



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5074

Introduced 2/18/2020, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.1 new
20 ILCS 1705/55.5 new
305 ILCS 5/5-5.4i

Amends the Mental Health and Developmental Disabilities Administrative Act and the Illinois Public Aid Code. Provides that within 30 days after the effective date of the amendatory Act, the Department of Human Services and the Department of Healthcare and Family Services (Departments) shall increase by 20% rates and reimbursements in effect on June 30, 2020 for community-based providers of services for persons with developmental disabilities and for ID/DD facilities and MC/DD facilities. Requires community-based providers, ID/DD facilities, and MC/DD facilities to use at least 75% of the amount of the rate increase to increase the wages and benefits paid to their staff. Requires the Departments to ensure wage rate components are at least 145% of the statewide, regional, or local minimum wage rate, whichever is higher, as determined by the Departments. Requires community-based providers of services for persons with developmental disabilities, ID/DD facilities, and MC/DD facilities to certify compliance with the provisions of the amendatory Act in a form and manner prescribed by the Departments. Requires the Departments to adopt emergency rules to implement the provisions of the amendatory Act. Amends the Illinois Administrative Procedure Act. Grants the Departments emergency rulemaking authority. Effective immediately.

LRB101 20678 KTG 70342 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 WHEREAS, The They Deserve More Coalition represents 88
3 organizations, including community providers, statewide
4 advocacy associations, labor organizations, and people with
5 intellectual and developmental disabilities, their families,
6 and their caregivers; and

7 WHEREAS, Over 60% of the provider organizations
8 represented by the They Deserve More Coalition operate
9 community-integrated living arrangements and community care
10 programs for persons with intellectual and developmental
11 disabilities, as well as facilities licensed by the Department
12 of Public Health under the ID/DD Community Care Act as ID/DD
13 facilities and under the MC/DD Act as MC/DD facilities; and

14 WHEREAS, The They Deserve More Coalition came together to
15 advocate for a direct support persons wage increase for the
16 first time in 11 years for State Fiscal Year 2018; and

17 WHEREAS, The wage increases of \$.75 and \$.50 for State
18 Fiscal Years 2018 and 2019, respectively, along with a 3.5%
19 rate increase in State Fiscal Year 2020 have shown the
20 commitment of the Department of Human Services' Division of
21 Developmental Disabilities to stabilize the community provider
22 system; and

1 WHEREAS, The They Deserve More Coalition continues its
2 advocacy in requesting, for State Fiscal Year 2021, a 20%
3 appropriation increase in the overall rates for community
4 providers of services for persons with intellectual and
5 developmental disabilities, as well as a 20% appropriation
6 increase in overall rates for facilities licensed by the
7 Department of Public Health under the ID/DD Community Care Act
8 as ID/DD facilities and under the MC/DD Act as MC/DD
9 facilities; and

10 WHEREAS, A 20% increase in overall rates for community
11 providers and facilities that serve persons with intellectual
12 and developmental disabilities is estimated to add
13 \$266,275,700 to the State Fiscal Year 2021 budget; and

14 WHEREAS, A 20% increase in overall rates is needed so that
15 community providers and facilities can: (i) address workforce
16 issues, including minimum wage mandates; (ii) provide access to
17 community-based services not only for those persons who are
18 currently served, but also for those persons who are being
19 released from the Prioritization for Urgency of Need for
20 Services (PUNS) waiting list; and (iii) ensure compliance with
21 the Ligas Consent Decree; and

22 WHEREAS, Another goal is to stabilize the community
23 provider system in order to map out capacity growth and reduce

1 the PUNS waiting list moving forward, as well as to ensure that
2 rate increases for community providers are flexible and based
3 on regional minimum wage mandates; therefore

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

6 Section 5. The Illinois Administrative Procedure Act is
7 amended by adding Section 5-45.1 as follows:

8 (5 ILCS 100/5-45.1 new)

9 Sec. 5-45.1. Emergency rulemaking; Departments of Human
10 Services and Healthcare and Family Services. To provide for the
11 expeditious and timely implementation of changes made by this
12 amendatory Act of the 101st General Assembly to Section 55.5 of
13 the Mental Health and Developmental Disabilities
14 Administrative Act and subsections (d) and (e) of Section
15 5-5.4i of the Illinois Public Aid Code, emergency rules may be
16 adopted in accordance with Section 5-45 by the respective
17 Department. The adoption of emergency rules authorized by
18 Section 5-45 and this Section is deemed to be necessary for the
19 public interest, safety, and welfare.

