

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by  
5 adding Section 5-2.08 as follows:

6 (305 ILCS 5/5-2.08 new)

7 Sec. 5-2.08. Spousal caregiver demonstration.

8 (a) The Department of Human Services, in consultation with  
9 the Department of Healthcare and Family Services, shall develop  
10 a demonstration project within the Home Services Program under  
11 which a spouse may be reimbursed for providing care to his or  
12 her spouse, who is eligible for services through the Home  
13 Services Program and who meets the criteria for this  
14 demonstration project. The demonstration project shall operate  
15 in selected counties and be limited to serving no more than 100  
16 unduplicated persons in a State fiscal year.

17 The components of the demonstration project shall include  
18 the following:

19 (1) Authorization for a spouse to be reimbursed for  
20 care provided to his or her otherwise eligible spouse  
21 through the Home Services Program.

22 (2) The development of specific criteria for the  
23 provision of services under the demonstration project.

1 Criteria applicable to a spousal caregiver shall include,  
2 but need not be limited to, (i) a limitation on the total  
3 hours of a spousal caregiver's outside employment plus  
4 hours of providing care to his or her eligible spouse to  
5 ensure that the complete plan of care is delivered to the  
6 eligible spouse and (ii) limitations on a spousal  
7 caregiver's participation in the demonstration project if  
8 the caregiver has a known history of spousal abuse,  
9 neglect, or exploitation.

10 (3) The determination of the personal care or similar  
11 services for which payment may be made. Spousal caregivers  
12 shall be paid at the Personal Assistant level of care and  
13 pay rate. In those instances in which the eligible spouse  
14 requires specialized services (for example, services  
15 provided by a certified nursing assistant (CNA), licensed  
16 practical nurse (LPN), or registered nurse (RN)) and the  
17 spousal caregiver has the corresponding certification or  
18 licensure, the spousal caregiver shall be paid the higher  
19 rate for the specialized services only. The specialized  
20 services the eligible spouse is authorized to receive shall  
21 be defined and approved in the services plan.

22 (4) The method for determining that the amount of  
23 personal care or similar services provided by the spouse is  
24 "extraordinary care" that exceeds the ordinary care that  
25 would be provided to a spouse without a disability.

26 (5) Limitations on the number of hours of personal

1 services that will be reimbursed.

2 (6) Utilization of the Determination of Need  
3 evaluation and other comprehensive assessment tools as  
4 criteria for determining eligibility and developing  
5 service plans under the demonstration project.

6 (7) Determination of how or whether the provision of  
7 personal care by the spouse is in the best interest of his  
8 or her spouse, who is an eligible participant in the  
9 demonstration project.

10 (8) Use of procedures that ensure that payments are  
11 made for services rendered.

12 (9) Assurances that all other criteria of the  
13 demonstration project are met.

14 (10) Measurement of participant experiences.

15 (11) Monthly in-home monitoring of the health and  
16 safety of the eligible spouse.

17 (12) Documentation of the marital relationship for  
18 participation in the demonstration project.

19 (13) Assurances that the eligible spouse is capable of  
20 communicating his or her needs.

21 (14) Enrollment of an alternative care provider to  
22 ensure that there is no disruption of care to the eligible  
23 spouse.

24 (15) Assurances that the spousal caregiver is  
25 emotionally, physically, and cognitively able to provide  
26 the necessary care to the eligible spouse.

1       (b) By July 1, 2009, the Department of Human Services, in  
2 consultation with the Department of Healthcare and Family  
3 Services, shall begin development of the demonstration  
4 project. The Department of Human Services shall provide an  
5 interim report on or before March 1, 2010 to the Governor and  
6 the General Assembly that includes the progress on the  
7 development of the demonstration project and implementation  
8 timelines of the demonstration project and the criteria for the  
9 demonstration project.

10       (c) The Department of Human Services shall report findings  
11 and recommendations by March 1, 2011 to the Governor and the  
12 General Assembly. The report shall include an explanation of  
13 the manner in which each demonstration project component listed  
14 in paragraphs (1) through (10) of subsection (a) is addressed.  
15 In addition, the report shall include (i) the estimated number  
16 of clients statewide who could utilize services and (ii) an  
17 analysis of the fiscal impact per client on the Department's  
18 new and existing costs under the Home Services Program.

19       Section 99. Effective date. This Act takes effect upon  
20 becoming law.