



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5536

by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1705/74

Amends the Mental Health and Developmental Disabilities Administrative Act. Requires the Department of Human Services to increase rates and reimbursements to fund a minimum of a \$0.58 per hour wage increase, for front-line personnel for services provided in the City of Chicago, and \$0.62 per hour, for front-line personnel for services provided in the rest of the State, above the wage rates published by the Department effective July 2019. Provides that the Department shall publish an annual mandatory wage chart with wage requirements for direct service personnel containing either a single statewide wage for all direct support personnel or one wage each for direct support personnel in Chicago and the rest of the State. Provides that future wage requirements shall be no less than the percent increased by the consumer price index-u. Includes compliance provisions for service providers. Defines terms.

LRB101 19317 RLC 68786 b

1 AN ACT concerning State government.

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

4 Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing Section  
6 74 as follows:

7 (20 ILCS 1705/74)

8 Sec. 74. Rates and reimbursements.

9 (a) Within 30 days after July 6, 2017 (the effective date  
10 of Public Act 100-23), the Department shall increase rates and  
11 reimbursements to fund a minimum of a \$0.75 per hour wage  
12 increase for front-line personnel, including, but not limited  
13 to, direct support persons, aides, front-line supervisors,  
14 qualified intellectual disabilities professionals, nurses, and  
15 non-administrative support staff working in community-based  
16 provider organizations serving individuals with developmental  
17 disabilities. The Department shall adopt rules, including  
18 emergency rules under subsection (y) of Section 5-45 of the  
19 Illinois Administrative Procedure Act, to implement the  
20 provisions of this Section.

21 (b) Rates and reimbursements. Within 30 days after the  
22 effective date of this amendatory Act of the 100th General  
23 Assembly, the Department shall increase rates and

1 reimbursements to fund a minimum of a \$0.50 per hour wage  
2 increase for front-line personnel, including, but not limited  
3 to, direct support persons, aides, front-line supervisors,  
4 qualified intellectual disabilities professionals, nurses, and  
5 non-administrative support staff working in community-based  
6 provider organizations serving individuals with developmental  
7 disabilities. The Department shall adopt rules, including  
8 emergency rules under subsection (bb) of Section 5-45 of the  
9 Illinois Administrative Procedure Act, to implement the  
10 provisions of this Section.

11 (c) Rates and reimbursements. Within 30 days after the  
12 effective date of this amendatory Act of the 101st General  
13 Assembly, subject to federal approval, the Department shall  
14 increase rates and reimbursements in effect on June 30, 2019  
15 for community-based providers for persons with Developmental  
16 Disabilities by 3.5% The Department shall adopt rules,  
17 including emergency rules under subsection (jj) of Section 5-45  
18 of the Illinois Administrative Procedure Act, to implement the  
19 provisions of this Section, including wage increases for direct  
20 care staff.

21 (d) Rates and reimbursements. Within 30 days after the  
22 effective date of this amendatory Act of the 101st General  
23 Assembly, the Department shall increase rates and  
24 reimbursements to fund a minimum of a \$0.58 per hour wage  
25 increase, for front-line personnel for services provided in the  
26 City of Chicago, and \$0.62 per hour, for front-line personnel

1 for services provided in the rest of the State, above the wage  
2 rates published by the Department effective July 2019. As used  
3 in this subsection, "front-line personnel" includes, but is not  
4 limited to, direct support persons, aides, front-line  
5 supervisors, qualified intellectual disabilities  
6 professionals, nurses, and non-administrative support staff  
7 working in community-based provider organizations serving  
8 individuals with developmental disabilities.

9 (e) To eliminate wage discrepancies and further stabilize  
10 the workforce, the Department shall publish an annual mandatory  
11 wage chart with wage requirements for direct service personnel.  
12 The wage chart shall contain, at a minimum, either a single  
13 statewide wage for all direct support personnel or one wage  
14 each for direct support personnel in Chicago and the rest of  
15 the State. Subsequent wage requirements published by the  
16 Department shall not be lower than those defined in subsection  
17 (d) and shall continue to increase by at least the percent  
18 increased by the consumer price index-u. As used in this  
19 paragraph, "consumer price index-u" means the index published  
20 by the Bureau of Labor Statistics of the United States  
21 Department of Labor that measures the average change in prices  
22 of goods and services purchased by all urban consumers, United  
23 States city average, all items, 1982-84 = 100.

24 Service providers shall verify their compliance with wage  
25 requirements by submitting an expenditure report to the  
26 Department. The Department may designate another party to audit

1 a service provider should the report be absent, incomplete, or  
2 give reasonable suspicion of fraud. The Department may provide  
3 a compliance action plan outlining wage fund reallocation  
4 should the audit grant evidence the provider has paid workers  
5 less than the mandated wage or similar noncompliance. Failure  
6 to abide by the action plan may result in Department sanctions,  
7 such as suspension of intake or termination of contract.

8 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
9 101-10, eff. 6-5-19.)