



## 104TH GENERAL ASSEMBLY

### State of Illinois

### 2025 and 2026

#### HB3089

Introduced 2/6/2025, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.65 new

20 ILCS 1705/55.5 new

20 ILCS 1705/74

305 ILCS 5/5-5.4

from Ch. 23, par. 5-5.4

305 ILCS 5/5-5.4i

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 serving persons with intellectual and developmental disabilities. Provides that for community-based providers serving persons with intellectual or developmental disabilities, subject to federal approval, the rates taking effect for services delivered on or after July 1, 2025 shall be increased sufficiently to: (i) provide a minimum \$2.00 per hour wage increase over the wages in effect on June 30, 2025 for front-line personnel; and (ii) provide wages for all other residential non-executive direct care staff, excluding direct support professionals, at the U.S. Department of Labor's average wage as defined, by rule, by the Department. Amends the Illinois Public Aid Code. Provides that for ID/DD facilities and MC/DD facilities, the rates taking effect for services delivered on or after July 1, 2025, shall be increased sufficiently to: (i) provide a minimum \$2.00 per hour wage increase over the wages in effect on June 30, 2025 for front-line personnel; and (ii) provide wages for all other residential non-executive direct care staff, excluding direct support professionals, at the U.S. Department of Labor's average wage as defined, by rule, by the Department. Requires the same increase for front-line personnel employed at community-based providers serving persons with intellectual or developmental disabilities. Amends the Illinois Administrative Procedure Act. Grants the Departments of Human Services and Healthcare and Family Services emergency rulemaking authority. Effective immediately.

LRB104 06905 KTG 16941 b

1 AN ACT concerning care for persons with developmental  
2 disabilities.

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

5 Section 1. This Act may be referred to as the Community  
6 Disability Living Wage Act.

7 Section 2. Findings.

8 (1) An estimated 22,000 children and adults with  
9 intellectual and developmental disabilities are supported  
10 in community-based settings in Illinois; direct support  
11 professionals (DSPs), are trained paraprofessional staff  
12 who are engaged in activities of daily living and  
13 community support; too many of these employees earn wages  
14 that place them and their families below the poverty  
15 level.

16 (2) In Illinois, nearly half of direct care workers  
17 rely on public assistance to make ends meet, creating  
18 additional expenditures for State government; low wages  
19 are a consequence of the historically low reimbursement  
20 rates paid by the State of Illinois to community-based  
21 service providers.

22 (3) The lack of adequate wages for employees who  
23 perform the challenging work of supporting persons with

1 intellectual and developmental disabilities results in  
2 high employee turnover, which in turn negatively impacts  
3 the quality of services provided, higher wages are proven  
4 to reduce staff turnover, improving stability and quality  
5 of services while reducing employer training costs.

6 (4) Rising wages in other sectors now means, despite  
7 modest wage increases and strenuous efforts to recruit new  
8 workers, agencies are struggling to fill positions and  
9 keep them filled with 90% of community providers  
10 experiencing staffing challenges. Excessive vacancies  
11 force employers to rely more on overtime, with providers  
12 reporting an average of 11,000 hours of staff overtime a  
13 month, leading to staff burnout and driving up costs.

14 (5) A December 2020 report issued by an independent  
15 consulting group commissioned by the State to propose  
16 changes to the State's reimbursement for community  
17 disability agencies recommended that addressing DSP wages  
18 was the number one priority for ensuring compliance with  
19 the mandates of the Ligas Consent Decree, and further  
20 recommended that wages for DSPs should be fixed at 150% of  
21 the prevailing minimum wage plus additional funding for  
22 benefits.

23 (6) The difference between 150% of the State minimum  
24 wage on January 1, 2025 and the hourly DSP wage rate set by  
25 the State amounts to \$2.00 per hour.

26 (7) The General Assembly finds that in order to reduce

1 turnover, increase retention, fill vacancies, and ensure  
2 DSPs are adequately compensated for the critically  
3 important work they do, an increase in rates and  
4 reimbursements to community-based service providers to  
5 effectuate an increase in the hourly wage paid to DSPs is  
6 needed.

7 Section 3. Purpose and intent. It is the purpose of this  
8 Act to increase the wages of DSPs and other front-line staff in  
9 community disability agencies beyond the poverty level and to  
10 a level competitive with rival employers and above the State  
11 minimum wage, in an effort to improve the lives of DSPs and the  
12 lives of the vulnerable persons they support.

