



Rep. Suzanne Bassi

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1 AMENDMENT TO HOUSE BILL 6354

2 AMENDMENT NO. _____. Amend House Bill 6354 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Act on the Aging is amended by
5 changing Sections 4.01 and 4.02 as follows:

6 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

7 Sec. 4.01. Additional powers and duties of the Department.
8 In addition to powers and duties otherwise provided by law, the
9 Department shall have the following powers and duties:

10 (1) To evaluate all programs, services, and facilities for
11 the aged and for minority senior citizens within the State and
12 determine the extent to which present public or private
13 programs, services and facilities meet the needs of the aged.

14 (2) To coordinate and evaluate all programs, services, and
15 facilities for the Aging and for minority senior citizens
16 presently furnished by State agencies and make appropriate
17 recommendations regarding such services, programs and
18 facilities to the Governor and/or the General Assembly.

19 (3) To function as the sole State agency to develop a
20 comprehensive plan to meet the needs of the State's senior
21 citizens and the State's minority senior citizens.

22 (4) To receive and disburse State and federal funds made
23 available directly to the Department including those funds made
24 available under the Older Americans Act and the Senior

1 Community Service Employment Program for providing services
2 for senior citizens and minority senior citizens or for
3 purposes related thereto, and shall develop and administer any
4 State Plan for the Aging required by federal law.

5 (5) To solicit, accept, hold, and administer in behalf of
6 the State any grants or legacies of money, securities, or
7 property to the State of Illinois for services to senior
8 citizens and minority senior citizens or purposes related
9 thereto.

10 (6) To provide consultation and assistance to communities,
11 area agencies on aging, and groups developing local services
12 for senior citizens and minority senior citizens.

13 (7) To promote community education regarding the problems
14 of senior citizens and minority senior citizens through
15 institutes, publications, radio, television and the local
16 press.

17 (8) To cooperate with agencies of the federal government in
18 studies and conferences designed to examine the needs of senior
19 citizens and minority senior citizens and to prepare programs
20 and facilities to meet those needs.

21 (9) To establish and maintain information and referral
22 sources throughout the State when not provided by other
23 agencies.

24 (10) To provide the staff support as may reasonably be
25 required by the Council and the Coordinating Committee of State
26 Agencies Serving Older Persons.

27 (11) To make and enforce rules and regulations necessary
28 and proper to the performance of its duties.

29 (12) To establish and fund programs or projects or
30 experimental facilities that are specially designed as
31 alternatives to institutional care.

32 (13) To develop a training program to train the counselors
33 presently employed by the Department's aging network to provide
34 Medicare beneficiaries with counseling and advocacy in

1 Medicare, private health insurance, and related health care
2 coverage plans. The Department shall report to the General
3 Assembly on the implementation of the training program on or
4 before December 1, 1986.

5 (14) To make a grant to an institution of higher learning
6 to study the feasibility of establishing and implementing an
7 affirmative action employment plan for the recruitment,
8 hiring, training and retraining of persons 60 or more years old
9 for jobs for which their employment would not be precluded by
10 law.

11 (15) To present one award annually in each of the
12 categories of community service, education, the performance
13 and graphic arts, and the labor force to outstanding Illinois
14 senior citizens and minority senior citizens in recognition of
15 their individual contributions to either community service,
16 education, the performance and graphic arts, or the labor
17 force. The awards shall be presented to four senior citizens
18 and minority senior citizens selected from a list of 44
19 nominees compiled annually by the Department. Nominations
20 shall be solicited from senior citizens' service providers,
21 area agencies on aging, senior citizens' centers, and senior
22 citizens' organizations. The Department shall consult with the
23 Coordinating Committee of State Agencies Serving Older Persons
24 to determine which of the nominees shall be the recipient in
25 each category of community service. The Department shall
26 establish a central location within the State to be designated
27 as the Senior Illinoisans Hall of Fame for the public display
28 of all the annual awards, or replicas thereof.

29 (16) To establish multipurpose senior centers through area
30 agencies on aging and to fund those new and existing
31 multipurpose senior centers through area agencies on aging, the
32 establishment and funding to begin in such areas of the State
33 as the Department shall designate by rule and as specifically
34 appropriated funds become available.

