



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5499

Introduced 2/5/2010, by Rep. Eddie Washington

SYNOPSIS AS INTRODUCED:

See Index

Amends the Civil Administrative Code of Illinois and the Illinois Act on the Aging. Deletes all references to the Coordinating Committee of State Agencies Serving Older Persons and repeals provisions concerning the Committee. Repeals provisions concerning the Older Adult Volunteer Demonstration Program and the Senior Benefits Advocacy Program. Requires the Department on Aging to give persons no longer found eligible for noninstitutional services under the Community Care Program, 30 (rather than 60) days notice prior to actual termination during which they may appeal. Removes certain reporting deadlines. Makes other changes. Effective immediately.

LRB096 15856 KTG 33320 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning aging.

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

4 Section 5. The Civil Administrative Code of Illinois is
5 amended by changing Section 5-520 as follows:

6 (20 ILCS 5/5-520) (was 20 ILCS 5/6.27)

7 Sec. 5-520. In the Department on Aging. A Council on Aging
8 ~~and a Coordinating Committee of State Agencies Serving Older~~
9 ~~Persons~~ composed and appointed as provided in the Illinois Act
10 on the Aging.

11 (Source: P.A. 91-239, eff. 1-1-00.)

12 Section 10. The Illinois Act on the Aging is amended by
13 changing Sections 4.01, 4.02, 4.02c, 4.11, 8.05, 8.06, and 8.08
14 as follows:

15 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

16 Sec. 4.01. Additional powers and duties of the Department.
17 In addition to powers and duties otherwise provided by law, the
18 Department shall have the following powers and duties:

19 (1) To evaluate all programs, services, and facilities for
20 the aged and for minority senior citizens within the State and
21 determine the extent to which present public or private

1 programs, services and facilities meet the needs of the aged.

2 (2) To coordinate and evaluate all programs, services, and
3 facilities for the Aging and for minority senior citizens
4 presently furnished by State agencies and make appropriate
5 recommendations regarding such services, programs and
6 facilities to the Governor and/or the General Assembly.

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

10 (4) To receive and disburse State and federal funds made
11 available directly to the Department including those funds made
12 available under the Older Americans Act and the Senior
13 Community Service Employment Program for providing services
14 for senior citizens and minority senior citizens or for
15 purposes related thereto, and shall develop and administer any
16 State Plan for the Aging required by federal law.

17 (5) To solicit, accept, hold, and administer in behalf of
18 the State any grants or legacies of money, securities, or
19 property to the State of Illinois for services to senior
20 citizens and minority senior citizens or purposes related
21 thereto.

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

25 (7) To promote community education regarding the problems
26 of senior citizens and minority senior citizens through

1 institutes, publications, radio, television and the local
2 press.

3 (8) To cooperate with agencies of the federal government in
4 studies and conferences designed to examine the needs of senior
5 citizens and minority senior citizens and to prepare programs
6 and facilities to meet those needs.

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

10 (10) To provide the staff support that ~~as~~ may reasonably be
11 required by the Council ~~and the Coordinating Committee of State~~
12 ~~Agencies Serving Older Persons.~~

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

15 (12) To establish and fund programs or projects or
16 experimental facilities that are specially designed as
17 alternatives to institutional care.

18 (13) To develop a training program to train the counselors
19 presently employed by the Department's aging network to provide
20 Medicare beneficiaries with counseling and advocacy in
21 Medicare, private health insurance, and related health care
22 coverage plans. The Department shall report to the General
23 Assembly on the implementation of the training program on or
24 before December 1, 1986.

25 (14) To make a grant to an institution of higher learning
26 to study the feasibility of establishing and implementing an

1 affirmative action employment plan for the recruitment,
2 hiring, training and retraining of persons 60 or more years old
3 for jobs for which their employment would not be precluded by
4 law.

