



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2898

Introduced 2/6/2025, by Rep. Suzanne M. Ness

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.65 new
20 ILCS 1705/74

Amends the Mental Health and Developmental Disabilities Administrative Act. Provides that, for persons with intellectual and developmental disabilities who are receiving Community Integrated Living Arrangement (CILA) residential services under the Home and Community-Based Services Waiver Program for Adults with Developmental Disabilities, beginning July 1, 2025, the Department of Human Services shall increase CILA site modification reimbursement maximums as follows: (i) a \$10,000 maximum for rented locations with a lease of less than 5 years; (ii) a \$15,000 maximum for new construction; and (iii) a \$30,000 maximum for existing structures that are owned by the CILA recipient or the CILA agency or have a long-term lease of 5 years or more with a renewal at the end of the lease. Provides that implementation of the increases is contingent upon federal approval, if required. Requires the Department to adopt rules, including emergency rules as authorized under the Illinois Administrative Procedure Act. Effective immediately.

LRB104 10115 KTG 20187 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 Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.65 as follows:

6 (5 ILCS 100/5-45.65 new)

7 Sec. 5-45.65. Emergency rulemaking; increases to CILA site
8 modification maximums. To provide for the expeditious and
9 timely implementation of the changes made to Section 74 of the
10 Mental Health and Developmental Disabilities Administrative
11 Act by this amendatory Act of the 104th General Assembly,
12 emergency rules implementing the changes made to Section 74 of
13 the Mental Health and Developmental Disabilities
14 Administrative Act may be adopted in accordance with Section
15 5-45 by the Department of Human Services. The adoption of
16 emergency rules authorized by Section 5-45 and this Section is
17 deemed to be necessary for the public interest, safety, and
18 welfare.

19 This Section is repealed one year after the effective date
20 of this amendatory Act of the 104th General Assembly.

21 Section 10. The Mental Health and Developmental
22 Disabilities Administrative Act is amended by changing Section

1 74 as follows:

2 (20 ILCS 1705/74)

3 Sec. 74. Rates and reimbursements.

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

16 (b) Rates and reimbursements. Within 30 days after June 4,
17 2018 (the effective date of Public Act 100-587), the
18 Department shall increase rates and reimbursements to fund a
19 minimum of a \$0.50 per hour wage increase for front-line
20 personnel, including, but not limited to, direct support
21 professionals, aides, front-line supervisors, qualified
22 intellectual disabilities professionals, nurses, and
23 non-administrative support staff working in community-based
24 provider organizations serving individuals with developmental
25 disabilities. The Department shall adopt rules, including

1 emergency rules under subsection (bb) of Section 5-45 of the
2 Illinois Administrative Procedure Act, to implement the
3 provisions of this Section.

4 (c) Rates and reimbursements. Within 30 days after June 5,
5 2019 (the effective date of Public Act 101-10), subject to
6 federal approval, the Department shall increase rates and
7 reimbursements in effect on June 30, 2019 for community-based
8 providers for persons with Developmental Disabilities by 3.5%
9 The Department shall adopt rules, including emergency rules
10 under subsection (jj) of Section 5-45 of the Illinois
11 Administrative Procedure Act, to implement the provisions of
12 this Section, including wage increases for direct care staff.

13 (d) For community-based providers serving persons with
14 intellectual/developmental disabilities, subject to federal
15 approval of any relevant Waiver Amendment, the rates taking
16 effect for services delivered on or after January 1, 2022,
17 shall include an increase in the rate methodology sufficient
18 to provide a \$1.50 per hour wage increase for direct support
19 professionals in residential settings and sufficient to
20 provide wages for all residential non-executive direct care
21 staff, excluding direct support professionals, at the federal
22 Department of Labor, Bureau of Labor Statistics' average wage
23 as defined in rule by the Department.

24 The establishment of and any changes to the rate
25 methodologies for community-based services provided to persons
26 with intellectual/developmental disabilities are subject to

1 federal approval of any relevant Waiver Amendment and shall be
2 defined in rule by the Department. The Department shall adopt
3 rules, including emergency rules as authorized by Section 5-45
4 of the Illinois Administrative Procedure Act, to implement the
5 provisions of this subsection (d).

6 (e) For community-based providers serving persons with
7 intellectual/developmental disabilities, subject to federal
8 approval of any relevant Waiver Amendment, the rates taking
9 effect for services delivered on or after January 1, 2023,
10 shall include an increase in the rate methodology sufficient
11 to provide a \$1.00 per hour wage increase for all direct
12 support professionals and all other frontline personnel who
13 are not subject to the Bureau of Labor Statistics' average
14 wage increases, who work in residential and community day
15 services settings, with at least \$0.50 of those funds to be
16 provided as a direct increase to base wages, with the
17 remaining \$0.50 to be used flexibly for base wage increases.
18 In addition, the rates taking effect for services delivered on
19 or after January 1, 2023 shall include an increase sufficient
20 to provide wages for all residential non-executive direct care
21 staff, excluding direct support professionals, at the federal
22 Department of Labor, Bureau of Labor Statistics' average wage
23 as defined in rule by the Department.

