



Rep. Patricia R. Bellock

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LRB098 17070 KTG 57882 a

1 AMENDMENT TO HOUSE BILL 5852

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5852 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Disabled Persons Rehabilitation Act is  
5 amended by adding Section 17.1 as follows:

6 (20 ILCS 2405/17.1 new)

7 Sec. 17.1. Home Care Consumer Bill of Rights.

8 (a) Definitions. As used in this Section:

9 "Home care consumer" or "consumer" means a person aged 60  
10 or older or a person with disabilities aged 18 through 59 who  
11 receives services in his or her home or community to promote  
12 independence and reduce the necessity for residence in a  
13 long-term care facility. These services may include the  
14 following:

15 (1) Home care services provided under this Act, the  
16 Medicare program under Title XVIII of the Social Security

1 Act, the Medicaid program under Title XIX of the Social  
2 Security Act, or any other program funded by public or  
3 private moneys.

4 (2) Home care services determined to be appropriate by  
5 the Department.

6 "Home Care Consumer Bill of Rights" means, at a minimum,  
7 the rights set forth in subsections (b) through (g) and, in  
8 addition, any other rights established under subsection (h).

9 "Home care services" or "services" means home and  
10 community-based services to promote independence and reduce  
11 the necessity for residence in a long-term care facility,  
12 including personal care services designed to assist an  
13 individual in the activities of daily living such as bathing,  
14 exercising, personal grooming, and getting in and out of bed.

15 (b) Home care consumer's right to basic safety.

16 (1) A home care consumer has the right to be protected  
17 from physical, sexual, mental, and verbal abuse, neglect,  
18 and exploitation, including financial exploitation.

19 (2) A home care consumer has the right to be served by  
20 providers who are properly trained and are providing home  
21 care services within their scope of practice and the scope  
22 of their certification or licensure by the State.

23 (3) A provider of home care services shall maintain the  
24 confidentiality of all personal, financial, and medical  
25 information of the home care consumers to whom it provides  
26 services.

1           (4) A provider of home care services shall respect the  
2           personal property of the home care consumers to whom it  
3           provides services. If a consumer reports a theft or loss of  
4           personal property, the provider shall investigate and  
5           shall report back to the consumer the results of the  
6           investigation.

7           (c) Home care consumer's right to information.

8           (1) A home care consumer has the right to be informed  
9           of the following by a provider of home care services within  
10           2 weeks after starting to receive home care services:

11                   (A) His or her rights under this Section.

12                   (B) The entities the home care consumer may contact  
13           if his or her rights are violated, including the name  
14           and contact information for the Department of Human  
15           Services and the Department on Aging and other State  
16           and local agencies responsible for enforcing the Home  
17           Care Consumer Bill of Rights.

18           (2) A home care consumer has the right to:

19                   (A) be informed of (i) the cost of home care  
20           services prior to receiving those services, (ii)  
21           whether the cost of those services is covered under  
22           health insurance, long-term care insurance, or other  
23           private or public programs, and (iii) any charges the  
24           consumer will be expected to pay; and

25                   (B) be given advance notice of any changes to those  
26           costs or services.

1           (3) A home care consumer has the right to access  
2           information about the availability of the home care  
3           services provided in his or her community and has the right  
4           to choose among home care services and providers of home  
5           care services available in that community.

6           (d) Home care consumer's right to choice, participation,  
7           and self-determination.

8           (1) A home care consumer has the right to participate  
9           in the planning of his or her home care services, including  
10           making choices about aspects of his or her care and  
11           services that are important to him or her, choosing  
12           providers and schedules to the extent practicable,  
13           receiving reasonable accommodation of his or her needs and  
14           preferences, and involving anyone he or she chooses to  
15           participate with him or her in that planning.

16           (2) A home care consumer has the right to be provided  
17           with sufficient information to make informed decisions, to  
18           be fully informed in advance about any proposed changes in  
19           care and services, and to be involved in the  
20           decision-making process regarding those changes.

21           (3) A home care consumer may refuse services and has  
22           the right to receive an explanation of the consequences of  
23           doing so.

24           (e) Home care consumer's right to dignity and  
25           individuality. A home care consumer has the right to receive  
26           care and services provided in a way that promotes his or her

1 dignity and individuality.

2 (f) Home care consumer's right to redress grievances.

3 (1) A home care consumer has the right to express  
4 grievances about the quality of his or her home care  
5 services, the number of hours of service, and any  
6 violations of his or her rights under this Section. A home  
7 care consumer has the right to receive prompt responses to  
8 those concerns and to be informed about the entities the  
9 consumer may contact to state those grievances in order to  
10 have the grievances addressed in an appropriate and timely  
11 manner and without retaliation.

12 (2) A home care consumer has the right to assert his or  
13 her rights under this Section without retaliation.

14 (g) Home care consumer's right to fiduciary assistance. A  
15 home care consumer has the right to a fiduciary's assistance in  
16 securing the consumer's rights under this Section.

17 (h) Other rights. The Home Care Consumer Bill of Rights may  
18 include any other rights determined to be appropriate by the  
19 Department.

20 (i) The Department of Human Services and the Department on  
21 Aging shall develop a plan for enforcing the Home Care Consumer  
22 Bill of Rights. In developing the plan, the Departments shall  
23 establish and take into account best practices for enforcement  
24 of those rights. The Departments shall make those best  
25 practices available to the public through their official web  
26 sites. The plan shall include a description of how entities

1 with a role in protecting older adults aged 60 or older and  
2 persons with disabilities aged 18 through 59, such as home care  
3 services licensing agencies, adult protective services  
4 agencies, the Office of State Long Term Care Ombudsman, local  
5 law enforcement agencies, and other entities determined to be  
6 appropriate by the Departments, will coordinate activities to  
7 enforce the Home Care Consumer Bill of Rights.

