



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4865

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/55.5 new
305 ILCS 5/5-5.4j new

Amends the Mental Health and Developmental Disabilities Administrative Act and the Illinois Public Aid Code. Provides that the Department of Human Services shall establish reimbursement rates that build toward livable wages for front-line personnel in residential and day programs and service coordination agencies serving persons with intellectual and developmental disabilities, including, but not limited to, intermediate care facilities for persons with developmental disabilities, community-integrated living arrangements, developmental training programs, employment, and other residential and day programs for persons with intellectual and developmental disabilities supported by State funds or funding under Title XIX of the federal Social Security Act. Provides that the Department shall increase rates and reimbursements so that direct support persons earn a base wage of not less than \$15 per hour and so that other front-line personnel earn a commensurate wage. Defines "front-line personnel". Effective immediately.

LRB100 19631 RLC 34904 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning care for persons with developmental
2 disabilities, which may be referred to as the Community
3 Disability Living Wage Act.

4 WHEREAS, An estimated 27,000 children and adults with
5 intellectual and developmental disabilities are supported in
6 community-based settings in Illinois; direct support persons
7 (DSPs), are trained paraprofessional staff that are engaged in
8 activities of daily living and community support; these
9 employees earn wages that place them and their families below
10 the poverty level; and

11 WHEREAS, According to the most recent Illinois industry
12 surveys, the average DSP wage in Illinois is \$9.35 per hour
13 which is 26% below the U.S. Department of Health and Human
14 Services poverty threshold of \$11.83 for a family of 4 and one
15 out of every four DSP jobs in provider agencies are going
16 unfilled, with 34% of DSPs working in residential programs
17 having been with the service provider for less than a year; low
18 wages often compel DSPs to work many overtime hours or hold
19 down a second job to support their families; research by the
20 American Network of Community Options and Resources (ANCOR),
21 inclusive of Illinois, reveals 56% of DSPs rely on public
22 assistance to make ends meet, creating additional expenditures
23 for State government; low wages are a consequence of the
24 historically low reimbursement rates paid by the State of
25 Illinois to community-based service providers; over the last 9

1 fiscal years, there has been no increase in State funding to
2 these agencies; by contrast, the Consumer Price Index increased
3 16% over the same period; and

4 WHEREAS, The lack of adequate wages for employees who
5 perform the challenging work of supporting persons with
6 intellectual and developmental disabilities results in high
7 employee turnover, which in turn negatively impacts the quality
8 of services provided, as described in the recent Chicago
9 Tribune series; higher wages are proven to reduce staff
10 turnover, improving stability and quality of services while
11 reducing employer training costs; and

12 WHEREAS, Rising wages in several other sectors now mean,
13 despite strenuous efforts to recruit new workers, agencies are
14 experiencing staff vacancy rates of up to 25%; excessive
15 vacancies force employers to rely more on overtime, leading to
16 staff burnout and driving up costs; for the second year in a
17 row the federal court monitor documented how this growing
18 hiring crisis impedes the ability of community disability
19 agencies to expand to accommodate persons newly approved for
20 services as part of the Ligas Consent Decree; and

21 WHEREAS, The General Assembly finds that in order to reduce
22 turnover, increase retention, fill vacancies, and ensure DSPs
23 are adequately compensated for the critically important work

1 they do, an increase in rates and reimbursements to
2 community-based service providers to effectuate an increase in
3 the hourly wage paid to DSPs is needed; and

4 WHEREAS, It is the purpose of this amendatory Act to
5 increase the wages of DSPs in community disability agencies
6 beyond the poverty level and to a level competitive with rival
7 employers, in an effort to improve the lives of DSPs and the
8 lives of the vulnerable persons they support; therefore

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

11 Section 5. The Mental Health and Developmental
12 Disabilities Administrative Act is amended by adding Section
13 55.5 as follows:

14 (20 ILCS 1705/55.5 new)

15 Sec. 55.5. Increased wages for front-line personnel. As
16 used in this Section, "front-line personnel" means direct
17 support persons, aides, front-line supervisors, qualified
18 intellectual disabilities professionals, nurses, and
19 non-administrative support staff working in service settings
20 outlined in this Section. The Department shall establish
21 reimbursement rates that build toward livable wages for
22 front-line personnel in residential and day programs and

1 service coordination agencies serving persons with
2 intellectual and developmental disabilities under Section 54
3 of this Act, including, but not limited to, intermediate care
4 facilities for persons with developmental disabilities,
5 community-integrated living arrangements, developmental
6 training programs, employment, and other residential and day
7 programs for persons with intellectual and developmental
8 disabilities supported by State funds or funding under Title
9 XIX of the federal Social Security Act. The Department shall
10 increase rates and reimbursements so that direct support
11 persons earn a base wage of not less than \$15 per hour and so
12 that other front-line personnel earn a commensurate wage.

13 Section 10. The Illinois Public Aid Code is amended by
14 adding Section 5-5.4j as follows:

15 (305 ILCS 5/5-5.4j new)

16 Sec. 5-5.4j. Increased wages for front-line personnel. As
17 used in this Section, "front-line personnel" means direct
18 support persons, aides, front-line supervisors, qualified
19 intellectual disabilities professionals, nurses, and
20 non-administrative support staff working in service settings
21 outlined in this Section. Under Section 55.5 of the Mental
22 Health and Developmental Disabilities Administrative Act, the
23 payment rate for all facilities licensed by the Department of
24 Public Health under the ID/DD Community Care Act as

1 intermediate care for the developmentally disabled facilities
2 and under the MC/DD Act as medically complex for the
3 developmentally disabled facilities shall be increased to fund
4 rates and reimbursements so that direct support persons earn a
5 base wage of not less than \$15 per hour and so that other
6 front-line personnel earn a commensurate wage.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.