

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 Disabled Persons Rehabilitation Act is
5 amended by adding Section 17.1 as follows:

6 (20 ILCS 2405/17.1 new)

7 Sec. 17.1. Home Care Consumer Bill of Rights.

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

9 "Home care consumer" or "consumer" means a person aged 60
10 or older or a person with disabilities aged 18 through 59 who
11 receives services in his or her home or community to promote
12 independence and reduce the necessity for residence in a
13 long-term care facility. These services may include the
14 following:

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

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

22 "Home Care Consumer Bill of Rights" means, at a minimum,
23 the rights set forth in subsections (b) through (g) and, in

1 addition, any other rights established under subsection (h).

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

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

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

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

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

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

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

1 (1) A home care consumer has the right to be informed
2 of the following by a provider of home care services within
3 2 weeks after starting to receive home care services:

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) A home care consumer has the right to express
23 grievances about the quality of his or her home care
24 services, the number of hours of service, and any
25 violations of his or her rights under this Section. A home
26 care consumer has the right to receive prompt responses to

1 those concerns and to be informed about the entities the
2 consumer may contact to state those grievances in order to
3 have the grievances addressed in an appropriate and timely
4 manner and without retaliation.

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

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

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

13 (i) The Department of Human Services and the Department on
14 Aging shall develop a plan for enforcing the Home Care Consumer
15 Bill of Rights. In developing the plan, the Departments shall
16 establish and take into account best practices for enforcement
17 of those rights. The Departments shall make those best
18 practices available to the public through their official web
19 sites. The plan shall include a description of how entities
20 with a role in protecting older adults aged 60 or older and
21 persons with disabilities aged 18 through 59, such as home care
22 services licensing agencies, adult protective services
23 agencies, the Office of State Long Term Care Ombudsman, local
24 law enforcement agencies, and other entities determined to be
25 appropriate by the Departments, will coordinate activities to
26 enforce the Home Care Consumer Bill of Rights.

1 Section 10. The Older Adult Services Act is amended by
2 adding Section 40 as follows:

3 (320 ILCS 42/40 new)

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

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

6 "Home care consumer" or "consumer" means a person aged 60
7 or older or a person with disabilities aged 18 through 59 who
8 receives services in his or her home or community to promote
9 independence and reduce the necessity for residence in a
10 long-term care facility. These services may include the
11 following:

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

17 (2) Home care services determined to be appropriate by
18 the Department.

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

22 "Home care services" or "services" means home and
23 community-based services to promote independence and reduce
24 the necessity for residence in a long-term care facility,

1 including personal care services designed to assist an
2 individual in the activities of daily living such as bathing,
3 exercising, personal grooming, and getting in and out of bed.

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

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

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

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

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

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

23 (1) A home care consumer has the right to be informed
24 of the following by a provider of home care services within
25 2 weeks after starting to receive home care services:

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

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

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

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

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

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

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

23 (1) A home care consumer has the right to participate
24 in the planning of his or her home care services, including
25 making choices about aspects of his or her care and
26 services that are important to him or her, choosing

1 providers and schedules to the extent practicable,
2 receiving reasonable accommodation of his or her needs and
3 preferences, and involving anyone he or she chooses to
4 participate with him or her in that planning.

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

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

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

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

18 (1) A home care consumer has the right to express
19 grievances about the quality of his or her home care
20 services, the number of hours of service, and any
21 violations of his or her rights under this Section. A home
22 care consumer has the right to receive prompt responses to
23 those concerns and to be informed about the entities the
24 consumer may contact to state those grievances in order to
25 have the grievances addressed in an appropriate and timely
26 manner and without retaliation.

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

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

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

9 (i) The Department on Aging and the Department of Human
10 Services shall develop a plan for enforcing the Home Care
11 Consumer Bill of Rights. In developing the plan, the
12 Departments shall establish and take into account best
13 practices for enforcement of those rights. The Departments
14 shall make those best practices available to the public through
15 their official web sites. The plan shall include a description
16 of how entities with a role in protecting older adults aged 60
17 or older and persons with disabilities aged 18 through 59, such
18 as home care services licensing agencies, adult protective
19 services agencies, the Office of State Long Term Care
20 Ombudsman, local law enforcement agencies, and other entities
21 determined to be appropriate by the Departments, will
22 coordinate activities to enforce the Home Care Consumer Bill of
23 Rights.

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