5 (15) To present one award annually in each of the
6 categories of community service, education, the performance
7 and graphic arts, and the labor force to outstanding Illinois
8 senior citizens and minority senior citizens in recognition of
9 their individual contributions to either community service,
10 education, the performance and graphic arts, or the labor
11 force. The awards shall be presented to 4 ~~four~~ senior citizens
12 and minority senior citizens selected from a list of 44
13 nominees compiled annually by the Department. Nominations
14 shall be solicited from senior citizens' service providers,
15 area agencies on aging, senior citizens' centers, and senior
16 citizens' organizations. ~~The Department shall consult with the~~
17 ~~Coordinating Committee of State Agencies Serving Older Persons~~
18 ~~to determine which of the nominees shall be the recipient in~~
19 ~~each category of community service.~~ The Department shall
20 establish a central location within the State to be designated
21 as the Senior Illinoisans Hall of Fame for the public display
22 of all the annual awards, or replicas thereof.

23 (16) To establish multipurpose senior centers through area
24 agencies on aging and to fund those new and existing
25 multipurpose senior centers through area agencies on aging, the
26 establishment and funding to begin in such areas of the State

1 as the Department shall designate by rule and as specifically
2 appropriated funds become available.

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

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

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

21 (b) name and telephone number of the prescribing
22 physician;

23 (c) date of prescription;

24 (d) name of drug prescribed;

25 (e) directions for patient compliance; and

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

1 In developing the pamphlet, the Department shall consult
2 with the Illinois State Medical Society, the Center for
3 Minority Health Services, the Illinois Pharmacists Association
4 and senior citizens organizations. The Department shall
5 distribute the pamphlets to physicians, pharmacists and
6 persons 65 years of age or older or various senior citizen
7 organizations throughout the State.

8 (19) To conduct a study ~~by April 1, 1994~~ of the feasibility
9 of implementing the Senior Companion Program throughout the
10 State ~~for the fiscal year beginning July 1, 1994~~.

11 (20) ~~The~~ With respect to contracts in effect on July 1,
12 ~~1994, the Department shall increase the grant amounts so that~~
13 ~~the reimbursement rates paid through the community care program~~
14 ~~for chore housekeeping services and home care aides are at the~~
15 ~~same rate, which shall be the higher of the 2 rates currently~~
16 ~~paid. With respect to all contracts entered into, renewed, or~~
17 ~~extended on or after July 1, 1994, the reimbursement rates paid~~
18 through the community care program for chore housekeeping
19 services and home care aides shall be the same.

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

1 (22) To distribute, through its area agencies on aging,
2 information alerting seniors on safety issues regarding
3 emergency weather conditions, including extreme heat and cold,
4 flooding, tornadoes, electrical storms, and other severe storm
5 weather. The information shall include all necessary
6 instructions for safety and all emergency telephone numbers of
7 organizations that will provide additional information and
8 assistance.

9 (23) To develop guidelines for the organization and
10 implementation of Volunteer Services Credit Programs to be
11 administered by Area Agencies on Aging or community based
12 senior service organizations. The Department shall hold public
13 hearings on the proposed guidelines for public comment,
14 suggestion, and determination of public interest. The
15 guidelines shall be based on the findings of other states and
16 of community organizations in Illinois that are currently
17 operating volunteer services credit programs or demonstration
18 volunteer services credit programs. The Department shall offer
19 guidelines for all aspects of the programs including, but not
20 limited to, the following:

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

22 (b) types of services to be received upon the
23 redemption of service credits;

24 (c) issues of liability for the volunteers and the
25 administering organizations;

26 (d) methods of tracking service credits earned and

1 service credits redeemed;

2 (e) issues of time limits for redemption of service
3 credits;

4 (f) methods of recruitment of volunteers;

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

8 (h) accountability and assurance that services will be
9 available to individuals who have earned service credits;

10 and

11 (i) volunteer screening and qualifications.

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

14 (Source: P.A. 95-298, eff. 8-20-07; 95-689, eff. 10-29-07;
15 95-876, eff. 8-21-08.)

