

1 AN ACT in relation to disabled persons.

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 Family Caregiver Support Act.

6 Section 5. Legislative findings. The General Assembly  
7 recognizes that:

8 (1) Most care provided for functionally disabled  
9 aged adults is delivered by family members or friends who  
10 are not compensated for their services. Family  
11 involvement is a crucial element for avoiding or  
12 postponing institutionalization of the aged disabled  
13 adult.

14 (2) Family or other caregivers who provide  
15 continuous care in the home are frequently under  
16 substantial physical, psychological, and financial  
17 stress. The stress, if unrelieved by family or community  
18 support to the caregiver, may lead to premature or  
19 unnecessary nursing home placement.

20 (3) Respite care and other community-based  
21 supportive services for the caregiver and for the aged  
22 disabled adult could relieve some of the stresses,  
23 maintain and strengthen the family structure, and  
24 postpone or prevent institutionalization.

25 (4) With family and friends providing the primary  
26 care for the aged disabled adult, supplemented by  
27 community health and social services, long-term care may  
28 be less costly than if the individual were  
29 institutionalized.

30 Section 10. Legislative intent. It is the intent of the

1 General Assembly to provide a comprehensive program of  
2 long-term care information and support, including in-home and  
3 out-of-home respite care services, for family and other  
4 unpaid caregivers who provide the daily services required  
5 when caring for aged adults with functional disabilities.  
6 These family caregiver long-term care information and support  
7 services shall do the following:

8 (1) Provide information, relief, and support to  
9 family or other unpaid caregivers of aged adults with  
10 functional disabilities.

11 (2) Encourage family and other unpaid individuals  
12 to provide care for aged adults with functional  
13 disabilities at home, and thus offer a viable alternative  
14 to placement in a long-term care facility.

15 (3) Ensure that respite care is made generally  
16 available to eligible participants under the Respite  
17 Program Act.

18 (4) Be provided in the least restrictive setting  
19 available consistent with the individually assessed needs  
20 of the aged adults with functional disabilities.

21 (5) Include services appropriate to the needs of  
22 persons caring for aged individuals with dementing  
23 illnesses.

24 (6) Provide family and other unpaid caregivers with  
25 services that enable them to make informed decisions  
26 about current and future care plans, solve day-to-day  
27 caregiving problems, learn essential caregiving skills,  
28 and locate services that may strengthen their capacity to  
29 provide care.

30 Section 15. Definitions. In this Act:

31 "Adult day services" means nonmedical services to persons  
32 who live with their families, cannot be left unsupervised,  
33 and are at risk of being placed in a 24-hour care facility if

1 their families do not receive some relief from constant care.

2 "Department" means the Department on Aging.

3 "Eligible participant" means a person eligible for family  
4 caregiver long-term care information and support services  
5 under this Act who is aged or a senior citizen as defined in  
6 the Illinois Act on the Aging and who needs substantially  
7 continuous care or supervision by reason of his or her  
8 functional disability and may be at risk of placement into a  
9 long-term care facility.

10 "Eligible participant for respite care services" means a  
11 person eligible for services authorized under the Respite  
12 Program Act.

13 "Family caregiver long-term care information and support  
14 services" means providing long-term care information and  
15 support services to family and other unpaid caregivers of  
16 eligible participants with functional disabilities, including  
17 but not limited to providing the following:

18 (1) Information about available public and private  
19 long-term care support services.

20 (2) Assistance in gaining access to an array of  
21 appropriate long-term care family caregiver services.

22 (3) Promotion and implementation of support groups.

23 (4) Benefits counseling and caregiver counseling,  
24 and caregiver training to assist the unpaid caregivers in  
25 making decisions and solving challenges relating to their  
26 caregiving roles.

27 (5) Respite care services.

28 (6) Additional supportive long-term care services  
29 that may include but need not be limited to  
30 translating/interpreter services, specialized  
31 transportation, coordination of health care services,  
32 help with purchasing needed supplies, durable goods, home  
33 modifications, or equipment, and other forms of  
34 information and support necessary to maintain the unpaid

1           caregiving activity.

2           "Home modification" means reasonable modifications to the  
3 structure of a home for the purpose of reducing the  
4 caregiving burden, as approved by the Department, such as  
5 grab bars, safety devices, and wheelchair ramps, that help  
6 the functionally dependent older adult with carrying out  
7 activities of daily living.

8           "Respite care services" means services authorized under  
9 the Respite Program Act.

10          "Unpaid caregiver" means a spouse, relative, or friend  
11 who has primary responsibility for the care of an aged adult  
12 with a functional disability and who does not receive  
13 financial compensation for the care. To be eligible for  
14 respite care and for family caregiver support services, the  
15 caregiver is considered the client.

16          Section 20. Administration of Act. The Department shall  
17 administer this Act and shall establish rules and standards  
18 the Department deems necessary in administering this Act.  
19 The Department shall administer this Act in conjunction with  
20 Section 4.02 and related provisions of the Illinois Act on  
21 the Aging.

22          Section 25. Provision of services. The Department shall  
23 contract with area agencies on aging or other appropriate  
24 agencies to conduct family caregiver long-term care  
25 information and support services to the extent of available  
26 funding. The agencies' responsibilities shall include but not  
27 be limited to the following:

28                 (1) Administering a program of family caregiver  
29 long-term care information and support services.

30                 (2) Arranging for the delivery of services  
31 authorized under the Respite Program Act.

1           Section 30. Maintaining data. The area agencies on aging  
2 administering family caregiver long-term care information and  
3 support services shall maintain data that indicates demand  
4 for family caregiver long-term care information and support  
5 services.

6           Section 35. Health care practitioners and facilities not  
7 impaired. Nothing in this Act shall impair the practice of  
8 any licensed health care practitioner or licensed health care  
9 facility.

10          Section 40. Entitlement not created. Nothing in this Act  
11 creates or provides any individual with an entitlement to  
12 services or benefits. It is the General Assembly's intent  
13 that services under this Act shall be made available only to  
14 the extent of the availability and level of appropriations  
15 made by the General Assembly.

16          Section 45. National Family Caregiver Support Program.  
17 The Department shall seek and secure funding under the  
18 National Family Caregiver Support Program to supplement  
19 private or other public moneys made available or appropriated  
20 for the purposes of this Act.

21          Section 90. The Respite Program Act is amended by  
22 changing Section 8 as follows:

23           (320 ILCS 10/8) (from Ch. 23, par. 6208)

24          Sec. 8. Funding. Respite projects authorized under this  
25 Act shall be funded only to the extent of available  
26 appropriations for such purposes. The Director shall seek  
27 and obtain federal funds that may be available to finance  
28 grants awarded under Section 6 of this Act, and shall also  
29 seek and obtain other non-state resources for which the State

1 may be eligible. ~~Implementation-of-projects-under-this-Act~~  
2 ~~shall-be-contingent-upon-the-availability-of-federal~~  
3 ~~financial-participation.~~ To the extent necessary for  
4 implementation of this Act, the Department shall seek  
5 appropriate waivers of federal requirements from the U.S.  
6 Department of Health and Human Services.

7 (Source: P.A. 87-974.)