1 (17) To develop the content and format of the
2 acknowledgment regarding non-recourse reverse mortgage loans
3 under Section 6.1 of the Illinois Banking Act; to provide
4 independent consumer information on reverse mortgages and
5 alternatives; and to refer consumers to independent counseling
6 services with expertise in reverse mortgages.

7 (18) To develop a pamphlet in English and Spanish which may
8 be used by physicians licensed to practice medicine in all of
9 its branches pursuant to the Medical Practice Act of 1987,
10 pharmacists licensed pursuant to the Pharmacy Practice Act of
11 1987, and Illinois residents 65 years of age or older for the
12 purpose of assisting physicians, pharmacists, and patients in
13 monitoring prescriptions provided by various physicians and to
14 aid persons 65 years of age or older in complying with
15 directions for proper use of pharmaceutical prescriptions. The
16 pamphlet may provide space for recording information including
17 but not limited to the following:

18 (a) name and telephone number of the patient;

19 (b) name and telephone number of the prescribing
20 physician;

21 (c) date of prescription;

22 (d) name of drug prescribed;

23 (e) directions for patient compliance; and

24 (f) name and telephone number of dispensing pharmacy.

25 In developing the pamphlet, the Department shall consult
26 with the Illinois State Medical Society, the Center for
27 Minority Health Services, the Illinois Pharmacists Association
28 and senior citizens organizations. The Department shall
29 distribute the pamphlets to physicians, pharmacists and
30 persons 65 years of age or older or various senior citizen
31 organizations throughout the State.

32 (19) To conduct a study by April 1, 1994 of the feasibility
33 of implementing the Senior Companion Program throughout the
34 State for the fiscal year beginning July 1, 1994.

1 (20) With respect to contracts in effect on July 1, 1994,
2 the Department shall increase the grant amounts so that the
3 reimbursement rates paid through the community care program for
4 in-home care ~~chore-housekeeping~~ services and in-home care
5 workers ~~homemakers~~ are at the same rate, which shall be the
6 higher of the 2 rates currently paid. With respect to all
7 contracts entered into, renewed, or extended on or after July
8 1, 1994, the reimbursement rates paid through the community
9 care program for in-home care ~~chore-housekeeping~~ services and
10 in-home care workers ~~homemakers~~ shall be the same.

11 (21) From funds appropriated to the Department from the
12 Meals on Wheels Fund, a special fund in the State treasury that
13 is hereby created, and in accordance with State and federal
14 guidelines and the intrastate funding formula, to make grants
15 to area agencies on aging, designated by the Department, for
16 the sole purpose of delivering meals to homebound persons 60
17 years of age and older.

18 (22) To distribute, through its area agencies on aging,
19 information alerting seniors on safety issues regarding
20 emergency weather conditions, including extreme heat and cold,
21 flooding, tornadoes, electrical storms, and other severe storm
22 weather. The information shall include all necessary
23 instructions for safety and all emergency telephone numbers of
24 organizations that will provide additional information and
25 assistance.

26 (23) To develop guidelines for the organization and
27 implementation of Volunteer Services Credit Programs to be
28 administered by Area Agencies on Aging or community based
29 senior service organizations. The Department shall hold public
30 hearings on the proposed guidelines for public comment,
31 suggestion, and determination of public interest. The
32 guidelines shall be based on the findings of other states and
33 of community organizations in Illinois that are currently
34 operating volunteer services credit programs or demonstration

1 volunteer services credit programs. The Department shall offer
2 guidelines for all aspects of the programs including, but not
3 limited to, the following:

4 (a) types of services to be offered by volunteers;

5 (b) types of services to be received upon the
6 redemption of service credits;

7 (c) issues of liability for the volunteers and the
8 administering organizations;

9 (d) methods of tracking service credits earned and
10 service credits redeemed;

11 (e) issues of time limits for redemption of service
12 credits;

13 (f) methods of recruitment of volunteers;

14 (g) utilization of community volunteers, community
15 service groups, and other resources for delivering
16 services to be received by service credit program clients;

17 (h) accountability and assurance that services will be
18 available to individuals who have earned service credits;
19 and

20 (i) volunteer screening and qualifications.