20 This Section is repealed on January 1, 2026.

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

1 55.5 as follows:

2 (20 ILCS 1705/55.5 new)

3 Sec. 55.5. Investing in ID/DD services and supports.

4 (a) Subject to federal approval, within 30 days after the
5 effective date of this amendatory Act of the 101st General
6 Assembly, the Department shall increase by 20% rates and
7 reimbursements in effect on June 30, 2020 for community-based
8 providers of services for persons with developmental
9 disabilities. The Department shall adopt rules, including
10 emergency rules in accordance with the Illinois Administrative
11 Procedure Act, to implement the provisions of this Section.

12 (b) Community-based providers shall use at least 75% of the
13 amount of the increase described in subsection (a) to increase
14 the wages and benefits paid to staff employed by the
15 community-based providers.

16 (c) The Department shall ensure wage rate components are at
17 least 145% of the statewide, regional, or local minimum wage
18 rate, whichever is higher, as determined by the Department.

19 (d) Community-based providers shall certify compliance
20 with subsection (b) in a form and manner prescribed by the
21 Department.

22 Section 15. The Illinois Public Aid Code is amended by
23 changing Section 5-5.4i as follows:

1 (305 ILCS 5/5-5.4i)

2 Sec. 5-5.4i. Rates and reimbursements.

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

15 (b) Within 30 days after June 4, 2018 (the effective date
16 of Public Act 100-587), the Department shall increase rates and
17 reimbursements to fund a minimum of a \$0.50 per hour wage
18 increase for front-line personnel, including, but not limited
19 to, direct support persons, aides, front-line supervisors,
20 qualified intellectual disabilities professionals, nurses, and
21 non-administrative support staff working in community-based
22 provider organizations serving individuals with developmental
23 disabilities. The Department shall adopt rules, including
24 emergency rules under subsection (bb) of Section 5-45 of the
25 Illinois Administrative Procedure Act, to implement the
26 provisions of this Section.

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

10 (d) Subject to federal approval, within 30 days after the
11 effective date of this amendatory Act of the 101st General
12 Assembly, the Department shall increase by 20% rates and
13 reimbursements in effect on June 30, 2020 for community-based
14 providers of services for persons with developmental
15 disabilities. The Department shall adopt rules, including
16 emergency rules in accordance with the Illinois Administrative
17 Procedure Act, to implement the provisions of this subsection.

18 (1) Community-based providers shall use at least 75% of
19 the amount of the increase described in subsection (d) to
20 increase the wages and benefits paid to staff employed by
21 the community-based providers.

22 (2) The Department shall ensure wage rate components
23 are at least 145% of the statewide, regional, or local
24 minimum wage rate, whichever is higher, as determined by
25 the Department.

26 (3) Community-based providers shall certify compliance

1 with paragraph (1) in a form and manner prescribed by the
2 Department of Human Services.

3 (e) Subject to federal approval, for facilities licensed by
4 the Department of Public Health under the ID/DD Community Care
5 Act as ID/DD facilities and under the MC/DD Act as MC/DD
6 facilities, the rates taking effect for services delivered on
7 and after August 1, 2020 shall be increased by 20% over the
8 rates in effect on June 30, 2020. The Department shall adopt
9 rules, including emergency rules in accordance with the
10 Illinois Administrative Procedure Act, to implement the
11 provisions of this subsection.

12 (1) ID/DD facilities and MC/DD facilities shall use at
13 least 75% of the amount of the increase described in
14 subsection (e) to increase the wages and benefits paid to
15 staff employed by the facilities.

16 (2) The Department shall ensure wage rate components
17 are at least 145% of the applicable statewide, City of
18 Chicago, or Cook County minimum wage rate, whichever is
19 higher, as determined by the Department.

20 (3) ID/DD facilities and MC/DD facilities shall
21 certify compliance with paragraph (1) in a form and manner
22 prescribed by the Department of Human Services.

23 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
24 101-10, eff. 6-5-19.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.