16 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

17 Sec. 4.02. Community Care Program. The Department shall
18 establish a program of services to prevent unnecessary
19 institutionalization of persons age 60 and older in need of
20 long term care or who are established as persons who suffer
21 from Alzheimer's disease or a related disorder under the
22 Alzheimer's Disease Assistance Act, thereby enabling them to
23 remain in their own homes or in other living arrangements. Such
24 preventive services, which may be coordinated with other
25 programs for the aged and monitored by area agencies on aging

1 in cooperation with the Department, may include, but are not
2 limited to, any or all of the following:

3 (a) (blank);

4 (b) (blank);

5 (c) home care aide services;

6 (d) personal assistant services;

7 (e) adult day services;

8 (f) home-delivered meals;

9 (g) education in self-care;

10 (h) personal care services;

11 (i) adult day health services;

12 (j) habilitation services;

13 (k) respite care;

14 (k-5) community reintegration services;

15 (k-6) flexible senior services;

16 (k-7) medication management;

17 (k-8) emergency home response;

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

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

23 The Department shall establish eligibility standards for
24 such services. ~~In taking into consideration the unique economic~~
25 ~~and social needs of the target population for whom they are to~~
26 ~~be provided. Such eligibility standards shall be based on the~~

1 ~~recipient's ability to pay for services; provided, however,~~
2 ~~that in~~ determining the amount and nature of services for which
3 a person may qualify, consideration shall not be given to the
4 value of cash, property or other assets held in the name of the
5 person's spouse pursuant to a written agreement dividing
6 marital property into equal but separate shares or pursuant to
7 a transfer of the person's interest in a home to his spouse,
8 provided that the spouse's share of the marital property is not
9 made available to the person seeking such services.

10 ~~Beginning July 1, 2002, the Department shall require as a~~
11 ~~condition of eligibility that all financially eligible~~
12 ~~applicants apply for medical assistance under Article V of the~~
13 ~~Illinois Public Aid Code in accordance with rules promulgated~~
14 ~~by the Department.~~

15 Beginning January 1, 2008, the Department shall require as
16 a condition of eligibility that all new financially eligible
17 applicants apply for and enroll in 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 (now Department of Healthcare and Family Services),
22 seek appropriate amendments under Sections 1915 and 1924 of the
23 Social Security Act. The purpose of the amendments shall be to
24 extend eligibility for home and community based services under
25 Sections 1915 and 1924 of the Social Security Act to persons
26 who transfer to or for the benefit of a spouse those amounts of

1 income and resources allowed under Section 1924 of the Social
2 Security Act. Subject to the approval of such amendments, the
3 Department shall extend the provisions of Section 5-4 of the
4 Illinois Public Aid Code to persons who, but for the provision
5 of home or community-based services, would require the level of
6 care provided in an institution, as is provided for in federal
7 law. Those persons no longer found to be eligible for receiving
8 noninstitutional services due to changes in the eligibility
9 criteria shall be given 30 ~~60~~ days notice prior to actual
10 termination. Those persons receiving notice of termination may
11 contact the Department and request the determination be
12 appealed at any time during the 30 ~~60~~ day notice period. ~~With~~
13 ~~the exception of the lengthened notice and time frame for the~~
14 ~~appeal request, the appeal process shall follow the normal~~
15 ~~procedure. In addition, each person affected regardless of the~~
16 ~~circumstances for discontinued eligibility shall be given~~
17 ~~notice and the opportunity to purchase the necessary services~~
18 ~~through the Community Care Program. If the individual does not~~
19 ~~elect to purchase services, the Department shall advise the~~
20 ~~individual of alternative services.~~ The target population
21 identified for the purposes of this Section are persons age 60
22 and older with an identified service need. Priority shall be
23 given to those who are at imminent risk of
24 institutionalization. The services shall be provided to
25 eligible persons age 60 and older to the extent that the cost
26 of the services together with the other personal maintenance

1 expenses of the persons are reasonably related to the standards
2 established for care in a group facility appropriate to the
3 person's condition. These non-institutional services, pilot
4 projects or experimental facilities may be provided as part of
5 or in addition to those authorized by federal law or those
6 funded and administered by the Department of Human Services.
7 The Departments of Human Services, Healthcare and Family
8 Services, Public Health, Veterans' Affairs, and Commerce and
9 Economic Opportunity and other appropriate agencies of State,
10 federal and local governments shall cooperate with the
11 Department on Aging in the establishment and development of the
12 non-institutional services. The Department shall require an
13 annual audit from all personal assistant and home care aide
14 vendors contracting with the Department under this Section. The
15 annual audit shall assure that each audited vendor's procedures
16 are in compliance with Department's financial reporting
17 guidelines requiring an administrative and employee wage and
18 benefits cost split as defined in administrative rules. The
19 audit is a public record under the Freedom of Information Act.
20 The Department shall execute, relative to the nursing home
21 prescreening project, written inter-agency agreements with the
22 Department of Human Services and the Department of Healthcare
23 and Family Services, to effect the following: (1) intake
24 procedures and common eligibility criteria for those persons
25 who are receiving non-institutional services; and (2) the
26 establishment and development of non-institutional services in