21 The Department shall submit a written copy of the guidelines to
22 the General Assembly by July 1, 1998.

23 (Source: P.A. 92-651, eff. 7-11-02.)

24 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

25 Sec. 4.02. The Department shall establish a program of
26 services to prevent unnecessary institutionalization of
27 persons age 60 and older in need of long term care or who are
28 established as persons who suffer from Alzheimer's disease or a
29 related disorder under the Alzheimer's Disease Assistance Act,
30 thereby enabling them to remain in their own homes or in other
31 living arrangements. Such preventive services, which may be
32 coordinated with other programs for the aged and monitored by
33 area agencies on aging in cooperation with the Department, may

1 include, but are not limited to, any or all of the following:

2 (a) home health services;

3 (b) home nursing services;

4 (c) in-home care ~~homemaker~~ services;

5 (d) (blank); ~~chore and housekeeping services~~;

6 (e) day care services;

7 (f) home-delivered meals;

8 (g) education in self-care;

9 (h) personal care services;

10 (i) adult day health services;

11 (j) habilitation services;

12 (k) respite care;

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

15 (m) clearinghouse for information provided by senior
16 citizen home owners who want to rent rooms to or share
17 living space with other senior citizens.

18 The Department shall establish eligibility standards for
19 such services taking into consideration the unique economic and
20 social needs of the target population for whom they are to be
21 provided. Such eligibility standards shall be based on the
22 recipient's ability to pay for services; provided, however,
23 that in determining the amount and nature of services for which
24 a person may qualify, consideration shall not be given to the
25 value of cash, property or other assets held in the name of the
26 person's spouse pursuant to a written agreement dividing
27 marital property into equal but separate shares or pursuant to
28 a transfer of the person's interest in a home to his spouse,
29 provided that the spouse's share of the marital property is not
30 made available to the person seeking such services.

31 Beginning July 1, 2002, the Department shall require as a
32 condition of eligibility that all financially eligible
33 applicants and recipients apply for medical assistance under
34 Article V of the Illinois Public Aid Code in accordance with

1 rules promulgated by the Department.

2 The Department shall, in conjunction with the Department of
3 Public Aid, 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 60 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 60 day
20 notice period. With the exception of the lengthened notice and
21 time frame for the appeal request, the appeal process shall
22 follow the normal procedure. In addition, each person affected
23 regardless of the circumstances for discontinued eligibility
24 shall be given notice and the opportunity to purchase the
25 necessary services through the Community Care Program. If the
26 individual does not elect to purchase services, the Department
27 shall advise the individual of alternative services. The target
28 population identified for the purposes of this Section are
29 persons age 60 and older with an identified service need.
30 Priority shall be given to those who are at imminent risk of
31 institutionalization. The services shall be provided to
32 eligible persons age 60 and older to the extent that the cost
33 of the services together with the other personal maintenance
34 expenses of the persons are reasonably related to the standards

1 established for care in a group facility appropriate to the
2 person's condition. These non-institutional services, pilot
3 projects or experimental facilities may be provided as part of
4 or in addition to those authorized by federal law or those
5 funded and administered by the Department of Human Services.
6 The Departments of Human Services, Public Aid, Public Health,
7 Veterans' Affairs, and Commerce and Economic Opportunity
8 ~~Community Affairs~~ and other appropriate agencies of State,
9 federal and local governments shall cooperate with the
10 Department on Aging in the establishment and development of the
11 non-institutional services. The Department shall require an
12 annual audit from all in-home care service ~~chore/housekeeping~~
13 ~~and homemaker~~ vendors contracting with the Department under
14 this Section. The annual audit shall assure that each audited
15 vendor's procedures are in compliance with Department's
16 financial reporting guidelines requiring a 27% administrative
17 cost split and a 73% employee wages and benefits cost split.
18 The audit is a public record under the Freedom of Information
19 Act. The Department shall execute, relative to the nursing home
20 prescreening project, written inter-agency agreements with the
21 Department of Human Services and the Department of Public Aid,
22 to effect the following: (1) intake procedures and common
23 eligibility criteria for those persons who are receiving
24 non-institutional services; and (2) the establishment and
25 development of non-institutional services in areas of the State
26 where they are not currently available or are undeveloped. On
27 and after July 1, 1996, all nursing home prescreenings for
28 individuals 60 years of age or older shall be conducted by the
29 Department.

