



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5852

by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

320 ILCS 42/40 new

Amends the Older Adult Services Act. Adds provisions creating a Home Care Consumer Bill of Rights, which includes the following rights: to basic safety; to information concerning the availability of home care services and other matters; to choice, participation, and self-determination in connection with planning home care services; to care and services provided in a way that promotes a consumer's dignity and individuality; and to redress of grievances. Requires the Department on Aging, in collaboration with the departments of Public Health and Healthcare and Family Services and other agencies, to develop a plan for enforcing the Home Care Consumer Bill of Rights. Effective immediately.

LRB098 17070 DRJ 52155 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning aging.

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

4 Section 5. The Older Adult Services Act is amended by
5 adding Section 40 as follows:

6 (320 ILCS 42/40 new)

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

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

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

14 (1) Home care services provided under this Act, the
15 Medicare program under Title XVIII of the Social Security
16 Act, the Medicaid program under Title XIX of the Social
17 Security Act, or any other program funded by public or
18 private moneys.

19 (2) Home care services determined to be appropriate by
20 the Department.

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

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

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

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

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

15 (3) A provider of home care services shall maintain the
16 confidentiality of all personal, financial, and medical
17 information of the home care consumers to whom it provides
18 services.

19 (4) A provider of home care services shall respect the
20 personal property of the home care consumers to whom it
21 provides services. If a consumer reports a theft or loss of
22 personal property, the provider shall investigate and
23 shall report back to the consumer the results of the
24 investigation.

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

26 (1) A home care consumer has the right to be informed

1 of the following by a provider of home care services within
2 2 weeks after starting to receive home care services:

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

4 (B) The entities the home care consumer may contact
5 if his or her rights are violated, including the name
6 and contact information for the Department on Aging and
7 other State and local agencies responsible for
8 enforcing the Home Care Consumer Bill of Rights.

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

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

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

18 (3) A home care consumer has the right to access to
19 information about the availability of the home care
20 services provided in his or her community and has the right
21 to choose among home care services and providers of home
22 care services available in that community.

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

25 (1) A home care consumer has the right to participate
26 in the planning of his or her home care services, including

1 making choices about aspects of his or her care and
2 services that are important to him or her, choosing
3 providers and schedules to the extent practicable,
4 receiving reasonable accommodation of his or her needs and
5 preferences, and involving anyone he or she chooses to
6 participate with him or her in that planning.

7 (2) A home care consumer has the right to be provided
8 with sufficient information to make informed decisions, to
9 be fully informed in advance about any proposed changes in
10 care and services, and to be involved in the
11 decision-making process regarding those changes.

12 (3) A home care consumer may refuse services and has
13 the right to receive an explanation of the consequences of
14 doing so.

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

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

20 (1) A home care consumer has the right to express
21 grievances about the quality of his or her home care
22 services, the number of hours of service, and any
23 violations of his or her rights under this Section. A home
24 care consumer has the right to receive prompt responses to
25 those concerns and to be informed about the entities the
26 consumer may contact to state those grievances in order to

1 have the grievances addressed in an appropriate and timely
2 manner and without retaliation.

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

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

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

11 (i) The Department shall develop a plan for enforcing the
12 Home Care Consumer Bill of Rights. In developing the plan, the
13 Department shall establish and take into account best practices
14 for enforcement of those rights. The Department shall make
15 those best practices available to the public through its
16 official web site. The plan shall include a description of how
17 entities with a role in protecting older adults, such as home
18 care services licensing agencies, adult protective services
19 agencies, the Office of State Long Term Care Ombudsman, local
20 law enforcement agencies, and other entities determined to be
21 appropriate by the Department, will coordinate activities to
22 enforce the Home Care Consumer Bill of Rights.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.