13 It is the intent of the General Assembly to ensure that all  
14 funds resulting from rate increases provided to community  
15 disability agencies are allocated to front-line employee wages  
16 in order to address the current workforce crisis which is the  
17 primary obstacle to the availability of community-based  
18 services for people with disabilities.

19 Section 5. The Illinois Administrative Procedure Act is  
20 amended by adding Section 5-45.65 as follows:

21 (5 ILCS 100/5-45.65 new)

22 Sec. 5-45.65. Emergency rulemaking; Departments of Human  
23 Services and Healthcare and Family Services. To provide for

1 the expeditious and timely implementation of changes made by  
2 this amendatory Act of the 104th General Assembly to Section  
3 74 of the Mental Health and Developmental Disabilities  
4 Administrative Act and to Sections 5-5.4 and 5-5.4i of the  
5 Illinois Public Aid Code, emergency rules implementing the  
6 changes made by this amendatory Act of the 104th General  
7 Assembly to Section 74 of the Mental Health and Developmental  
8 Disabilities Administrative Act and to Sections 5-5.4 and  
9 5-5.4i of the Illinois Public Aid Code may be adopted in  
10 accordance with Section 5-45 by the respective Department. The  
11 adoption of emergency rules authorized by Section 5-45 and  
12 this Section is deemed to be necessary for the public  
13 interest, safety, and welfare.

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

16 Section 10. The Mental Health and Developmental  
17 Disabilities Administrative Act is amended by changing Section  
18 74 and by adding Section 55.5 as follows:

19 (20 ILCS 1705/55.5 new)

20 Sec. 55.5. Increased wages for front-line personnel. As  
21 used in this Section, "front-line personnel" means direct  
22 support professionals, aides, front-line supervisors, and  
23 non-administrative support staff working in service settings  
24 outlined in this Section.

1       The Department shall establish reimbursement rates that  
2 build toward livable wages for front-line personnel in  
3 residential and day programs and service coordination agencies  
4 servicing persons with intellectual and developmental  
5 disabilities under Section 54 of this Act, including, but not  
6 limited to, intermediate care for the developmentally disabled  
7 facilities, medically complex for the developmentally disabled  
8 facilities, community-integrated living arrangements,  
9 community day services, employment, and other residential and  
10 day programs for persons with intellectual and developmental  
11 disabilities supported by State funds or funding under Title  
12 XIX of the federal Social Security Act.

13       The Department shall increase rates and reimbursements so  
14 that by July 1, 2025 direct support professionals wages shall  
15 be increased by \$2.00 per hour, and so that other front-line  
16 personnel earn a commensurate wage.

17       (20 ILCS 1705/74)

18       Sec. 74. Rates and reimbursements.

19       (a) Within 30 days after July 6, 2017 (the effective date  
20 of Public Act 100-23), the Department shall increase rates and  
21 reimbursements to fund a minimum of a \$0.75 per hour wage  
22 increase for front-line personnel, including, but not limited  
23 to, direct support professionals, aides, front-line  
24 supervisors, qualified intellectual disabilities  
25 professionals, nurses, and non-administrative support staff

1 working in community-based provider organizations serving  
2 individuals with developmental disabilities. The Department  
3 shall adopt rules, including emergency rules under subsection  
4 (y) of Section 5-45 of the Illinois Administrative Procedure  
5 Act, to implement the provisions of this Section.

6 (b) Rates and reimbursements. Within 30 days after June 4,  
7 2018 (the effective date of Public Act 100-587), the  
8 Department shall increase rates and reimbursements to fund a  
9 minimum of a \$0.50 per hour wage increase for front-line  
10 personnel, including, but not limited to, direct support  
11 professionals, aides, front-line supervisors, qualified  
12 intellectual disabilities professionals, nurses, and  
13 non-administrative support staff working in community-based  
14 provider organizations serving individuals with developmental  
15 disabilities. The Department shall adopt rules, including  
16 emergency rules under subsection (bb) of Section 5-45 of the  
17 Illinois Administrative Procedure Act, to implement the  
18 provisions of this Section.

19 (c) Rates and reimbursements. Within 30 days after June 5,  
20 2019 (the effective date of Public Act 101-10), subject to  
21 federal approval, the Department shall increase rates and  
22 reimbursements in effect on June 30, 2019 for community-based  
23 providers for persons with Developmental Disabilities by 3.5%  
24 The Department shall adopt rules, including emergency rules  
25 under subsection (jj) of Section 5-45 of the Illinois  
26 Administrative Procedure Act, to implement the provisions of

1 this Section, including wage increases for direct care staff.

