

1 AN ACT concerning preventive services.

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

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

6 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

7 Sec. 4.02. Preventive services. The Department shall
8 establish a program of services to prevent unnecessary
9 institutionalization of persons age 60 and older in need of
10 long term care or who are established as persons who suffer
11 from Alzheimer's disease or a related disorder under the
12 Alzheimer's Disease Assistance Act, thereby enabling them to
13 remain in their own homes or in other living arrangements.
14 Such preventive services, which may be coordinated with other
15 programs for the aged and monitored by area agencies on aging
16 in cooperation with the Department, may include, but are not
17 limited to, any or all of the following:

- 18 (a) home health services;
- 19 (b) home nursing services;
- 20 (c) homemaker services;
- 21 (d) chore and housekeeping services;
- 22 (e) day care services;
- 23 (f) home-delivered meals;
- 24 (g) education in self-care;
- 25 (h) personal care services;
- 26 (i) adult day health services;
- 27 (j) habilitation services;
- 28 (k) respite care;
- 29 (l) other nonmedical social services that may
30 enable the person to become self-supporting; or
- 31 (m) clearinghouse for information provided by

1 senior citizen home owners who want to rent rooms to or
2 share living space with other senior citizens.

3 The Department shall establish eligibility standards for
4 such services taking into consideration the unique economic
5 and social needs of the target population for whom they are
6 to be provided. Such eligibility standards shall be based on
7 the recipient's ability to pay for services; provided,
8 however, that in determining the amount and nature of
9 services for which a person may qualify, consideration shall
10 not be given to the value of cash, property or other assets
11 held in the name of the person's spouse pursuant to a written
12 agreement dividing marital property into equal but separate
13 shares or pursuant to a transfer of the person's interest in
14 a home to his spouse, provided that the spouse's share of the
15 marital property is not made available to the person seeking
16 such services. The Department shall, in conjunction with the
17 Department of Public Aid, seek appropriate amendments under
18 Sections 1915 and 1924 of the Social Security Act. The
19 purpose of the amendments shall be to extend eligibility for
20 home and community based services under Sections 1915 and
21 1924 of the Social Security Act to persons who transfer to or
22 for the benefit of a spouse those amounts of income and
23 resources allowed under Section 1924 of the Social Security
24 Act. Subject to the approval of such amendments, the
25 Department shall extend the provisions of Section 5-4 of the
26 Illinois Public Aid Code to persons who, but for the
27 provision of home or community-based services, would require
28 the level of care provided in an institution, as is provided
29 for in federal law. Those persons no longer found to be
30 eligible for receiving noninstitutional services due to
31 changes in the eligibility criteria shall be given 60 days
32 notice prior to actual termination. Those persons receiving
33 notice of termination may contact the Department and request
34 the determination be appealed at any time during the 60 day

1 notice period. With the exception of the lengthened notice
2 and time frame for the appeal request, the appeal process
3 shall follow the normal procedure. In addition, each person
4 affected regardless of the circumstances for discontinued
5 eligibility shall be given notice and the opportunity to
6 purchase the necessary services through the Community Care
7 Program. If the individual does not elect to purchase
8 services, the Department shall advise the individual of
9 alternative services. The target population identified for
10 the purposes of this Section are persons age 60 and older
11 with an identified service need. Priority shall be given to
12 those who are at imminent risk of institutionalization. The
13 services shall be provided to eligible persons age 60 and
14 older to the extent that the cost of the services together
15 with the other personal maintenance expenses of the persons
16 are reasonably related to the standards established for care
17 in a group facility appropriate to the person's condition.
18 These non-institutional services, pilot projects or
19 experimental facilities may be provided as part of or in
20 addition to those authorized by federal law or those funded
21 and administered by the Department of Human Services. The
22 Departments of Human Services, Public Aid, Public Health,
23 Veterans' Affairs, and Commerce and Community Affairs and
24 other appropriate agencies of State, federal and local
25 governments shall cooperate with the Department on Aging in
26 the establishment and development of the non-institutional
27 services. The Department shall require an annual audit from
28 all chore/housekeeping and homemaker vendors contracting with
29 the Department under this Section. The annual audit shall
30 assure that each audited vendor's procedures are in
31 compliance with Department's financial reporting guidelines
32 requiring a 27% administrative cost split and a 73% employee
33 wages and benefits cost split. The audit is a public record
34 under the Freedom of Information Act. The Department shall

1 execute, relative to the nursing home prescreening project,
2 written inter-agency agreements with the Department of Human
3 Services and the Department of Public Aid, to effect the
4 following: (1) intake procedures and common eligibility
5 criteria for those persons who are receiving
6 non-institutional services; and (2) the establishment and
7 development of non-institutional services in areas of the
8 State where they are not currently available or are
9 undeveloped. On and after July 1, 1996, all nursing home
10 prescreenings for individuals 60 years of age or older shall
11 be conducted by the Department.

