 individual who offers or plans to offer any in-home or  
12 community support services.

13 "Severe disability" means a disability that results in a  
14 person having a severe and chronic physical, sensory, or  
15 cognitive limitation that restricts the person's ability to  
16 carry out the normal activities of daily living and to live  
17 independently.

18 Section 15. Programs; rules.

19 (a) The Department shall establish and administer programs  
20 of in-home and community support services for adults with  
21 long-term care needs, by itself or in cooperation with the  
22 federal government. Programs and services under this Act may  
23 include, but are not limited to, the program and services  
24 provided under Section 4.02 of the Illinois Act on the Aging.

25 (b) Subject to appropriation, an adult with long-term care  
26 needs who applies for services under any program established  
27 under this Act is entitled to receive services under the  
28 program if the Department determines that the adult is eligible  
29 according to the criteria set forth in Section 20.

30 (c) The Department shall adopt rules, including rules that  
31 specify the criteria to be used in ranking proposals, as  
32 necessary for the effective administration of any programs of  
33 in-home and community support services established under this  
34 Act. The Department shall consult with consumers of in-home and  
35 community support services, representatives of such consumers,

1 and providers of such services in developing the rules.

2 Section 20. Eligibility. An adult with long-term care needs  
3 is eligible for in-home and community support services under  
4 this Act if the Department determines that the adult:

5 (1) already has been placed inappropriately in an  
6 institutional setting;

7 (2) has a need for in-home and community support  
8 services; and

9 (3) has no or insufficient personal income or other  
10 support from public services, family members, and  
11 neighbors.

12 Section 25. Multidisciplinary teams.

13 (a) The Department shall designate several  
14 multidisciplinary teams throughout the State to assist the  
15 Department with evaluations of adults with long-term care  
16 needs. Each multidisciplinary team must include at least one  
17 social services professional or health care professional and,  
18 whenever possible, the adult with long-term care needs and a  
19 member of the adult's family or a designated representative.

20 (b) For each adult with long-term care needs evaluated by a  
21 multidisciplinary team, the team shall assist the Department  
22 with the following:

23 (1) Determining the adult's eligibility for in-home  
24 and community support services.

25 (2) Developing a plan of services for the adult, in  
26 cooperation with the probable providers of the services,  
27 whenever those providers are not members of the team.

28 (3) Arranging for the provision of the needed services.

29 (4) Reevaluating the adult periodically to determine  
30 his or her continuing need for the services.

31 (5) Consulting when possible with the adult's  
32 attending physician, if any.

33 Section 30. Delivery of services.

1 (a) In order to provide in-home and community support  
2 services, the Department may use its own staff and its  
3 designees and may enter into agreements with providers.

4 (b) Each agreement entered into under subsection (a) must  
5 specify, among other things, the types of in-home and community  
6 support services to be provided, the cost of the services, the  
7 method of payment, and the criteria to be used for evaluating  
8 the provision of services.

9 (c) The Department shall solicit proposals from providers  
10 who would like to provide in-home and community support  
11 services under this Act. A provider must submit a proposal in  
12 the form and manner required by the Department. The Department  
13 shall select proposals according to rankings based on the  
14 criteria developed in rules.

15 (d) The Department may not refuse to pay a relative of an  
16 adult with long-term care needs for the provision of in-home  
17 and community support services or personal care assistance  
18 services if the relative is qualified to provide the services  
19 and the payment is not prohibited by federal law or regulation.

20 Section 35. Funding of programs.

21 (a) The Department may apply for and use any federal or  
22 private moneys and other support that becomes available to  
23 carry out any program of in-home and community support services  
24 established under this Act.

25 (b) The Department shall develop, whenever practicable,  
26 sliding fee scales for in-home and community support services  
27 provided under this Act.

28 (c) The Department may make payments directly to adults  
29 with long-term care needs through the use of vouchers to enable  
30 such adults to purchase in-home and community support services  
31 under this Act.

32 (d) The Department shall disburse moneys under this Act in  
33 a manner that ensures, to the extent practicable, equitable  
34 distribution of services among adults with long-term care needs  
35 and among the various regions of the State.

1           Section 40. Demonstration projects. The Department may  
2           initiate demonstration projects to test new ways of providing  
3           in-home and community support services, including, but not  
4           limited to, projects that test the ability of hospitals,  
5           skilled nursing facilities, or intermediate care facilities to  
6           provide these services in ancillary facilities or through  
7           affiliates.