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

13 The establishment of and any changes to the rate  
14 methodologies for community-based services provided to persons  
15 with intellectual/developmental disabilities are subject to  
16 federal approval of any relevant Waiver Amendment and shall be  
17 defined in rule by the Department. The Department shall adopt  
18 rules, including emergency rules as authorized by Section 5-45  
19 of the Illinois Administrative Procedure Act, to implement the  
20 provisions of this subsection (d).

21 (e) For community-based providers serving persons with  
22 intellectual/developmental disabilities, subject to federal  
23 approval of any relevant Waiver Amendment, the rates taking  
24 effect for services delivered on or after January 1, 2023,  
25 shall include an increase in the rate methodology sufficient  
26 to provide a \$1.00 per hour wage increase for all direct

1 support professionals and all other frontline personnel who  
2 are not subject to the Bureau of Labor Statistics' average  
3 wage increases, who work in residential and community day  
4 services settings, with at least \$0.50 of those funds to be  
5 provided as a direct increase to base wages, with the  
6 remaining \$0.50 to be used flexibly for base wage increases.  
7 In addition, the rates taking effect for services delivered on  
8 or after January 1, 2023 shall include an increase sufficient  
9 to provide wages for all residential non-executive direct care  
10 staff, excluding direct support professionals, at the federal  
11 Department of Labor, Bureau of Labor Statistics' average wage  
12 as defined in rule by the Department.

13 The establishment of and any changes to the rate  
14 methodologies for community-based services provided to persons  
15 with intellectual/developmental disabilities are subject to  
16 federal approval of any relevant Waiver Amendment and shall be  
17 defined in rule by the Department. The Department shall adopt  
18 rules, including emergency rules as authorized by Section 5-45  
19 of the Illinois Administrative Procedure Act, to implement the  
20 provisions of this subsection.

21 (f) For community-based providers serving persons with  
22 intellectual/developmental disabilities, subject to federal  
23 approval of any relevant Waiver Amendment, the rates taking  
24 effect for services delivered on or after January 1, 2024  
25 shall include an increase in the rate methodology sufficient  
26 to provide a \$2.50 per hour wage increase for all direct

1 support professionals and all other frontline personnel who  
2 are not subject to the Bureau of Labor Statistics' average  
3 wage increases and who work in residential and community day  
4 services settings. At least \$1.25 of the per hour wage  
5 increase shall be provided as a direct increase to base wages,  
6 and the remaining \$1.25 of the per hour wage increase shall be  
7 used flexibly for base wage increases. In addition, the rates  
8 taking effect for services delivered on or after January 1,  
9 2024 shall include an increase sufficient to provide wages for  
10 all residential non-executive direct care staff, excluding  
11 direct support professionals, at the federal Department of  
12 Labor, Bureau of Labor Statistics' average wage as defined in  
13 rule by the Department.

14 The establishment of and any changes to the rate  
15 methodologies for community-based services provided to persons  
16 with intellectual/developmental disabilities are subject to  
17 federal approval of any relevant Waiver Amendment and shall be  
18 defined in rule by the Department. The Department shall adopt  
19 rules, including emergency rules as authorized by Section 5-45  
20 of the Illinois Administrative Procedure Act, to implement the  
21 provisions of this subsection.

22 (g) For community-based providers serving persons with  
23 intellectual or developmental disabilities, subject to federal  
24 approval of any relevant Waiver Amendment, the rates taking  
25 effect for services delivered on or after January 1, 2025  
26 shall include an increase in the rate methodology sufficient

1 to provide a \$1 per hour wage rate increase for all direct  
2 support personnel and all other frontline personnel who are  
3 not subject to the Bureau of Labor Statistics' average wage  
4 increases and who work in residential and community day  
5 services settings, with at least \$0.75 of those funds to be  
6 provided as a direct increase to base wages and the remaining  
7 \$0.25 to be used flexibly for base wage increases. These  
8 increases shall not be used by community-based providers for  
9 operational or administrative expenses. In addition, the rates  
10 taking effect for services delivered on or after January 1,  
11 2025 shall include an increase sufficient to provide wages for  
12 all residential non-executive direct care staff, excluding  
13 direct support personnel, at the federal Department of Labor,  
14 Bureau of Labor Statistics' average wage as defined by rule by  
15 the Department. For services delivered on or after January 1,  
16 2025, the rates shall include adjustments to  
17 employment-related expenses as defined by rule by the  
18 Department.

