

1 AN ACT concerning employment.

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

4 Section 5. The Rehabilitation of Persons with Disabilities
5 Act is amended by changing Section 17.1 as follows:

6 (20 ILCS 2405/17.1)

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 (4) A home care consumer has the right to choose a
18 provider of his or her choice and shall determine the
19 number of hours worked weekly by his or her provider,
20 subject to the monthly limit of hours in the consumer's
21 service plan. The State of Illinois and its Departments may
22 not limit the number of weekly hours worked by providers of
23 home care services.

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

1 dignity and individuality.

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

3 (1) A home care consumer has the right to express
4 grievances about the quality of his or her home care
5 services, the number of hours of service, and any
6 violations of his or her rights under this Section. A home
7 care consumer has the right to receive prompt responses to
8 those concerns and to be informed about the entities the
9 consumer may contact to state those grievances in order to
10 have the grievances addressed in an appropriate and timely
11 manner and without retaliation.

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

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

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

20 (i) The Department of Human Services and the Department on
21 Aging shall develop a plan for enforcing the Home Care Consumer
22 Bill of Rights. In developing the plan, the Departments shall
23 establish and take into account best practices for enforcement
24 of those rights. The Departments shall make those best
25 practices available to the public through their official web
26 sites. The plan shall include a description of how entities

1 with a role in protecting older adults aged 60 or older and
2 persons with disabilities aged 18 through 59, such as home care
3 services licensing agencies, adult protective services
4 agencies, the Office of State Long Term Care Ombudsman, local
5 law enforcement agencies, and other entities determined to be
6 appropriate by the Departments, will coordinate activities to
7 enforce the Home Care Consumer Bill of Rights.

8 (Source: P.A. 98-935, eff. 8-15-14.)

9 Section 99. Effective date. This Act takes effect June 1,
10 2017.