8 Section 10. The Older Adult Services Act is amended by  
9 adding Section 40 as follows:

10 (320 ILCS 42/40 new)

11 Sec. 40. Home Care Consumer Bill of Rights.

12 (a) Definitions. As used in this Section:

13 "Home care consumer" or "consumer" means a person aged 60  
14 or older or a person with disabilities aged 18 through 59 who  
15 receives services in his or her home or community to promote  
16 independence and reduce the necessity for residence in a  
17 long-term care facility. These services may include the  
18 following:

19 (1) Home care services provided under this Act, the  
20 Medicare program under Title XVIII of the Social Security  
21 Act, the Medicaid program under Title XIX of the Social  
22 Security Act, or any other program funded by public or  
23 private moneys.

24 (2) Home care services determined to be appropriate by

1 the Department.

2 "Home Care Consumer Bill of Rights" means, at a minimum,  
3 the rights set forth in subsections (b) through (g) and, in  
4 addition, any other rights established under subsection (h).

5 "Home care services" or "services" means home and  
6 community-based services to promote independence and reduce  
7 the necessity for residence in a long-term care facility,  
8 including personal care services designed to assist an  
9 individual in the activities of daily living such as bathing,  
10 exercising, personal grooming, and getting in and out of bed.

11 (b) Home care consumer's right to basic safety.

12 (1) A home care consumer has the right to be protected  
13 from physical, sexual, mental, and verbal abuse, neglect,  
14 and exploitation, including financial exploitation.

15 (2) A home care consumer has the right to be served by  
16 providers who are properly trained and are providing home  
17 care services within their scope of practice and the scope  
18 of their certification or licensure by the State.

19 (3) A provider of home care services shall maintain the  
20 confidentiality of all personal, financial, and medical  
21 information of the home care consumers to whom it provides  
22 services.

23 (4) A provider of home care services shall respect the  
24 personal property of the home care consumers to whom it  
25 provides services. If a consumer reports a theft or loss of  
26 personal property, the provider shall investigate and

1 shall report back to the consumer the results of the  
2 investigation.

3 (c) Home care consumer's right to information.

4 (1) A home care consumer has the right to be informed  
5 of the following by a provider of home care services within  
6 2 weeks after starting to receive home care services:

7 (A) His or her rights under this Section.

8 (B) The entities the home care consumer may contact  
9 if his or her rights are violated, including the name  
10 and contact information for the Department on Aging and  
11 the Department of Human Services and other State and  
12 local agencies responsible for enforcing the Home Care  
13 Consumer Bill of Rights.

14 (2) A home care consumer has the right to:

15 (A) be informed of (i) the cost of home care  
16 services prior to receiving those services, (ii)  
17 whether the cost of those services is covered under  
18 health insurance, long-term care insurance, or other  
19 private or public programs, and (iii) any charges the  
20 consumer will be expected to pay; and

21 (B) be given advance notice of any changes to those  
22 costs or services.

23 (3) A home care consumer has the right to access  
24 information about the availability of the home care  
25 services provided in his or her community and has the right  
26 to choose among home care services and providers of home



1 care services available in that community.

2 (d) Home care consumer's right to choice, participation,  
3 and self-determination.

4 (1) A home care consumer has the right to participate  
5 in the planning of his or her home care services, including  
6 making choices about aspects of his or her care and  
7 services that are important to him or her, choosing  
8 providers and schedules to the extent practicable,  
9 receiving reasonable accommodation of his or her needs and  
10 preferences, and involving anyone he or she chooses to  
11 participate with him or her in that planning.

12 (2) A home care consumer has the right to be provided  
13 with sufficient information to make informed decisions, to  
14 be fully informed in advance about any proposed changes in  
15 care and services, and to be involved in the  
16 decision-making process regarding those changes.

17 (3) A home care consumer may refuse services and has  
18 the right to receive an explanation of the consequences of  
19 doing so.

20 (e) Home care consumer's right to dignity and  
21 individuality. A home care consumer has the right to receive  
22 care and services provided in a way that promotes his or her  
23 dignity and individuality.

24 (f) Home care consumer's right to redress grievances.

25 (1) A home care consumer has the right to express  
26 grievances about the quality of his or her home care

1 services, the number of hours of service, and any  
2 violations of his or her rights under this Section. A home  
3 care consumer has the right to receive prompt responses to  
4 those concerns and to be informed about the entities the  
5 consumer may contact to state those grievances in order to  
6 have the grievances addressed in an appropriate and timely  
7 manner and without retaliation.

8 (2) A home care consumer has the right to assert his or  
9 her rights under this Section without retaliation.

10 (g) Home care consumer's right to fiduciary assistance. A  
11 home care consumer has the right to a fiduciary's assistance in  
12 securing the consumer's rights under this Section.

13 (h) Other rights. The Home Care Consumer Bill of Rights may  
14 include any other rights determined to be appropriate by the  
15 Department.

16 (i) The Department on Aging and the Department of Human  
17 Services shall develop a plan for enforcing the Home Care  
18 Consumer Bill of Rights. In developing the plan, the  
19 Departments shall establish and take into account best  
20 practices for enforcement of those rights. The Departments  
21 shall make those best practices available to the public through  
22 their official web sites. The plan shall include a description  
23 of how entities with a role in protecting older adults aged 60  
24 or older and persons with disabilities aged 18 through 59, such  
25 as home care services licensing agencies, adult protective  
26 services agencies, the Office of State Long Term Care

1 Ombudsman, local law enforcement agencies, and other entities  
2 determined to be appropriate by the Departments, will  
3 coordinate activities to enforce the Home Care Consumer Bill of  
4 Rights.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".