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

1       (h) For community-based providers serving persons with  
2       intellectual or developmental disabilities, subject to federal  
3       approval, the rates taking effect for services delivered on or  
4       after July 1, 2025 shall be increased sufficiently to provide  
5       a minimum \$2.00 per hour wage increase over the wages in effect  
6       on June 30, 2025 for front-line personnel, including, but not  
7       limited to, direct support professionals, aides, front-line  
8       supervisors, and non-administrative support staff working in  
9       community-based provider organizations serving individuals  
10       with developmental disabilities, and sufficient to provide  
11       wages for all other residential non-executive direct care  
12       staff, excluding direct support professionals, at the U.S.  
13       Department of Labor, Bureau of Labor Statistics' average wage  
14       as defined, by rule, by the Department. The Department shall  
15       adopt rules, including emergency rules in accordance with the  
16       Illinois Administrative Procedure Act, to implement the  
17       provisions of this subsection.

18       (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;  
19       102-830, eff. 1-1-23; 103-8, eff. 6-7-23; 103-154, eff.  
20       6-30-23; 103-588, eff. 6-5-24.)

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

23             (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

24             Sec. 5-5.4. Standards of payment; Department of Healthcare

1 and Family Services. The Department of Healthcare and Family  
2 Services shall develop standards of payment of nursing  
3 facility and ICF/DD services in facilities providing such  
4 services under this Article which:

5 (1) Provide for the determination of a facility's payment  
6 for nursing facility or ICF/DD services on a prospective  
7 basis. The amount of the payment rate for all nursing  
8 facilities certified by the Department of Public Health under  
9 the ID/DD Community Care Act or the Nursing Home Care Act as  
10 Intermediate Care for the Developmentally Disabled facilities,  
11 Long Term Care for Under Age 22 facilities, Skilled Nursing  
12 facilities, or Intermediate Care facilities under the medical  
13 assistance program shall be prospectively established annually  
14 on the basis of historical, financial, and statistical data  
15 reflecting actual costs from prior years, which shall be  
16 applied to the current rate year and updated for inflation,  
17 except that the capital cost element for newly constructed  
18 facilities shall be based upon projected budgets. The annually  
19 established payment rate shall take effect on July 1 in 1984  
20 and subsequent years. No rate increase and no update for  
21 inflation shall be provided on or after July 1, 1994, unless  
22 specifically provided for in this Section. The changes made by  
23 Public Act 93-841 extending the duration of the prohibition  
24 against a rate increase or update for inflation are effective  
25 retroactive to July 1, 2004.

26 For facilities licensed by the Department of Public Health

1 under the Nursing Home Care Act as Intermediate Care for the  
2 Developmentally Disabled facilities or Long Term Care for  
3 Under Age 22 facilities, the rates taking effect on July 1,  
4 1998 shall include an increase of 3%. For facilities licensed  
5 by the Department of Public Health under the Nursing Home Care  
6 Act as Skilled Nursing facilities or Intermediate Care  
7 facilities, the rates taking effect on July 1, 1998 shall  
8 include an increase of 3% plus \$1.10 per resident-day, as  
9 defined by the Department. For facilities licensed by the  
10 Department of Public Health under the Nursing Home Care Act as  
11 Intermediate Care Facilities for the Developmentally Disabled  
12 or Long Term Care for Under Age 22 facilities, the rates taking  
13 effect on January 1, 2006 shall include an increase of 3%. For  
14 facilities licensed by the Department of Public Health under  
15 the Nursing Home Care Act as Intermediate Care Facilities for  
16 the Developmentally Disabled or Long Term Care for Under Age  
17 22 facilities, the rates taking effect on January 1, 2009  
18 shall include an increase sufficient to provide a \$0.50 per  
19 hour wage increase for non-executive staff. For facilities  
20 licensed by the Department of Public Health under the ID/DD  
21 Community Care Act as ID/DD Facilities the rates taking effect  
22 within 30 days after July 6, 2017 (the effective date of Public  
23 Act 100-23) shall include an increase sufficient to provide a  
24 \$0.75 per hour wage increase for non-executive staff. The  
25 Department shall adopt rules, including emergency rules under  
26 subsection (y) of Section 5-45 of the Illinois Administrative

1 Procedure Act, to implement the provisions of this paragraph.  
2 For facilities licensed by the Department of Public Health  
3 under the ID/DD Community Care Act as ID/DD Facilities and  
4 under the MC/DD Act as MC/DD Facilities, the rates taking  
5 effect within 30 days after June 5, 2019 (the effective date of  
6 Public Act 101-10) shall include an increase sufficient to  
7 provide a \$0.50 per hour wage increase for non-executive  
8 front-line personnel, including, but not limited to, direct  
9 support persons, aides, front-line supervisors, qualified  
10 intellectual disabilities professionals, nurses, and  
11 non-administrative support staff. The Department shall adopt  
12 rules, including emergency rules under subsection (bb) of  
13 Section 5-45 of the Illinois Administrative Procedure Act, to  
14 implement the provisions of this paragraph.