1 areas of the State where they are not currently available or
2 are undeveloped. On and after July 1, 1996, all nursing home
3 prescreenings for individuals 60 years of age or older shall be
4 conducted by the Department.

5 As part of the Department on Aging's routine training of
6 case managers and case manager supervisors, the Department may
7 include information on family futures planning for persons who
8 are age 60 or older and who are caregivers of their adult
9 children with developmental disabilities. The content of the
10 training shall be at the Department's discretion.

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

21 The Department, or the Department's authorized
22 representative, may ~~shall~~ recover the amount of moneys expended
23 for services provided to or in behalf of a person under this
24 Section by a claim against the person's estate or against the
25 estate of the person's surviving spouse, but no recovery may be
26 had until after the death of the surviving spouse, if any, and

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

24 The Department shall increase the effectiveness of the
25 existing Community Care Program by:

26 (1) ensuring that in-home services included in the care

1 plan are available on evenings and weekends;

2 (2) ensuring that care plans contain the services that
3 eligible participants need based on the number of days in a
4 month, not limited to specific blocks of time, as
5 identified by the comprehensive assessment tool selected
6 by the Department for use statewide, not to exceed the
7 total monthly service cost maximum allowed for each
8 service; the Department shall develop administrative rules
9 to implement this item (2);

10 (3) ensuring that the participants have the right to
11 choose the services contained in their care plan and to
12 direct how those services are provided, based on
13 administrative rules established by the Department;

14 (4) ensuring that the determination of need tool is
15 accurate in determining the participants' level of need; to
16 achieve this, the Department, in conjunction with the Older
17 Adult Services Advisory Committee, shall institute a study
18 of the relationship between the Determination of Need
19 scores, level of need, service cost maximums, and the
20 development and utilization of service plans no later than
21 May 1, 2008; findings and recommendations shall be
22 presented to the Governor and the General Assembly no later
23 than January 1, 2009; recommendations shall include all
24 needed changes to the service cost maximums schedule and
25 additional covered services;

26 (5) ensuring that homemakers can provide personal care

1 services that may or may not involve contact with clients,
2 including but not limited to:

3 (A) bathing;

4 (B) grooming;

5 (C) toileting;

6 (D) nail care;

7 (E) transferring;

8 (F) respiratory services;

9 (G) exercise; or

10 (H) positioning;

11 (6) ensuring that homemaker program vendors are not
12 restricted from hiring homemakers who are family members of
13 clients or recommended by clients; the Department may not,
14 by rule or policy, require homemakers who are family
15 members of clients or recommended by clients to accept
16 assignments in homes other than the client; and

17 (7) ensuring that the State may access maximum federal
18 matching funds by seeking approval for the Centers for
19 Medicare and Medicaid Services for modifications to the
20 State's home and community based services waiver and
21 additional waiver opportunities in order to maximize
22 federal matching funds; this shall include, but not be
23 limited to, modification that reflects all changes in the
24 Community Care Program services and all increases in the
25 services cost maximum.

26 By January 1, 2009 or as soon after the end of the Cash and

1 Counseling Demonstration Project as is practicable, the
2 Department may, based on its evaluation of the demonstration
3 project, promulgate rules concerning personal assistant
4 services, to include, but need not be limited to,
5 qualifications, employment screening, rights under fair labor
6 standards, training, fiduciary agent, and supervision
7 requirements. All applicants shall be subject to the provisions
8 of the Health Care Worker Background Check Act.