24 The establishment of and any changes to the rate
25 methodologies for community-based services provided to persons
26 with intellectual/developmental disabilities are subject to

1 federal approval of any relevant Waiver Amendment and shall be
2 defined in rule by the Department. The Department shall adopt
3 rules, including emergency rules as authorized by Section 5-45
4 of the Illinois Administrative Procedure Act, to implement the
5 provisions of this subsection.

6 (f) For community-based providers serving persons with
7 intellectual/developmental disabilities, subject to federal
8 approval of any relevant Waiver Amendment, the rates taking
9 effect for services delivered on or after January 1, 2024
10 shall include an increase in the rate methodology sufficient
11 to provide a \$2.50 per hour wage increase for all direct
12 support professionals and all other frontline personnel who
13 are not subject to the Bureau of Labor Statistics' average
14 wage increases and who work in residential and community day
15 services settings. At least \$1.25 of the per hour wage
16 increase shall be provided as a direct increase to base wages,
17 and the remaining \$1.25 of the per hour wage increase shall be
18 used flexibly for base wage increases. In addition, the rates
19 taking effect for services delivered on or after January 1,
20 2024 shall include an increase sufficient to provide wages for
21 all residential non-executive direct care staff, excluding
22 direct support professionals, at the federal Department of
23 Labor, Bureau of Labor Statistics' average wage as defined in
24 rule by the Department.

25 The establishment of and any changes to the rate
26 methodologies for community-based services provided to persons

1 with intellectual/developmental disabilities are subject to
2 federal approval of any relevant Waiver Amendment and shall be
3 defined in rule by the Department. The Department shall adopt
4 rules, including emergency rules as authorized by Section 5-45
5 of the Illinois Administrative Procedure Act, to implement the
6 provisions of this subsection.

7 (g) For community-based providers serving persons with
8 intellectual or developmental disabilities, subject to federal
9 approval of any relevant Waiver Amendment, the rates taking
10 effect for services delivered on or after January 1, 2025
11 shall include an increase in the rate methodology sufficient
12 to provide a \$1 per hour wage rate increase for all direct
13 support personnel and all other frontline personnel who are
14 not subject to the Bureau of Labor Statistics' average wage
15 increases and who work in residential and community day
16 services settings, with at least \$0.75 of those funds to be
17 provided as a direct increase to base wages and the remaining
18 \$0.25 to be used flexibly for base wage increases. These
19 increases shall not be used by community-based providers for
20 operational or administrative expenses. In addition, the rates
21 taking effect for services delivered on or after January 1,
22 2025 shall include an increase sufficient to provide wages for
23 all residential non-executive direct care staff, excluding
24 direct support personnel, at the federal Department of Labor,
25 Bureau of Labor Statistics' average wage as defined by rule by
26 the Department. For services delivered on or after January 1,

1 2025, the rates shall include adjustments to
2 employment-related expenses as defined by rule by the
3 Department.

4 The establishment of and any changes to the rate
5 methodologies for community-based services provided to persons
6 with intellectual or developmental disabilities are subject to
7 federal approval of any relevant Waiver Amendment and shall be
8 defined in rule by the Department. The Department shall adopt
9 rules, including emergency rules as authorized by Section 5-45
10 of the Illinois Administrative Procedure Act, to implement the
11 provisions of this subsection.

12 (h) Notwithstanding any other provision of this Section,
13 for persons with intellectual and developmental disabilities
14 who are receiving Community Integrated Living Arrangement
15 (CILA) residential services under the Home and Community-Based
16 Services Waiver Program for Adults with Developmental
17 Disabilities, beginning July 1, 2025, the Department of Human
18 Services shall increase CILA site modification maximums as
19 follows:

20 (1) rented locations with a lease of less than 5 years
21 shall have a \$10,000 maximum reimbursement;

22 (2) new construction shall have a \$15,000 maximum
23 reimbursement; and

24 (3) existing structures that are owned by the person or
25 CILA agency or have a long-term lease of 5 years or greater
26 with a renewal at the end of the lease shall have a \$30,000

1 maximum.

2 Implementation of the increases is contingent upon federal
3 approval, if required. The Department shall adopt rules,
4 including emergency rules as authorized by Section 5-45 of the
5 Illinois Administrative Procedure Act to implement the
6 provisions of this Section.

7 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;
8 102-830, eff. 1-1-23; 103-8, eff. 6-7-23; 103-154, eff.
9 6-30-23; 103-588, eff. 6-5-24.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.