15 For facilities licensed by the Department of Public Health  
16 under the ID/DD Community Care Act as ID/DD facilities and  
17 under the MC/DD Act as MC/DD facilities, subject to federal  
18 approval, the rates taking effect for services delivered on or  
19 after July 1, 2025, shall be increased sufficiently to provide  
20 a minimum \$2.00 per hour wage increase over the wages in effect  
21 on June 30, 2025 for front-line personnel, including, but not  
22 limited to, direct support professionals, aides, front-line  
23 supervisors, and non-administrative support staff working in  
24 community-based provider organizations serving individuals  
25 with developmental disabilities, and sufficient to provide  
26 wages for all other residential non-executive direct care

1 staff, excluding direct support professionals, at the U.S.  
2 Department of Labor, Bureau of Labor Statistics' average wage  
3 as defined, by rule, by the Department. The Department shall  
4 adopt rules, including emergency rules in accordance with the  
5 Illinois Administrative Procedure Act, to implement the  
6 provisions of this paragraph.

7 For facilities licensed by the Department of Public Health  
8 under the Nursing Home Care Act as Intermediate Care for the  
9 Developmentally Disabled facilities or Long Term Care for  
10 Under Age 22 facilities, the rates taking effect on July 1,  
11 1999 shall include an increase of 1.6% plus \$3.00 per  
12 resident-day, as defined by the Department. For facilities  
13 licensed by the Department of Public Health under the Nursing  
14 Home Care Act as Skilled Nursing facilities or Intermediate  
15 Care facilities, the rates taking effect on July 1, 1999 shall  
16 include an increase of 1.6% and, for services provided on or  
17 after October 1, 1999, shall be increased by \$4.00 per  
18 resident-day, as defined by the Department.

19 For facilities licensed by the Department of Public Health  
20 under the Nursing Home Care Act as Intermediate Care for the  
21 Developmentally Disabled facilities or Long Term Care for  
22 Under Age 22 facilities, the rates taking effect on July 1,  
23 2000 shall include an increase of 2.5% per resident-day, as  
24 defined by the Department. For facilities licensed by the  
25 Department of Public Health under the Nursing Home Care Act as  
26 Skilled Nursing facilities or Intermediate Care facilities,

1 the rates taking effect on July 1, 2000 shall include an  
2 increase of 2.5% per resident-day, as defined by the  
3 Department.

4 For facilities licensed by the Department of Public Health  
5 under the Nursing Home Care Act as skilled nursing facilities  
6 or intermediate care facilities, a new payment methodology  
7 must be implemented for the nursing component of the rate  
8 effective July 1, 2003. The Department of Public Aid (now  
9 Healthcare and Family Services) shall develop the new payment  
10 methodology using the Minimum Data Set (MDS) as the instrument  
11 to collect information concerning nursing home resident  
12 condition necessary to compute the rate. The Department shall  
13 develop the new payment methodology to meet the unique needs  
14 of Illinois nursing home residents while remaining subject to  
15 the appropriations provided by the General Assembly. A  
16 transition period from the payment methodology in effect on  
17 June 30, 2003 to the payment methodology in effect on July 1,  
18 2003 shall be provided for a period not exceeding 3 years and  
19 184 days after implementation of the new payment methodology  
20 as follows:

21 (A) For a facility that would receive a lower nursing  
22 component rate per patient day under the new system than  
23 the facility received effective on the date immediately  
24 preceding the date that the Department implements the new  
25 payment methodology, the nursing component rate per  
26 patient day for the facility shall be held at the level in

1 effect on the date immediately preceding the date that the  
2 Department implements the new payment methodology until a  
3 higher nursing component rate of reimbursement is achieved  
4 by that facility.

5 (B) For a facility that would receive a higher nursing  
6 component rate per patient day under the payment  
7 methodology in effect on July 1, 2003 than the facility  
8 received effective on the date immediately preceding the  
9 date that the Department implements the new payment  
10 methodology, the nursing component rate per patient day  
11 for the facility shall be adjusted.