30 The Department is authorized to establish a system of
31 recipient copayment for services provided under this Section,
32 such copayment to be based upon the recipient's ability to pay
33 but in no case to exceed the actual cost of the services
34 provided. Additionally, any portion of a person's income which

1 is equal to or less than the federal poverty standard shall not
2 be considered by the Department in determining the copayment.
3 The level of such copayment shall be adjusted whenever
4 necessary to reflect any change in the officially designated
5 federal poverty standard.

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

1 The Department shall develop procedures to enhance
2 availability of services on evenings, weekends, and on an
3 emergency basis to meet the respite needs of caregivers.
4 Procedures shall be developed to permit the utilization of
5 services in successive blocks of 24 hours up to the monthly
6 maximum established by the Department. Workers providing these
7 services shall be appropriately trained.

8 Beginning on the effective date of this Amendatory Act of
9 1991, no person may perform in-home care ~~chore/housekeeping and~~
10 ~~homemaker~~ services under a program authorized by this Section
11 unless that person has been issued a certificate of pre-service
12 to do so by his or her employing agency. Information gathered
13 to effect such certification shall include (i) the person's
14 name, (ii) the date the person was hired by his or her current
15 employer, and (iii) the training, including dates and levels.
16 Persons engaged in the program authorized by this Section
17 before the effective date of this amendatory Act of 1991 shall
18 be issued a certificate of all pre- and in-service training
19 from his or her employer upon submitting the necessary
20 information. The employing agency shall be required to retain
21 records of all staff pre- and in-service training, and shall
22 provide such records to the Department upon request and upon
23 termination of the employer's contract with the Department. In
24 addition, the employing agency is responsible for the issuance
25 of certifications of in-service training completed to their
26 employees.

27 The Department is required to develop a system to ensure
28 that persons working as in-home care workers ~~homemakers and~~
29 ~~chore housekeepers~~ receive increases in their wages when the
30 federal minimum wage is increased by requiring vendors to
31 certify that they are meeting the federal minimum wage statute
32 for in-home care workers ~~homemakers and chore housekeepers~~. An
33 employer that cannot ensure that the minimum wage increase is
34 being given to in-home care workers ~~homemakers and chore~~

1 ~~housekeepers~~ shall be denied any increase in reimbursement
2 costs.

3 The Department on Aging and the Department of Human
4 Services shall cooperate in the development and submission of
5 an annual report on programs and services provided under this
6 Section. Such joint report shall be filed with the Governor and
7 the General Assembly on or before September 30 each year.

8 The requirement for reporting to the General Assembly shall
9 be satisfied by filing copies of the report with the Speaker,
10 the Minority Leader and the Clerk of the House of
11 Representatives and the President, the Minority Leader and the
12 Secretary of the Senate and the Legislative Research Unit, as
13 required by Section 3.1 of the General Assembly Organization
14 Act and filing such additional copies with the State Government
15 Report Distribution Center for the General Assembly as is
16 required under paragraph (t) of Section 7 of the State Library
17 Act.

18 Those persons previously found eligible for receiving
19 non-institutional services whose services were discontinued
20 under the Emergency Budget Act of Fiscal Year 1992, and who do
21 not meet the eligibility standards in effect on or after July
22 1, 1992, shall remain ineligible on and after July 1, 1992.
23 Those persons previously not required to cost-share and who
24 were required to cost-share effective March 1, 1992, shall
25 continue to meet cost-share requirements on and after July 1,
26 1992. Beginning July 1, 1992, all clients will be required to
27 meet eligibility, cost-share, and other requirements and will
28 have services discontinued or altered when they fail to meet
29 these requirements.

30 (Source: P.A. 92-597, eff. 6-28-02; 93-85, eff. 1-1-04; revised
31 12-6-03.)".