



Rep. Anna Moeller

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LRB101 02889 KTG 56504 a

1 AMENDMENT TO HOUSE BILL 121

2 AMENDMENT NO. _____. Amend House Bill 121 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Rehabilitation of Persons with
5 Disabilities Act is amended by changing Section 3 as follows:

6 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

7 Sec. 3. Powers and duties. The Department shall have the
8 powers and duties enumerated herein:

9 (a) To co-operate with the federal government in the
10 administration of the provisions of the federal
11 Rehabilitation Act of 1973, as amended, of the Workforce
12 Innovation and Opportunity Act, and of the federal Social
13 Security Act to the extent and in the manner provided in
14 these Acts.

15 (b) To prescribe and supervise such courses of
16 vocational training and provide such other services as may

1 be necessary for the habilitation and rehabilitation of
2 persons with one or more disabilities, including the
3 administrative activities under subsection (e) of this
4 Section, and to co-operate with State and local school
5 authorities and other recognized agencies engaged in
6 habilitation, rehabilitation and comprehensive
7 rehabilitation services; and to cooperate with the
8 Department of Children and Family Services regarding the
9 care and education of children with one or more
10 disabilities.

11 (c) (Blank).

12 (d) To report in writing, to the Governor, annually on
13 or before the first day of December, and at such other
14 times and in such manner and upon such subjects as the
15 Governor may require. The annual report shall contain (1) a
16 statement of the existing condition of comprehensive
17 rehabilitation services, habilitation and rehabilitation
18 in the State; (2) a statement of suggestions and
19 recommendations with reference to the development of
20 comprehensive rehabilitation services, habilitation and
21 rehabilitation in the State; and (3) an itemized statement
22 of the amounts of money received from federal, State and
23 other sources, and of the objects and purposes to which the
24 respective items of these several amounts have been
25 devoted.

26 (e) (Blank).

1 (f) To establish a program of services to prevent the
2 unnecessary institutionalization of persons in need of
3 long term care and who meet the criteria for blindness or
4 disability as defined by the Social Security Act, thereby
5 enabling them to remain in their own homes. Such preventive
6 services include any or all of the following:

- 7 (1) personal assistant services;
- 8 (2) homemaker services;
- 9 (3) home-delivered meals;
- 10 (4) adult day care services;
- 11 (5) respite care;
- 12 (6) home modification or assistive equipment;
- 13 (7) home health services;
- 14 (8) electronic home response;
- 15 (9) brain injury behavioral/cognitive services;
- 16 (10) brain injury habilitation;
- 17 (11) brain injury pre-vocational services; or
- 18 (12) brain injury supported employment.

19 The Department shall establish eligibility standards
20 for such services taking into consideration the unique
21 economic and social needs of the population for whom they
22 are to be provided. Such eligibility standards may be based
23 on the recipient's ability to pay for services; provided,
24 however, that any portion of a person's income that is
25 equal to or less than the "protected income" level shall
26 not be considered by the Department in determining

1 eligibility. The "protected income" level shall be
2 determined by the Department, shall never be less than the
3 federal poverty standard, and shall be adjusted each year
4 to reflect changes in the Consumer Price Index For All
5 Urban Consumers as determined by the United States
6 Department of Labor. The standards must provide that a
7 person may not have more than \$10,000 in assets to be
8 eligible for the services, and the Department may increase
9 or decrease the asset limitation by rule. The Department
10 may not decrease the asset level below \$10,000.

11 The services shall be provided, as established by the
12 Department by rule, to eligible persons to prevent
13 unnecessary or premature institutionalization, to the
14 extent that the cost of the services, together with the
15 other personal maintenance expenses of the persons, are
16 reasonably related to the standards established for care in
17 a group facility appropriate to their condition. These
18 non-institutional services, pilot projects or experimental
19 facilities may be provided as part of or in addition to
20 those authorized by federal law or those funded and
21 administered by the Illinois Department on Aging. The
22 Department shall set rates and fees for services in a fair
23 and equitable manner. Services identical to those offered
24 by the Department on Aging shall be paid at the same rate.

