



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5307

by Rep. Greg Harris

SYNOPSIS AS INTRODUCED:

210 ILCS 135/9.1 new

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that a service provider must maintain a written record of all financial transactions, keep the recipient's funds in an account that is separate from the service provider's, and deposit any funds received in excess of \$100 in an interest-bearing account. Requires a service provider to purchase and maintain a surety bond that is greater than or equal to the sum of all of the recipients personal funds that are deposited with the service provider. Provides that a service provider shall withdraw a recipient's funds only (1) to return the funds upon the request of the recipient or the recipient's guardian, (2) to pay the recipient his or her allowance, or (3) to make any other payment authorized by the recipient or any other person entitled to authorize that payment. Requires a service provider to notify the Office of the State Guardian of the Guardianship and Advocacy Commission if an adult recipient is unable to manage his or her funds and does not have a guardian. Makes other changes. Effective immediately.

LRB098 19527 RPS 54703 b

1 AN ACT concerning regulation.

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

4 Section 5. The Community-Integrated Living Arrangements
5 Licensure and Certification Act is amended by adding Section
6 9.1 as follows:

7 (210 ILCS 135/9.1 new)

8 Sec. 9.1. Recipient's funds; protection.

9 (a) To protect a recipient's funds, a service provider:

10 (1) May accept funds from a recipient for safekeeping
11 and management if the service provider receives written
12 authorization from the recipient or the recipient's
13 guardian.

14 (2) Shall maintain a written record of all financial
15 arrangements and transactions involving each individual
16 recipient's funds and shall allow each recipient, or the
17 recipient's guardian of the estate, access to that written
18 record.

19 (3) Shall purchase and maintain a surety bond in an
20 amount equal to or greater than the sum of all of the
21 recipients' personal funds deposited with the service
22 provider to secure against loss, theft, or insolvency.

23 (4) Shall keep any funds received from a recipient in

1 an account separate from the service provider's funds for
2 safekeeping, and shall not withdraw all or any part of the
3 recipient's funds unless the service provider is (i)
4 returning the funds to the recipient upon the request of
5 the recipient or any other person entitled to make the
6 request, (ii) paying the recipient his or her allowance, or
7 (iii) making any other payment authorized by the recipient
8 or any other person entitled to make that authorization.

9 (5) Shall deposit any funds received from a recipient
10 in excess of \$100 in an interest-bearing account insured by
11 agencies of, or corporations chartered by, the State or the
12 federal government. The account shall be in a form that
13 clearly indicates that the service provider has only a
14 fiduciary interest in the funds and that any interest
15 earned on funds in the account shall accrue to the
16 recipient. The service provider may keep up to \$100 of a
17 recipient's funds in a non-interest-bearing account or
18 petty cash fund, to be readily available for the
19 recipient's current expenditures.

20 (6) Shall, upon written request of a recipient or the
21 recipient's guardian, return to the recipient or the
22 recipient's guardian all or any part of the recipient's
23 funds given to the service provider for safekeeping,
24 including the accrued interest earned on the deposits of
25 the recipient's funds.

26 (7) Shall (i) place any monthly allowance that a

1 recipient is entitled to in the recipient's personal
2 account or give the monthly allowance directly to the
3 recipient, unless the service provider has written
4 authorization from the recipient, the recipient's
5 guardian, or the recipient's parent if the recipient is a
6 minor, to handle the monthly allowance differently, (ii)
7 take all steps necessary to ensure that a monthly allowance
8 that is placed in a recipient's personal account is used
9 exclusively by the recipient or for the recipient's
10 benefit, and (iii) require any person other than the
11 recipient who withdraws funds from the recipient's
12 personal account that constitute any portion of the
13 recipient's monthly allowance to execute an affidavit that
14 the funds will be used exclusively for the benefit of the
15 recipient.

16 (8) Shall notify the Office of the State Guardian of
17 the Guardianship and Advocacy Commission if an adult
18 recipient is incapable of managing his or her funds and
19 does not have a guardian.

20 (b) Upon the death of a recipient, unless otherwise
21 provided by State law, the service provider shall provide the
22 executor or administrator of the recipient's estate with a
23 complete accounting of all the recipient's personal property,
24 including any funds of the recipient being held by the service
25 provider.

26 (c) If a recipient changes service providers, the former

1 service provider shall provide the new service provider with a
2 written verification by a certified public accountant of all
3 the recipient's money and property being transferred and shall
4 obtain a signed receipt for the money and property from the new
5 service provider upon transfer of the recipient's money and
6 property.

7 (d) If a service provider is sold, the service provider
8 shall provide the new owner with a written verification by a
9 certified public accountant of all the recipients' money and
10 property being transferred and shall obtain a signed receipt
11 for the money and property from the new owner upon transfer of
12 the recipients' money and property.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.