12 (C) Notwithstanding paragraphs (A) and (B), the  
13 nursing component rate per patient day for the facility  
14 shall be adjusted subject to appropriations provided by  
15 the General Assembly.

16 For facilities licensed by the Department of Public Health  
17 under the Nursing Home Care Act as Intermediate Care for the  
18 Developmentally Disabled facilities or Long Term Care for  
19 Under Age 22 facilities, the rates taking effect on March 1,  
20 2001 shall include a statewide increase of 7.85%, as defined  
21 by the Department.

22 Notwithstanding any other provision of this Section, for  
23 facilities licensed by the Department of Public Health under  
24 the Nursing Home Care Act as skilled nursing facilities or  
25 intermediate care facilities, except facilities participating  
26 in the Department's demonstration program pursuant to the

1 provisions of Title 77, Part 300, Subpart T of the Illinois  
2 Administrative Code, the numerator of the ratio used by the  
3 Department of Healthcare and Family Services to compute the  
4 rate payable under this Section using the Minimum Data Set  
5 (MDS) methodology shall incorporate the following annual  
6 amounts as the additional funds appropriated to the Department  
7 specifically to pay for rates based on the MDS nursing  
8 component methodology in excess of the funding in effect on  
9 December 31, 2006:

10 (i) For rates taking effect January 1, 2007,  
11 \$60,000,000.

12 (ii) For rates taking effect January 1, 2008,  
13 \$110,000,000.

14 (iii) For rates taking effect January 1, 2009,  
15 \$194,000,000.

16 (iv) For rates taking effect April 1, 2011, or the  
17 first day of the month that begins at least 45 days after  
18 February 16, 2011 (the effective date of Public Act  
19 96-1530), \$416,500,000 or an amount as may be necessary to  
20 complete the transition to the MDS methodology for the  
21 nursing component of the rate. Increased payments under  
22 this item (iv) are not due and payable, however, until (i)  
23 the methodologies described in this paragraph are approved  
24 by the federal government in an appropriate State Plan  
25 amendment and (ii) the assessment imposed by Section 5B-2  
26 of this Code is determined to be a permissible tax under

1 Title XIX of the Social Security Act.

2 Notwithstanding any other provision of this Section, for  
3 facilities licensed by the Department of Public Health under  
4 the Nursing Home Care Act as skilled nursing facilities or  
5 intermediate care facilities, the support component of the  
6 rates taking effect on January 1, 2008 shall be computed using  
7 the most recent cost reports on file with the Department of  
8 Healthcare and Family Services no later than April 1, 2005,  
9 updated for inflation to January 1, 2006.

10 For facilities licensed by the Department of Public Health  
11 under the Nursing Home Care Act as Intermediate Care for the  
12 Developmentally Disabled facilities or Long Term Care for  
13 Under Age 22 facilities, the rates taking effect on April 1,  
14 2002 shall include a statewide increase of 2.0%, as defined by  
15 the Department. This increase terminates on July 1, 2002;  
16 beginning July 1, 2002 these rates are reduced to the level of  
17 the rates in effect on March 31, 2002, as defined by the  
18 Department.

19 For facilities licensed by the Department of Public Health  
20 under the Nursing Home Care Act as skilled nursing facilities  
21 or intermediate care facilities, the rates taking effect on  
22 July 1, 2001 shall be computed using the most recent cost  
23 reports on file with the Department of Public Aid no later than  
24 April 1, 2000, updated for inflation to January 1, 2001. For  
25 rates effective July 1, 2001 only, rates shall be the greater  
26 of the rate computed for July 1, 2001 or the rate effective on

1 June 30, 2001.

2 Notwithstanding any other provision of this Section, for  
3 facilities licensed by the Department of Public Health under  
4 the Nursing Home Care Act as skilled nursing facilities or  
5 intermediate care facilities, the Illinois Department shall  
6 determine by rule the rates taking effect on July 1, 2002,  
7 which shall be 5.9% less than the rates in effect on June 30,  
8 2002.

9 Notwithstanding any other provision of this Section, for  
10 facilities licensed by the Department of Public Health under  
11 the Nursing Home Care Act as skilled nursing facilities or  
12 intermediate care facilities, if the payment methodologies  
13 required under Section 5A-12 and the waiver granted under 42  
14 CFR 433.68 are approved by the United States Centers for  
15 Medicare and Medicaid Services, the rates taking effect on  
16 July 1, 2004 shall be 3.0% greater than the rates in effect on  
17 June 30, 2004. These rates shall take effect only upon  
18 approval and implementation of the payment methodologies  
19 required under Section 5A-12.