9 The Department shall develop procedures to enhance
10 availability of services on evenings, weekends, and on an
11 emergency basis to meet the respite needs of caregivers.
12 Procedures shall be developed to permit the utilization of
13 services in successive blocks of 24 hours up to the monthly
14 maximum established by the Department. Workers providing these
15 services shall be appropriately trained.

16 Beginning on the effective date of this Amendatory Act of
17 1991, no person may perform chore/housekeeping and home care
18 aide services under a program authorized by this Section unless
19 that person has been issued a certificate of pre-service to do
20 so by his or her employing agency. Information gathered to
21 effect such certification shall include (i) the person's name,
22 (ii) the date the person was hired by his or her current
23 employer, and (iii) the training, including dates and levels.
24 Persons engaged in the program authorized by this Section
25 before the effective date of this amendatory Act of 1991 shall
26 be issued a certificate of all pre- and in-service training

1 from his or her employer upon submitting the necessary
2 information. The employing agency shall be required to retain
3 records of all staff pre- and in-service training, and shall
4 provide such records to the Department upon request and upon
5 termination of the employer's contract with the Department. In
6 addition, the employing agency is responsible for the issuance
7 of certifications of in-service training completed to their
8 employees.

9 The Department is required to develop a system to ensure
10 that persons working as home care aides and personal assistants
11 receive increases in their wages when the federal minimum wage
12 is increased by requiring vendors to certify that they are
13 meeting the federal minimum wage statute for home care aides
14 and personal assistants. An employer that cannot ensure that
15 the minimum wage increase is being given to home care aides and
16 personal assistants shall be denied any increase in
17 reimbursement costs.

18 The Community Care Program Advisory Committee is created in
19 the Department on Aging. The Director shall appoint individuals
20 to serve in the Committee, who shall serve at their own
21 expense. Members of the Committee must abide by all applicable
22 ethics laws. The Committee shall advise the Department on
23 issues related to the Department's program of services to
24 prevent unnecessary institutionalization. The Committee shall
25 meet on a bi-monthly basis and shall serve to identify and
26 advise the Department on present and potential issues affecting

1 the service delivery network, the program's clients, and the
2 Department and to recommend solution strategies. Persons
3 appointed to the Committee shall be appointed on, but not
4 limited to, their own and their agency's experience with the
5 program, geographic representation, and willingness to serve.
6 The Director shall appoint members to the Committee to
7 represent provider, advocacy, policy research, and other
8 constituencies committed to the delivery of high quality home
9 and community-based services to older adults. Representatives
10 shall be appointed to ensure representation from community care
11 providers including, but not limited to, adult day service
12 providers, homemaker providers, case coordination and case
13 management units, emergency home response providers, statewide
14 trade or labor unions that represent home care aides and direct
15 care staff, area agencies on aging, adults over age 60,
16 membership organizations representing older adults, and other
17 organizational entities, providers of care, or individuals
18 with demonstrated interest and expertise in the field of home
19 and community care as determined by the Director.

20 Nominations may be presented from any agency or State
21 association with interest in the program. The Director, or his
22 or her designee, shall serve as the permanent co-chair of the
23 advisory committee. One other co-chair shall be nominated and
24 approved by the members of the committee on an annual basis.
25 Committee members' terms of appointment shall be for 4 years
26 with one-quarter of the appointees' terms expiring each year. A

1 member shall continue to serve until his or her replacement is
2 named. The Department shall fill vacancies that have a
3 remaining term of over one year, and this replacement shall
4 occur through the annual replacement of expiring terms. The
5 Director shall designate Department staff to provide technical
6 assistance and staff support to the committee. Department
7 representation shall not constitute membership of the
8 committee. All Committee papers, issues, recommendations,
9 reports, and meeting memoranda are advisory only. The Director,
10 or his or her designee, shall make a written report, as
11 requested by the Committee, regarding issues before the
12 Committee.

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

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

1 Act.

2 Those persons previously found eligible for receiving
3 non-institutional services whose services were discontinued
4 under the Emergency Budget Act of Fiscal Year 1992, and who do
5 not meet the eligibility standards in effect on or after July
6 1, 1992, shall remain ineligible on and after July 1, 1992.
7 Those persons previously not required to cost-share and who
8 were required to cost-share effective March 1, 1992, shall
9 continue to meet cost-share requirements on and after July 1,
10 1992. Beginning July 1, 1992, all clients will be required to
11 meet eligibility, cost-share, and other requirements and will
12 have services discontinued or altered when they fail to meet
13 these requirements.

