

SB3156



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3156

Introduced 1/12/2022, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/4.4
20 ILCS 1705/74

Amends the Mental Health and Developmental Disabilities Administrative Act. Changes references from "direct support person" to "direct support professional". Provides that the direct support professional credential pilot program shall be administered by the Division of Developmental Disabilities of the Department of Human Services or a Division partner. Provides that the Program shall begin in Fiscal Year 2024.

LRB102 23246 RLC 32411 b

A BILL FOR

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
6 Sections 4.4 and 74 as follows:

7 (20 ILCS 1705/4.4)

8 Sec. 4.4. Direct support professional ~~person~~ credential
9 pilot program.

10 (a) In this Section, "direct support person credential"
11 means a document issued to an individual by a recognized
12 accrediting body attesting that the individual has met the
13 professional requirements of the credentialing program by the
14 Division of Developmental Disabilities of the Department of
15 Human Services.

16 (b) The Division or a Division partner shall initiate a
17 program to continue to gain the expertise and knowledge of the
18 developmental disabilities workforce and of the developmental
19 disabilities workforce recruitment and retention needs
20 throughout the developmental disabilities field. The Division
21 shall implement a direct support professional ~~person~~
22 credential pilot program to assist and attract persons into
23 the field of direct support, advance direct support as a

1 career, and professionalize the field to promote workforce
2 recruitment and retention efforts, advanced skills and
3 competencies, and further ensure the health, safety, and
4 well-being of persons being served.

5 (c) The direct support professional ~~person~~ credential
6 pilot program is created within the Division to assist persons
7 in the field of developmental disabilities in obtaining a
8 credential in their fields of expertise.

9 (d) The pilot program shall be administered by the
10 Division for 3 years , beginning in Fiscal Year 2024. The pilot
11 program shall include providers licensed and certified by the
12 Division or by the Department of Public Health. The purpose of
13 the pilot program is to assess how the establishment of a
14 State-administered ~~State-accredited~~ direct support
15 professional ~~person~~ credential:

16 (1) promotes recruitment and retention efforts in the
17 developmental disabilities field, notably the direct
18 support professional ~~person~~ position;

19 (2) enhances competence in the developmental
20 disabilities field;

21 (3) yields quality supports and services to persons
22 with developmental disabilities; and

23 (4) advances the health and safety requirements set
24 forth by the State.

25 (e) The Division or a Division partner, in administering
26 the pilot program, shall consider, but not be limited to, the

1 following:

2 (1) best practices learning initiatives, including the
3 University of Minnesota's college of direct support and
4 all Illinois Department of Human Services-approved direct
5 support professional ~~person~~ competencies;

6 (2) national direct support professional ~~and person~~
7 competencies or credentialing-based standards and
8 trainings;

9 (3) facilitating direct support professional's
10 ~~person's~~ portfolio development;

11 (4) the role and value of skill mentors; and

12 (5) creating a career ladder.

13 (f) The Division shall produce a report detailing the
14 progress of the pilot program, including, but not limited to:

15 (1) the rate of recruitment and retention for direct
16 support professionals ~~persons~~ of providers participating
17 in the pilot program compared to the rate for
18 non-participating providers;

19 (2) the number of direct support professional ~~persons~~
20 credentialed; and

21 (3) the enhancement of quality supports and services
22 to persons with developmental disabilities.

23 (Source: P.A. 100-754, eff. 8-10-18; 101-81, eff. 7-12-19.)

24 (20 ILCS 1705/74)

25 Sec. 74. Rates and reimbursements.

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

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

26 (c) Rates and reimbursements. Within 30 days after the

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

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

21 The establishment of and any changes to the rate
22 methodologies for community-based services provided to persons
23 with intellectual/developmental disabilities are subject to
24 federal approval of any relevant Waiver Amendment and shall be
25 defined in rule by the Department. The Department shall adopt
26 rules, including emergency rules as authorized by Section 5-45

1 of the Illinois Administrative Procedure Act, to implement the
2 provisions of this subsection (d).

3 (Source: P.A. 101-10, eff. 6-5-19; 102-16, eff. 6-17-21.)