20 Notwithstanding any other provisions of this Section, for  
21 facilities licensed by the Department of Public Health under  
22 the Nursing Home Care Act as skilled nursing facilities or  
23 intermediate care facilities, the rates taking effect on  
24 January 1, 2005 shall be 3% more than the rates in effect on  
25 December 31, 2004.

26 Notwithstanding any other provision of this Section, for

1 facilities licensed by the Department of Public Health under  
2 the Nursing Home Care Act as skilled nursing facilities or  
3 intermediate care facilities, effective January 1, 2009, the  
4 per diem support component of the rates effective on January  
5 1, 2008, computed using the most recent cost reports on file  
6 with the Department of Healthcare and Family Services no later  
7 than April 1, 2005, updated for inflation to January 1, 2006,  
8 shall be increased to the amount that would have been derived  
9 using standard Department of Healthcare and Family Services  
10 methods, procedures, and inflators.

11 Notwithstanding any other provisions of this Section, for  
12 facilities licensed by the Department of Public Health under  
13 the Nursing Home Care Act as intermediate care facilities that  
14 are federally defined as Institutions for Mental Disease, or  
15 facilities licensed by the Department of Public Health under  
16 the Specialized Mental Health Rehabilitation Act of 2013, a  
17 socio-development component rate equal to 6.6% of the  
18 facility's nursing component rate as of January 1, 2006 shall  
19 be established and paid effective July 1, 2006. The  
20 socio-development component of the rate shall be increased by  
21 a factor of 2.53 on the first day of the month that begins at  
22 least 45 days after January 11, 2008 (the effective date of  
23 Public Act 95-707). As of August 1, 2008, the  
24 socio-development component rate shall be equal to 6.6% of the  
25 facility's nursing component rate as of January 1, 2006,  
26 multiplied by a factor of 3.53. For services provided on or

1 after April 1, 2011, or the first day of the month that begins  
2 at least 45 days after February 16, 2011 (the effective date of  
3 Public Act 96-1530), whichever is later, the Illinois  
4 Department may by rule adjust these socio-development  
5 component rates, and may use different adjustment  
6 methodologies for those facilities participating, and those  
7 not participating, in the Illinois Department's demonstration  
8 program pursuant to the provisions of Title 77, Part 300,  
9 Subpart T of the Illinois Administrative Code, but in no case  
10 may such rates be diminished below those in effect on August 1,  
11 2008.

12 For facilities licensed by the Department of Public Health  
13 under the Nursing Home Care Act as Intermediate Care for the  
14 Developmentally Disabled facilities or as long-term care  
15 facilities for residents under 22 years of age, the rates  
16 taking effect on July 1, 2003 shall include a statewide  
17 increase of 4%, as defined by the Department.

18 For facilities licensed by the Department of Public Health  
19 under the Nursing Home Care Act as Intermediate Care for the  
20 Developmentally Disabled facilities or Long Term Care for  
21 Under Age 22 facilities, the rates taking effect on the first  
22 day of the month that begins at least 45 days after January 11,  
23 2008 (the effective date of Public Act 95-707) shall include a  
24 statewide increase of 2.5%, as defined by the Department.

25 Notwithstanding any other provision of this Section, for  
26 facilities licensed by the Department of Public Health under

1 the Nursing Home Care Act as skilled nursing facilities or  
2 intermediate care facilities, effective January 1, 2005,  
3 facility rates shall be increased by the difference between  
4 (i) a facility's per diem property, liability, and malpractice  
5 insurance costs as reported in the cost report filed with the  
6 Department of Public Aid and used to establish rates effective  
7 July 1, 2001 and (ii) those same costs as reported in the  
8 facility's 2002 cost report. These costs shall be passed  
9 through to the facility without caps or limitations, except  
10 for adjustments required under normal auditing procedures.