14 For the purposes of this Section, "flexible senior
15 services" refers to services that require one-time or periodic
16 expenditures including, but not limited to, respite care, home
17 modification, assistive technology, housing assistance, and
18 transportation.

19 (Source: P.A. 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336,
20 eff. 7-26-05; 94-954, eff. 6-27-06; 95-298, eff. 8-20-07;
21 95-473, eff. 8-27-07; 95-565, eff. 6-1-08; 95-876, eff.
22 8-21-08.)

23 (20 ILCS 105/4.02c)

24 Sec. 4.02c. Comprehensive Care in Residential Settings
25 Demonstration Project.

1 (a) The Department may establish and fund a demonstration
2 program of bundled services designed to support the specialized
3 needs of clients currently residing in projects that were
4 formerly designated as Community Based Residential Facilities.
5 Participating projects must hold a valid license, which remains
6 unsuspended, unrevoked, and unexpired, under the provisions of
7 the Assisted Living and Shared Housing Act.

8 (b) The demonstration program must include, at a minimum:

- 9 (1) 3 meals per day;
10 (2) routine housekeeping services;
11 (3) 24-hour-a-day security;
12 (4) an emergency response system;
13 (5) personal laundry and linen service;
14 (6) assistance with activities of daily living;
15 (7) medication management; and
16 (8) money management.

17 Optional services, such as transportation and social
18 activities, may be provided.

19 (c) Reimbursement for the program shall be based on the
20 client's level of need and functional impairment, as determined
21 by the Department. Clients must meet all eligibility
22 requirements established by rule. The Department may establish
23 a capitated reimbursement mechanism based on the client's level
24 of need and functional impairment. Reimbursement for program
25 must be made to the Department-contracted provider delivering
26 the services.

1 (d) The Department shall adopt rules and provide oversight
2 for the project, with assistance and advice provided by the
3 Assisted Living and Shared Housing Advisory Board and Assisted
4 Living and Shared Housing Quality of Life Committee.

5 The project may be funded through the Department
6 appropriations that may include Medicaid waiver funds.

7 (e) ~~The~~ ~~Before January 1, 2008,~~ ~~the~~ Department, in
8 consultation with the Assisted Living and Shared Housing
9 Advisory Board, may ~~must~~ report to the General Assembly on the
10 results of the demonstration project. The report may ~~must~~
11 include, without limitation, any recommendations for changes
12 or improvements, including changes or improvements in the
13 administration of the program and an evaluation.

14 (Source: P.A. 93-775, eff. 1-1-05.)

15 (20 ILCS 105/4.11)

16 Sec. 4.11. AIDS awareness. The Department may ~~must~~ develop
17 ~~health programs and~~ materials targeted to persons 50 years of
18 age and more concerning the dangers of HIV and AIDS and
19 sexually transmitted diseases.

20 (Source: P.A. 91-106, eff. 1-1-00.)

21 (20 ILCS 105/8.05) (from Ch. 23, par. 6108.05)

22 Sec. 8.05. Alzheimer's disease grants.

23 (a) As used in this Section, unless the context requires
24 otherwise:

1 (1) "Participant" means an individual with Alzheimer's
2 disease or a disease of a related type, particularly in the
3 moderate to severe stage, whose care, needs and behavioral
4 problems make it difficult for the individual to
5 participate in existing care programs. The individual may
6 be 60 years of age or older on the presumption that he or
7 she is a prospective recipient of service under this Act.

8 (2) "Disease of a related type" means any of those
9 irreversible brain disorders which result in the symptoms
10 described in paragraph (4). This includes but is not
11 limited to multi-infarct dementia and Parkinson's disease.

12 (3) "Grantee" means any public or private nonprofit
13 agency selected by the Department to develop a care program
14 for participants under this Section.