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

22 The Department, or the Department's authorized
23 representative, shall recover the amount of moneys expended
24 for services provided to or in behalf of a person under this
25 Section by a claim against the person's estate or against the
26 estate of the person's surviving spouse, but no recovery may
27 be had until after the death of the surviving spouse, if any,
28 and then only at such time when there is no surviving child
29 who is under age 21, blind, or permanently and totally
30 disabled. This paragraph, however, shall not bar recovery,
31 at the death of the person, of moneys for services provided
32 to the person or in behalf of the person under this Section
33 to which the person was not entitled; provided that such
34 recovery shall not be enforced against any real estate while

1 it is occupied as a homestead by the surviving spouse or
2 other dependent, if no claims by other creditors have been
3 filed against the estate, or, if such claims have been filed,
4 they remain dormant for failure of prosecution or failure of
5 the claimant to compel administration of the estate for the
6 purpose of payment. This paragraph shall not bar recovery
7 from the estate of a spouse, under Sections 1915 and 1924 of
8 the Social Security Act and Section 5-4 of the Illinois
9 Public Aid Code, who precedes a person receiving services
10 under this Section in death. All moneys for services paid to
11 or in behalf of the person under this Section shall be
12 claimed for recovery from the deceased spouse's estate.
13 "Homestead", as used in this paragraph, means the dwelling
14 house and contiguous real estate occupied by a surviving
15 spouse or relative, as defined by the rules and regulations
16 of the Illinois Department of Public Aid, regardless of the
17 value of the property.

18 The Department shall develop procedures to enhance
19 availability of services on evenings, weekends, and on an
20 emergency basis to meet the respite needs of caregivers.
21 Procedures shall be developed to permit the utilization of
22 services in successive blocks of 24 hours up to the monthly
23 maximum established by the Department. Workers providing
24 these services shall be appropriately trained.

25 Beginning on the effective date of this Amendatory Act of
26 1991, no person may perform chore/housekeeping and homemaker
27 services under a program authorized by this Section unless
28 that person has been issued a certificate of pre-service to
29 do so by his or her employing agency. Information gathered
30 to effect such certification shall include (i) the person's
31 name, (ii) the date the person was hired by his or her
32 current employer, and (iii) the training, including dates and
33 levels. Persons engaged in the program authorized by this
34 Section before the effective date of this amendatory Act of

1 1991 shall be issued a certificate of all pre-service and
2 in-service training from his or her employer upon submitting
3 the necessary information. The employing agency shall be
4 required to retain records of all staff pre-service and
5 in-service training, and shall provide such records to the
6 Department upon request and upon termination of the
7 employer's contract with the Department. In addition, the
8 employing agency is responsible for the issuance of
9 certifications of in-service training completed to their
10 employees.

11 The Department is required to develop a system to ensure
12 that persons working as homemakers and chore housekeepers
13 receive increases in their wages when the federal minimum
14 wage is increased by requiring vendors to certify that they
15 are meeting the federal minimum wage statute for homemakers
16 and chore housekeepers. An employer that cannot ensure that
17 the minimum wage increase is being given to homemakers and
18 chore housekeepers shall be denied any increase in
19 reimbursement costs. Beginning July 1, 2002, the vendors
20 shall receive a rate increase of \$1.37 per hour.

21 The Department on Aging and the Department of Human
22 Services shall cooperate in the development and submission of
23 an annual report on programs and services provided under this
24 Section. Such joint report shall be filed with the Governor
25 and the General Assembly on or before September 30 each year.

26 The requirement for reporting to the General Assembly
27 shall be satisfied by filing copies of the report with the
28 Speaker, the Minority Leader and the Clerk of the House of
29 Representatives and the President, the Minority Leader and
30 the Secretary of the Senate and the Legislative Research
31 Unit, as required by Section 3.1 of the General Assembly
32 Organization Act and filing such additional copies with the
33 State Government Report Distribution Center for the General
34 Assembly as is required under paragraph (t) of Section 7 of

1 the State Library 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
5 do not meet the eligibility standards in effect on or after
6 July 1, 1992, shall remain ineligible on and after July 1,
7 1992. Those persons previously not required to cost-share
8 and who were required to cost-share effective March 1, 1992,
9 shall continue to meet cost-share requirements on and after
10 July 1, 1992. Beginning July 1, 1992, all clients will be
11 required to meet eligibility, cost-share, and other
12 requirements and will have services discontinued or altered
13 when they fail to meet these requirements.

14 (Source: P.A. 91-303, eff. 1-1-00; 91-798, eff. 7-9-00.)

15 Section 99. Effective date. This Act takes effect July
16 1, 2002.