



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3696

Introduced 2/10/2017, by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

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

Amends the Mental Health and Developmental Disabilities Administrative Act. Requires the Department of Human Services to establish reimbursement rates that build toward livable wages for front-line personnel in residential and day programs and service coordination agencies that serve persons with intellectual and developmental disabilities, including, but not limited to, intermediate care facilities for persons with developmental disabilities, community-integrated living arrangements, developmental training and employment programs, and other residential and day programs for persons with intellectual and developmental disabilities that are supported by State funds or funding under Title XIX of the Social Security Act. Requires the Department to increase rates and reimbursements so that direct support persons earn a base wage of not less than \$15 per hour and so that other front-line personnel earn a commensurate wage. Defines "front-line personnel". Amends the Illinois Public Aid Code. Provides that for all facilities licensed by the Department of Public Health under the ID/DD Community Care Act as intermediate care facilities for persons with developmental disabilities and under the MC/DD Act as medically complex for the developmentally disabled facilities, the payment rate shall be increased to fund rates and reimbursements so that direct support persons earn a base wage of not less than \$15 per hour and so that other front-line personnel earn a commensurate wage.

LRB100 08791 KTG 18930 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 WHEREAS, An estimated 27,000 children and adults with  
3 intellectual and developmental disabilities are supported in  
4 community-based settings in Illinois; direct support persons  
5 (DSPs) are trained paraprofessional staff that are engaged in  
6 activities of daily living and community support; these  
7 employees earn wages that place them and their families below  
8 the poverty level; and

9 WHEREAS, According to the most recent Illinois industry  
10 surveys, the average DSP wage in Illinois is \$9.35 per hour,  
11 which is 26% below the U.S. Department of Health and Human  
12 Services' poverty threshold of \$11.83 for a family of 4, and  
13 one out of every 4 DSP jobs in provider agencies are going  
14 unfilled, with 34% of DSPs working in residential programs  
15 having been with the service provider for less than a year; low  
16 wages often compel DSPs to work many overtime hours or hold  
17 down a second job to support their families; research by the  
18 American Network of Community Options and Resources, inclusive  
19 of Illinois, reveals 56% of DSPs rely on public assistance to  
20 make ends meet, creating additional expenditures for State  
21 government; low wages are a consequence of the historically low  
22 reimbursement rates paid by the State of Illinois to  
23 community-based service providers; over the last 9 fiscal  
24 years, there has been no increase in State funding to these  
25 agencies; by contrast, the Consumer Price Index increased 16%

1 over the same period; and

2 WHEREAS, The lack of adequate wages for employees who  
3 perform the challenging work of supporting persons with  
4 intellectual and developmental disabilities results in high  
5 employee turnover, which in turn negatively impacts the quality  
6 of services provided, as described in a recent Chicago Tribune  
7 series; higher wages are proven to reduce staff turnover,  
8 improving stability and quality of services while reducing  
9 employer training costs; and

10 WHEREAS, Rising wages in several other sectors now mean,  
11 despite strenuous efforts to recruit new workers, agencies are  
12 experiencing staff vacancy rates of up to 25%; excessive  
13 vacancies force employers to rely more on overtime, leading to  
14 staff burnout and driving up costs; for the second year in a  
15 row a federal court monitor documented how this growing hiring  
16 crisis impedes the ability of community disability agencies to  
17 expand and accommodate persons newly approved for services as  
18 part of the Ligas Consent Decree; and

19 WHEREAS, The General Assembly finds that in order to reduce  
20 turnover, increase retention, fill vacancies, and ensure DSPs  
21 are adequately compensated for the critically important work  
22 they do, an increase in rates and reimbursements to  
23 community-based service providers to effectuate an increase in

1 the hourly wage paid to DSPs is needed; and

2 WHEREAS, It is the purpose of this Act to increase the  
3 wages of DSPs in community disability agencies beyond the  
4 poverty level and to a level competitive with rival employers,  
5 in an effort to improve the lives of DSPs and the lives of the  
6 vulnerable persons they support; therefore

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

9 Section 5. The Mental Health and Developmental  
10 Disabilities Administrative Act is amended by adding Section  
11 55.5 as follows:

12 (20 ILCS 1705/55.5 new)

13 Sec. 55.5. Increased wages for front-line personnel. The  
14 Department shall establish reimbursement rates that build  
15 toward livable wages for front-line personnel in residential  
16 and day programs and service coordination agencies that serve  
17 persons with intellectual and developmental disabilities,  
18 including, but not limited to, intermediate care facilities for  
19 persons with developmental disabilities, community-integrated  
20 living arrangements, developmental training and employment  
21 programs, and other residential and day programs for persons  
22 with intellectual and developmental disabilities that are

1 supported by State funds or funding under Title XIX of the  
2 Social Security Act. The Department shall increase rates and  
3 reimbursements so that direct support persons earn a base wage  
4 of not less than \$15 per hour and so that other front-line  
5 personnel earn a commensurate wage.

6 As used in this Section, "front-line personnel" means  
7 direct support persons, aides, front-line supervisors,  
8 qualified intellectual disabilities professionals, nurses, and  
9 non-administrative support staff working in service settings  
10 outlined in this Section.

11 Section 10. The Illinois Public Aid Code is amended by  
12 adding Section 5-5.4i as follows:

13 (305 ILCS 5/5-5.4i new)

14 Sec. 5-5.4i. Increased wages for front-line personnel. For  
15 all facilities licensed by the Department of Public Health  
16 under the ID/DD Community Care Act as intermediate care  
17 facilities for persons with developmental disabilities and  
18 under the MC/DD Act as medically complex for the  
19 developmentally disabled facilities, the payment rate shall be  
20 increased to fund rates and reimbursements so that direct  
21 support persons earn a base wage of not less than \$15 per hour  
22 and so that other front-line personnel earn a commensurate  
23 wage.

24 As used in this Section, "front-line personnel" means

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2 qualified intellectual disabilities professionals, nurses, and  
3 non-administrative support staff working in service settings  
4 outlined in this Section.