



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 261

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 261 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 17.1 as  
6 follows:

7 (20 ILCS 2405/17.1)

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

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

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

16 (1) Home care services provided under this Act, the

1 Medicare program under Title XVIII of the Social Security  
2 Act, the Medicaid program under Title XIX of the Social  
3 Security Act, or any other program funded by public or  
4 private moneys.

5 (2) Home care services determined to be appropriate by  
6 the Department.

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

10 "Home care services" or "services" means home and  
11 community-based services to promote independence and reduce  
12 the necessity for residence in a long-term care facility,  
13 including personal care services designed to assist an  
14 individual in the activities of daily living such as bathing,  
15 exercising, personal grooming, and getting in and out of bed.

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

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

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

24 (3) A provider of home care services shall maintain the  
25 confidentiality of all personal, financial, and medical  
26 information of the home care consumers to whom it provides

1 services.

2 (4) A provider of home care services shall respect the  
3 personal property of the home care consumers to whom it  
4 provides services. If a consumer reports a theft or loss of  
5 personal property, the provider shall investigate and  
6 shall report back to the consumer the results of the  
7 investigation.

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

9 (1) A home care consumer has the right to be informed  
10 of the following by a provider of home care services within  
11 2 weeks after starting to receive home care services:

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

13 (B) The entities the home care consumer may contact  
14 if his or her rights are violated, including the name  
15 and contact information for the Department of Human  
16 Services and the Department on Aging and other State  
17 and local agencies responsible for enforcing the Home  
18 Care Consumer Bill of Rights.

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

20 (A) be informed of (i) the cost of home care  
21 services prior to receiving those services, (ii)  
22 whether the cost of those services is covered under  
23 health insurance, long-term care insurance, or other  
24 private or public programs, and (iii) any charges the  
25 consumer will be expected to pay; and

26 (B) be given advance notice of any changes to those

1 costs or services.

2 (3) A home care consumer has the right to access  
3 information about the availability of the home care  
4 services provided in his or her community and has the right  
5 to choose among home care services and providers of home  
6 care services available in that community.

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

9 (1) A home care consumer has the right to participate  
10 in the planning of his or her home care services, including  
11 making choices about aspects of his or her care and  
12 services that are important to him or her, choosing  
13 providers and schedules to the extent practicable,  
14 receiving reasonable accommodation of his or her needs and  
15 preferences, and involving anyone he or she chooses to  
16 participate with him or her in that planning.

17 (2) A home care consumer has the right to be provided  
18 with sufficient information to make informed decisions, to  
19 be fully informed in advance about any proposed changes in  
20 care and services, and to be involved in the  
21 decision-making process regarding those changes.

22 (3) A home care consumer may refuse services and has  
23 the right to receive an explanation of the consequences of  
24 doing so.

25 (4) A home care consumer has the right to choose a  
26 provider of his or her choice and shall determine the

1       number of hours worked weekly by his or her provider,  
2       subject to the monthly limit of hours in the consumer's  
3       service plan. The State of Illinois and its Departments may  
4       not limit the number of weekly hours worked by providers of  
5       home care services.

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

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

11             (1) A home care consumer has the right to express  
12       grievances about the quality of his or her home care  
13       services, the number of hours of service, and any  
14       violations of his or her rights under this Section. A home  
15       care consumer has the right to receive prompt responses to  
16       those concerns and to be informed about the entities the  
17       consumer may contact to state those grievances in order to  
18       have the grievances addressed in an appropriate and timely  
19       manner and without retaliation.

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

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

25       (h) Other rights. The Home Care Consumer Bill of Rights may  
26       include any other rights determined to be appropriate by the

1 Department.

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

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

17 Section 99. Effective date. This Act takes effect June 1,  
18 2017."