15 (4) "Care needs" or "behavioral problems" means the
16 manifestations of symptoms which may include but are not
17 limited to memory loss, aphasia (communication disorder),
18 becoming lost or disoriented, confusion and agitation with
19 the potential for combativeness and incontinence.

20 (b) In an effort to address the needs of persons suffering
21 from Alzheimer's disease or a disease of a related type, the
22 Department may ~~shall~~ encourage the development of adult day
23 care for these persons through administration of specialized
24 Alzheimer's Day Care Resource Centers. These projects may ~~shall~~
25 be designed to identify and meet the unique needs of the
26 affected population, including the use of special evaluation

1 standards and techniques that take into consideration both the
2 physical and cognitive abilities of individual applicants or
3 recipients.

4 The Department may ~~shall~~ establish at least one urban and
5 one rural specialized Alzheimer's Day Care Resource Center.
6 Each center shall be designed so as to meet the unique needs
7 and protect the safety of each participant. Each center shall
8 be staffed by persons specially trained to work with
9 participants. Each center shall operate in concert with
10 regional ADA Centers.

11 The Department shall contract with a public or private
12 nonprofit agency or with professional persons in the fields of
13 health or social services with expertise in Alzheimer's
14 disease, a disease of a related type, or a related dementia to
15 develop a training module that includes information on the
16 symptoms and progress of the diseases and to develop
17 appropriate techniques for dealing with the psychosocial,
18 health, and physical needs of participants.

19 The training module may ~~shall~~ be developed for specialized
20 Alzheimer's Day Care Resource Centers and may ~~shall~~ be
21 available to other community based providers who serve this
22 client population. The training module shall be owned and may
23 be distributed by the Department.

24 Grants may ~~shall~~ be awarded at current rates as set by the
25 Department on Aging under Section 240.1910 of Title 89 of the
26 Illinois Administrative Code, with at least one urban and one

1 rural program for the specialized Alzheimer's Day Care Resource
2 Centers. The Department may ~~shall~~ adopt policies, priorities
3 and guidelines to carry out the purposes of this Section.

4 (c) A prospective grantee shall apply in a manner
5 prescribed by the Department and shall:

6 (1) Identify the special care needs and behavioral
7 problems of participants and design its program to meet
8 those needs.

9 (2) Demonstrate that its program has adequate and
10 appropriate staffing to meet the nursing, psychosocial and
11 recreational needs of participants.

12 (3) Provide an outline of the design of its physical
13 facilities and the safeguards which shall be used to
14 protect the participants.

15 (4) Submit a plan for assisting individuals who cannot
16 afford the entire cost of the program. This may include
17 eligibility policies, standards and criteria that are
18 unique to the needs and requirements of the population
19 being served under this Act, notwithstanding the
20 provisions of Section 4.02 and related rules and
21 regulations. This may also include but need not be limited
22 to additional funding sources to provide supplemental aid
23 and allowing family members to participate as volunteers at
24 the facility.

25 (5) Submit a plan for using volunteers and volunteer
26 aids and provide an outline for adequate training of those

1 volunteers.

2 (6) Identify potential sources of funding for its
3 facility and outline plans to seek additional funding to
4 remain solvent. This may include private donations and
5 foundation grants, Medicare reimbursement for specific
6 services and the use of adult education and public health
7 services.

8 (7) Establish family support groups.

9 (8) Encourage family members to provide transportation
10 to and from the facility for participants.

11 (9) Concentrate on participants in the moderate to
12 severe range of disability.

13 (10) Provide a noon meal to participants. The meal may
14 be provided by an organization providing meals to the
15 elderly or needy.

16 (11) Establish contact with local educational programs
17 such as nursing and gerontology programs to provide onsite
18 training to students.

19 (12) Provide services to assist family members,
20 including counseling and referral to other resources.

21 (13) Serve as a model available to service providers
22 for onsite training in the care of participants.

23 (d) The Department shall periodically ~~annually~~ report to
24 the General Assembly before December 1 on the pilot project
25 grants. The report may ~~shall~~ include but need not be limited to
26 the following:

1 (1) A description of the progress made in implementing
2 the programs.

3 (2) The number of grantees who have established
4 programs under this Section.

