



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3764

Introduced 2/9/2024, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.55 new
20 ILCS 1705/74

Amends the Mental Health and Developmental Disabilities Administrative Act. Provides that, for community-based providers serving persons with intellectual/developmental disabilities, subject to federal approval of any relevant Waiver Amendment, the rates taking effect for services delivered on or after January 1, 2025 shall include an increase in the rate methodology sufficient to provide a \$3 per hour wage rate increase for all direct support personnel and all other frontline personnel who are not subject to the Bureau of Labor Statistics' average wage increases and who work in residential and community day services settings, with at least \$1.50 of those funds to be provided as a direct increase to base wages and the remaining \$1.50 to be used flexibly for base wage increases. Provides that the rates taking effect for services delivered on or after January 1, 2025 shall include an increase sufficient to provide wages for all residential non-executive direct care staff, excluding direct support personnel, at the federal Department of Labor, Bureau of Labor Statistics' average wage as defined by rule by the Department of Human Services. Provides that for facilities licensed by the Department of Public Health under the ID/DD Community Care Act as ID/DD facilities and under the MC/DD Act as MC/DD facilities, subject to federal approval of a State Plan Amendment, the rates taking effect for services delivered on or after January 1, 2025, shall include a \$3 per hour wage rate increase for all direct support personnel and all other frontline personnel who are not subject to the Bureau of Labor Statistics' average wage increases and who work in residential and community day services settings, with at least \$1.50 of those funds to be provided as a direct increase to all aide base wages and the remaining \$1.50 to be used flexibly for base wage increases to the rate methodology for aides. Provides that for residential services delivered on or after January 1, 2025, the rates shall include an increase sufficient to provide wages for all residential non-executive direct care staff, excluding aides, at the federal Department of Labor, Bureau of Labor Statistics' average wage as determined by the Department. Requires the Department to adopt rules, including emergency rules, to implement the amendatory Act.

LRB103 38213 KTG 68347 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 1. The Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.55 as follows:

6 (5 ILCS 100/5-45.55 new)

7 Sec. 5-45.55. Emergency rulemaking; rate increase for
8 direct support personnel and all frontline personnel. To
9 provide for the expeditious and timely implementation of the
10 changes made to Section 74 of the Mental Health and
11 Developmental Disabilities Administrative Act by this
12 amendatory Act of the 103rd General Assembly, emergency rules
13 implementing the those changes made to Section 74 of the
14 Mental Health and Developmental Disabilities Administrative
15 Act by this amendatory Act of the 103rd General Assembly may be
16 adopted in accordance with Section 5-45 by the Department of
17 Human Services. 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 one year after the effective date
21 of this amendatory Act of the 103rd General Assembly.

22 Section 5. The Mental Health and Developmental

1 Disabilities Administrative Act is amended by changing Section
2 74 as follows:

3 (20 ILCS 1705/74)

4 Sec. 74. Rates and reimbursements.

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

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

1 disabilities. The Department shall adopt rules, including
2 emergency rules under subsection (bb) of Section 5-45 of the
3 Illinois Administrative Procedure Act, to implement the
4 provisions of this Section.

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

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

7 (e) For community-based providers serving persons with
8 intellectual/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, 2023,
11 shall include an increase in the rate methodology sufficient
12 to provide a \$1.00 per hour wage increase for all direct
13 support professionals and all other frontline personnel who
14 are not subject to the Bureau of Labor Statistics' average
15 wage increases, who work in residential and community day
16 services settings, with at least \$0.50 of those funds to be
17 provided as a direct increase to base wages, with the
18 remaining \$0.50 to be used flexibly for base wage increases.
19 In addition, the rates taking effect for services delivered on
20 or after January 1, 2023 shall include an increase sufficient
21 to provide wages for all residential non-executive direct care
22 staff, excluding direct support professionals, at the federal
23 Department of Labor, Bureau of Labor Statistics' average wage
24 as defined in 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 (f) For community-based providers serving persons with
8 intellectual/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, 2024
11 shall include an increase in the rate methodology sufficient
12 to provide a \$2.50 per hour wage increase for all direct
13 support professionals and all other frontline personnel who
14 are not subject to the Bureau of Labor Statistics' average
15 wage increases and who work in residential and community day
16 services settings. At least \$1.25 of the per hour wage
17 increase shall be provided as a direct increase to base wages,
18 and the remaining \$1.25 of the per hour wage increase shall be
19 used flexibly for base wage increases. In addition, the rates
20 taking effect for services delivered on or after January 1,
21 2024 shall include an increase sufficient to provide wages for
22 all residential non-executive direct care staff, excluding
23 direct support professionals, at the federal Department of
24 Labor, Bureau of Labor Statistics' average wage as defined in
25 rule by the Department.

26 The establishment of and any changes to the rate

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

8 (g) For community-based providers serving persons with
9 intellectual/developmental disabilities, subject to federal
10 approval of any relevant Waiver Amendment, the rates taking
11 effect for services delivered on or after January 1, 2025
12 shall include an increase in the rate methodology sufficient
13 to provide a \$3 per hour wage rate increase for all direct
14 support personnel and all other frontline personnel who are
15 not subject to the Bureau of Labor Statistics' average wage
16 increases and who work in residential and community day
17 services settings, with at least \$1.50 of those funds to be
18 provided as a direct increase to base wages and the remaining
19 \$1.50 to be used flexibly for base wage increases. In
20 addition, the rates taking effect for services delivered on or
21 after January 1, 2025 shall include an increase sufficient to
22 provide wages for all residential non-executive direct care
23 staff, excluding direct support personnel, at the federal
24 Department of Labor, Bureau of Labor Statistics' average wage
25 as defined by rule by the Department. For services delivered
26 on or after January 1, 2025, the rates shall include

1 adjustments to employment-related expenses as defined by rule
2 by the Department.

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

11 (h) For facilities licensed by the Department of Public
12 Health under the ID/DD Community Care Act as ID/DD facilities
13 and under the MC/DD Act as MC/DD facilities, subject to
14 federal approval of a State Plan Amendment, the rates taking
15 effect for services delivered on or after January 1, 2025
16 shall include a \$3 per hour wage rate increase for all direct
17 support personnel and all other frontline personnel who are
18 not subject to the Bureau of Labor Statistics' average wage
19 increases and who work in residential and community day
20 services settings, with at least \$1.50 of those funds to be
21 provided as a direct increase to all aide base wages and the
22 remaining \$1.50 to be used flexibly for base wage increases to
23 the rate methodology for aides. In addition, for residential
24 services delivered on or after January 1, 2025, the rates
25 shall include an increase sufficient to provide wages for all
26 residential non-executive direct care staff, excluding aides,

1 at the federal Department of Labor, Bureau of Labor
2 Statistics' average wage as determined by the Department.
3 Also, for services delivered on or after January 1, 2025, the
4 rates shall include adjustments to employment-related expenses
5 as defined by rule by the Department. The Department shall
6 adopt rules, including emergency rules as authorized by
7 Section 5-45 of the Illinois Administrative Procedure Act, to
8 implement the provisions of this Section.

9 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;
10 102-830, eff. 1-1-23; 103-8, eff. 6-7-23; 103-154, eff.
11 6-30-23.)