



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2148

by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

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

Amends the Mental Health and Developmental Disabilities Administrative Act. 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 under the Act, including, but not limited to, intermediate care for the developmentally disabled facilities, medically complex for the developmentally disabled facilities, community-integrated living arrangements, community day services, 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 on or before July 1, 2019, the Department shall increase rates and reimbursements and on or before that date, direct support persons shall earn a base wage of not less than \$5.25 per hour above the highest applicable federal, State, county, or municipal minimum wage, and on or before that date, other front-line personnel shall earn a commensurate wage. Provides that on or before July 1, 2021, the Department shall increase rates and reimbursements and on or before that date, direct support persons shall earn a base wage of not less than \$6.75 per hour above the highest applicable federal, State, county, or municipal minimum Wage, and on or before July 1, 2021, other front-line personnel shall earn a commensurate wage. Amends the Illinois Public Aid Code to make conforming changes. Effective immediately.

LRB101 07087 RLC 52124 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; too many of  
9 these employees earn wages that place them and their families  
10 below the poverty level; and

11 WHEREAS, According to the most recent Illinois industry  
12 surveys, the average DSP wage in Illinois is below the U.S.  
13 Department of Health and Human Services poverty threshold of  
14 \$12.07 for a family of 4 and one out of every 4 DSP jobs in  
15 provider agencies are going unfilled; low wages often compel  
16 DSPs to work many overtime hours or hold down a second job to  
17 support their families; research by the American Network of  
18 Community Options and Resources (ANCOR), inclusive of  
19 Illinois, reveals 56% of DSPs rely on public assistance to make  
20 ends meet, creating additional expenditures for State  
21 government; low wages are a consequence of the historically low  
22 reimbursement rates paid by the State of Illinois to  
23 community-based service providers; a 50 cent wage increase last  
24 year was only the second increase in State funding in 10 years;  
25 the Consumer Price Index increased 18% over the same period;

1 and

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

9 WHEREAS, Rising wages in several other sectors now mean,  
10 despite the modest wage increase and strenuous efforts to  
11 recruit new workers, agencies are experiencing staff vacancy  
12 rates of up to 40%; excessive vacancies force employers to rely  
13 more on overtime, leading to staff burnout and driving up  
14 costs; for the second year in a row the federal court monitor  
15 documented how this growing hiring crisis impedes the ability  
16 of community disability agencies to expand to accommodate  
17 persons newly approved for services as part of the Ligas  
18 Consent Decree; and

19 WHEREAS, The General Assembly finds that in order to reduce  
20 turnover, increase retention, fill vacancies, and ensure DSPs  
21 are adequately compensated for the critically important work  
22 they do, an increase in rates and reimbursements to  
23 community-based service providers to effectuate an increase in

1 the hourly wage paid to DSPs is needed; and

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

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

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

12 (20 ILCS 1705/55.5 new)

13 Sec. 55.5. Increased wages for front-line personnel. In  
14 this Section, "front-line personnel" means direct support  
15 persons, aides, front-line supervisors, qualified intellectual  
16 disabilities professionals, nurses, and non-administrative  
17 support staff working in service settings as provided in this  
18 Section. The Department shall establish reimbursement rates  
19 that build toward livable wages for front-line personnel in  
20 residential and day programs and service coordination agencies  
21 serving persons with intellectual and developmental  
22 disabilities under Section 54 of this Act, including, but not

1 limited to, intermediate care for the developmentally disabled  
2 facilities, medically complex for the developmentally disabled  
3 facilities, community-integrated living arrangements,  
4 community day services, employment, and other residential and  
5 day programs for persons with intellectual and developmental  
6 disabilities supported by State funds or funding under Title  
7 XIX of the federal Social Security Act. On or before July 1,  
8 2019, the Department shall increase rates and reimbursements  
9 and on or before that date direct support persons shall earn a  
10 base wage of not less than \$5.25 per hour above the highest  
11 applicable federal, State, county, or municipal minimum wage,  
12 and on or before that date, other front-line personnel shall  
13 earn a commensurate wage. On or before July 1, 2021, the  
14 Department shall increase rates and reimbursements and on or  
15 before that date, direct support persons shall earn a base wage  
16 of not less than \$6.75 per hour above the highest applicable  
17 federal, State, county, or municipal minimum wage, and on or  
18 before July 1, 2021, other front-line personnel shall earn a  
19 commensurate wage.

20 Section 10. The Illinois Public Aid Code is amended by  
21 adding Section 5-5.4k as follows:

22 (305 ILCS 5/5-5.4k new)

23 Sec. 5-5.4k. Increased wages for front-line personnel. In  
24 this Section, "front-line personnel" means direct support

1 persons, aides, front-line supervisors, qualified intellectual  
2 disabilities professionals, nurses, and non-administrative  
3 support staff working in service settings as provided in this  
4 Section. On or before July 1, 2019, under Section 55.5 of the  
5 Mental Health and Developmental Disabilities Administrative  
6 Act, the payment rate for all facilities licensed by the  
7 Department of Public Health under the ID/DD Community Care Act  
8 as intermediate care for the developmentally disabled  
9 facilities and under the MC/DD Act as medically complex for the  
10 developmentally disabled facilities shall be increased to fund  
11 rates and reimbursements. On or before July 1, 2019 direct  
12 support persons shall earn a base wage of not less than \$5.25  
13 per hour above the highest applicable federal, State, county,  
14 or municipal minimum wages and other front-line personnel shall  
15 earn a commensurate wage. On or before July 1, 2021, the  
16 Department shall increase rates and reimbursements and on or  
17 before that date direct support persons shall earn a base wage  
18 of not less than \$6.75 per hour above the highest applicable  
19 federal, State, county, or municipal minimum wage and other  
20 front-line personnel shall earn a commensurate wage.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.