5 (3) The number and characteristics of participants
6 served by the programs, including but not limited to age,
7 sex, diagnosis, reason for admission, functional
8 impairment, referral source, living situation, and payment
9 source.

10 (4) An evaluation of the usefulness of the programs in
11 delaying the placement of the participants in
12 institutions, providing respite to families who care for
13 participants in the home and providing a setting for onsite
14 training in the care of participants.

15 (5) A description of findings on the appropriate level
16 and type of care required to meet the nursing and
17 psychosocial needs of the participants and appropriate
18 environmental conditions and treatment methods.

19 (Source: P.A. 87-316; 87-895.)

20 (20 ILCS 105/8.06) (from Ch. 23, par. 6108.06)

21 Sec. 8.06. The Department ~~may shall~~ develop and implement a
22 plan for the increased incorporation of local and community
23 senior citizen centers into the functions and responsibilities
24 of area agencies on aging and for the increased input of local
25 and community senior citizen centers into the Department's

1 policy making process.

2 (Source: P.A. 86-730.)

3 (20 ILCS 105/8.08)

4 Sec. 8.08. Older direct care worker recognition. The
5 Department shall present one award annually to older direct
6 care workers in each of the following categories: Older
7 American Act Services, Home Health Services, Community Care
8 Program Services, Nursing Homes, and programs that provide
9 housing with services licensed or certified by the State. The
10 Department shall solicit nominations from associations
11 representing providers of the named services or settings and
12 trade associations representing applicable direct care
13 workers. Nominations shall be presented in a format designated
14 by the Department. Direct care workers honored with this award
15 must be 55 years of age or older and shall be recognized for
16 their dedication and commitment to improving the quality of
17 aging in Illinois above and beyond the confines of their job
18 description. Award recipients shall be honored before their
19 peers at the Governor's Conference on Aging or at a similar
20 venue, shall have their pictures displayed on the Department's
21 website with their permission, and shall receive a letter of
22 commendation from the Governor. ~~The Department shall consult~~
23 ~~with the Coordinating Committee of State Agencies Serving Older~~
24 ~~Persons to determine which of the nominees shall be the~~
25 ~~recipient in each category of service provision or setting.~~ The

1 Department shall include the recipients of these awards in all
2 Senior Hall of Fame displays required by the Act on Aging.
3 Except as otherwise prohibited by law, the Department may
4 solicit private sector funding to underwrite the cost of all
5 awards and recognition materials and shall request that all
6 associations representing providers of the named services or
7 settings and trade associations applicable to direct care
8 workers publicize the awards and the award recipients in
9 communications with their members.

10 (Source: P.A. 96-376, eff. 8-13-09.)

11 (20 ILCS 105/3.04 rep.)

12 (20 ILCS 105/4.02d rep.)

13 (20 ILCS 105/4.10 rep.)

14 (20 ILCS 105/7.02 rep.)

15 (20 ILCS 105/8 rep.)

16 (20 ILCS 105/8.01 rep.)

17 (20 ILCS 105/8.02 rep.)

18 (20 ILCS 105/8.03 rep.)

19 Section 15. The Illinois Act on the Aging is amended by
20 repealing Sections 3.04, 4.02d, 4.10, 7.02, 8, 8.01, 8.02, and
21 8.03.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	20 ILCS 5/5-520	was 20 ILCS 5/6.27
4	20 ILCS 105/4.01	from Ch. 23, par. 6104.01
5	20 ILCS 105/4.02	from Ch. 23, par. 6104.02
6	20 ILCS 105/4.02c	
7	20 ILCS 105/4.11	
8	20 ILCS 105/8.05	from Ch. 23, par. 6108.05
9	20 ILCS 105/8.06	from Ch. 23, par. 6108.06
10	20 ILCS 105/8.08	
11	20 ILCS 105/3.04 rep.	
12	20 ILCS 105/4.02d rep.	
13	20 ILCS 105/4.10 rep.	
14	20 ILCS 105/7.02 rep.	
15	20 ILCS 105/8 rep.	
16	20 ILCS 105/8.01 rep.	
17	20 ILCS 105/8.02 rep.	
18	20 ILCS 105/8.03 rep.	