25 Except as otherwise provided in this paragraph,
26 personal assistants shall be paid at a rate negotiated

1 between the State and an exclusive representative of
2 personal assistants under a collective bargaining
3 agreement. In no case shall the Department pay personal
4 assistants an hourly wage that is less than the federal
5 minimum wage. Within 30 days after July 6, 2017 (the
6 effective date of Public Act 100-23), the hourly wage paid
7 to personal assistants and individual maintenance home
8 health workers shall be increased by \$0.48 per hour.

9 Solely for the purposes of coverage under the Illinois
10 Public Labor Relations Act, personal assistants providing
11 services under the Department's Home Services Program
12 shall be considered to be public employees and the State of
13 Illinois shall be considered to be their employer as of
14 July 16, 2003 (the effective date of Public Act 93-204),
15 but not before. Solely for the purposes of coverage under
16 the Illinois Public Labor Relations Act, home care and home
17 health workers who function as personal assistants and
18 individual maintenance home health workers and who also
19 provide services under the Department's Home Services
20 Program shall be considered to be public employees, no
21 matter whether the State provides such services through
22 direct fee-for-service arrangements, with the assistance
23 of a managed care organization or other intermediary, or
24 otherwise, and the State of Illinois shall be considered to
25 be the employer of those persons as of January 29, 2013
26 (the effective date of Public Act 97-1158), but not before

1 except as otherwise provided under this subsection (f). The
2 State shall engage in collective bargaining with an
3 exclusive representative of home care and home health
4 workers who function as personal assistants and individual
5 maintenance home health workers working under the Home
6 Services Program concerning their terms and conditions of
7 employment that are within the State's control. Nothing in
8 this paragraph shall be understood to limit the right of
9 the persons receiving services defined in this Section to
10 hire and fire home care and home health workers who
11 function as personal assistants and individual maintenance
12 home health workers working under the Home Services Program
13 or to supervise them within the limitations set by the Home
14 Services Program. The State shall not be considered to be
15 the employer of home care and home health workers who
16 function as personal assistants and individual maintenance
17 home health workers working under the Home Services Program
18 for any purposes not specifically provided in Public Act
19 93-204 or Public Act 97-1158, including but not limited to,
20 purposes of vicarious liability in tort and purposes of
21 statutory retirement or health insurance benefits. Home
22 care and home health workers who function as personal
23 assistants and individual maintenance home health workers
24 and who also provide services under the Department's Home
25 Services Program shall not be covered by the State
26 Employees Group Insurance Act of 1971.

1 The Department shall permit personal assistants who
2 provide services under the Department's Home Services
3 Program to assist eligible persons with those necessary
4 activities of daily living that must be performed outside
5 the home, including, but not limited to: (i) assistance
6 with shopping for groceries, clothing, or other
7 necessities; and (ii) transportation or escort to a
8 doctor's office, a medical facility, a pharmacy, a
9 financial institution, or any other appropriate location.
10 The Department shall adopt any rules necessary to implement
11 this paragraph.

12 The Department shall execute, relative to nursing home
13 prescreening, as authorized by Section 4.03 of the Illinois
14 Act on the Aging, written inter-agency agreements with the
15 Department on Aging and the Department of Healthcare and
16 Family Services, to effect the intake procedures and
17 eligibility criteria for those persons who may need long
18 term care. On and after July 1, 1996, all nursing home
19 prescreenings for individuals 18 through 59 years of age
20 shall be conducted by the Department, or a designee of the
21 Department.

22 The Department is authorized to establish a system of
23 recipient cost-sharing for services provided under this
24 Section. The cost-sharing shall be based upon the
25 recipient's ability to pay for services, but in no case
26 shall the recipient's share exceed the actual cost of the

1 services provided. Protected income shall not be
2 considered by the Department in its determination of the
3 recipient's ability to pay a share of the cost of services.
4 The level of cost-sharing shall be adjusted each year to
5 reflect changes in the "protected income" level. The
6 Department shall deduct from the recipient's share of the
7 cost of services any money expended by the recipient for
8 disability-related expenses.

9 To the extent permitted under the federal Social
10 Security Act, the Department, or the Department's
11 authorized representative, may recover the amount of
12 moneys expended for services provided to or in behalf of a
13 person under this Section by a claim against the person's
14 estate or against the estate of the person's surviving
15 spouse, but no recovery may be had until after the death of
16 the surviving spouse, if any, and then only at such time
17 when there is no surviving child who is under age 21 or
18 blind or who has a permanent and total disability. This
19 paragraph, however, shall not bar recovery, at the death of
20 the person, of moneys for services provided to the person
21 or in behalf of the person under this Section to which the
22 person was not entitled; provided that such recovery shall
23 not be enforced against any real estate while it is
24 occupied as a homestead by the surviving spouse or other
25 dependent, if no claims by other creditors have been filed
26 against the estate, or, if such claims have been filed,

1 they remain dormant for failure of prosecution or failure
2 of the claimant to compel administration of the estate for
3 the purpose of payment. This paragraph shall not bar
4 recovery from the estate of a spouse, under Sections 1915
5 and 1924 of the Social Security Act and Section 5-4 of the
6 Illinois Public Aid Code, who precedes a person receiving
7 services under this Section in death. All moneys for
8 services paid to or in behalf of the person under this
9 Section shall be claimed for recovery from the deceased
10 spouse's estate. "Homestead", as used in this paragraph,
11 means the dwelling house and contiguous real estate
12 occupied by a surviving spouse or relative, as defined by
13 the rules and regulations of the Department of Healthcare
14 and Family Services, regardless of the value of the
15 property.

16 The Department shall submit an annual report on
17 programs and services provided under this Section. The
18 report shall be filed with the Governor and the General
19 Assembly on or before March 30 each year.

20 The requirement for reporting to the General Assembly
21 shall be satisfied by filing copies of the report as
22 required by Section 3.1 of the General Assembly
23 Organization Act, and filing additional copies with the
24 State Government Report Distribution Center for the
25 General Assembly as required under paragraph (t) of Section
26 7 of the State Library Act.

1 (g) To establish such subdivisions of the Department as
2 shall be desirable and assign to the various subdivisions
3 the responsibilities and duties placed upon the Department
4 by law.

5 (h) To cooperate and enter into any necessary
6 agreements with the Department of Employment Security for
7 the provision of job placement and job referral services to
8 clients of the Department, including job service
9 registration of such clients with Illinois Employment
10 Security offices and making job listings maintained by the
11 Department of Employment Security available to such
12 clients.

13 (i) To possess all powers reasonable and necessary for
14 the exercise and administration of the powers, duties and
15 responsibilities of the Department which are provided for
16 by law.

17 (j) (Blank).

18 (k) (Blank).

19 (l) To establish, operate, and maintain a Statewide
20 Housing Clearinghouse of information on available
21 government subsidized housing accessible to persons with
22 disabilities and available privately owned housing
23 accessible to persons with disabilities. The information
24 shall include, but not be limited to, the location, rental
25 requirements, access features and proximity to public
26 transportation of available housing. The Clearinghouse

1 shall consist of at least a computerized database for the
2 storage and retrieval of information and a separate or
3 shared toll free telephone number for use by those seeking
4 information from the Clearinghouse. Department offices and
5 personnel throughout the State shall also assist in the
6 operation of the Statewide Housing Clearinghouse.
7 Cooperation with local, State, and federal housing
8 managers shall be sought and extended in order to
9 frequently and promptly update the Clearinghouse's
10 information.

11 (m) To assure that the names and case records of
12 persons who received or are receiving services from the
13 Department, including persons receiving vocational
14 rehabilitation, home services, or other services, and
15 those attending one of the Department's schools or other
16 supervised facility shall be confidential and not be open
17 to the general public. Those case records and reports or
18 the information contained in those records and reports
19 shall be disclosed by the Director only to proper law
20 enforcement officials, individuals authorized by a court,
21 the General Assembly or any committee or commission of the
22 General Assembly, and other persons and for reasons as the
23 Director designates by rule. Disclosure by the Director may
24 be only in accordance with other applicable law.

25 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17;
26 100-477, eff. 9-8-17; 100-587, eff. 6-4-18; 100-863, eff.

1 8-14-18; 100-1148, eff. 12-10-18.)".