11 Rates established effective each July 1 shall govern  
12 payment for services rendered throughout that fiscal year,  
13 except that rates established on July 1, 1996 shall be  
14 increased by 6.8% for services provided on or after January 1,  
15 1997. Such rates will be based upon the rates calculated for  
16 the year beginning July 1, 1990, and for subsequent years  
17 thereafter until June 30, 2001 shall be based on the facility  
18 cost reports for the facility fiscal year ending at any point  
19 in time during the previous calendar year, updated to the  
20 midpoint of the rate year. The cost report shall be on file  
21 with the Department no later than April 1 of the current rate  
22 year. Should the cost report not be on file by April 1, the  
23 Department shall base the rate on the latest cost report filed  
24 by each skilled care facility and intermediate care facility,  
25 updated to the midpoint of the current rate year. In  
26 determining rates for services rendered on and after July 1,

1 1985, fixed time shall not be computed at less than zero. The  
2 Department shall not make any alterations of regulations which  
3 would reduce any component of the Medicaid rate to a level  
4 below what that component would have been utilizing in the  
5 rate effective on July 1, 1984.

6 (2) Shall take into account the actual costs incurred by  
7 facilities in providing services for recipients of skilled  
8 nursing and intermediate care services under the medical  
9 assistance program.

10 (3) Shall take into account the medical and psycho-social  
11 characteristics and needs of the patients.

12 (4) Shall take into account the actual costs incurred by  
13 facilities in meeting licensing and certification standards  
14 imposed and prescribed by the State of Illinois, any of its  
15 political subdivisions or municipalities and by the U.S.  
16 Department of Health and Human Services pursuant to Title XIX  
17 of the Social Security Act.

18 The Department of Healthcare and Family Services shall  
19 develop precise standards for payments to reimburse nursing  
20 facilities for any utilization of appropriate rehabilitative  
21 personnel for the provision of rehabilitative services which  
22 is authorized by federal regulations, including reimbursement  
23 for services provided by qualified therapists or qualified  
24 assistants, and which is in accordance with accepted  
25 professional practices. Reimbursement also may be made for  
26 utilization of other supportive personnel under appropriate

1 supervision.

2 The Department shall develop enhanced payments to offset  
3 the additional costs incurred by a facility serving  
4 exceptional need residents and shall allocate at least  
5 \$4,000,000 of the funds collected from the assessment  
6 established by Section 5B-2 of this Code for such payments.  
7 For the purpose of this Section, "exceptional needs" means,  
8 but need not be limited to, ventilator care and traumatic  
9 brain injury care. The enhanced payments for exceptional need  
10 residents under this paragraph are not due and payable,  
11 however, until (i) the methodologies described in this  
12 paragraph are approved by the federal government in an  
13 appropriate State Plan amendment and (ii) the assessment  
14 imposed by Section 5B-2 of this Code is determined to be a  
15 permissible tax under Title XIX of the Social Security Act.

16 Beginning January 1, 2014 the methodologies for  
17 reimbursement of nursing facility services as provided under  
18 this Section 5-5.4 shall no longer be applicable for services  
19 provided on or after January 1, 2014.

20 No payment increase under this Section for the MDS  
21 methodology, exceptional care residents, or the  
22 socio-development component rate established by Public Act  
23 96-1530 of the 96th General Assembly and funded by the  
24 assessment imposed under Section 5B-2 of this Code shall be  
25 due and payable until after the Department notifies the  
26 long-term care providers, in writing, that the payment

1 methodologies to long-term care providers required under this  
2 Section have been approved by the Centers for Medicare and  
3 Medicaid Services of the U.S. Department of Health and Human  
4 Services and the waivers under 42 CFR 433.68 for the  
5 assessment imposed by this Section, if necessary, have been  
6 granted by the Centers for Medicare and Medicaid Services of  
7 the U.S. Department of Health and Human Services. Upon  
8 notification to the Department of approval of the payment  
9 methodologies required under this Section and the waivers  
10 granted under 42 CFR 433.68, all increased payments otherwise  
11 due under this Section prior to the date of notification shall  
12 be due and payable within 90 days of the date federal approval  
13 is received.

14 On and after July 1, 2012, the Department shall reduce any  
15 rate of reimbursement for services or other payments or alter  
16 any methodologies authorized by this Code to reduce any rate  
17 of reimbursement for services or other payments in accordance  
18 with Section 5-5e.

19 For facilities licensed by the Department of Public Health  
20 under the ID/DD Community Care Act as ID/DD Facilities and  
21 under the MC/DD Act as MC/DD Facilities, subject to federal  
22 approval, the rates taking effect for services delivered on or  
23 after August 1, 2019 shall be increased by 3.5% over the rates  
24 in effect on June 30, 2019. The Department shall adopt rules,  
25 including emergency rules under subsection (ii) of Section  
26 5-45 of the Illinois Administrative Procedure Act, to

1 implement the provisions of this Section, including wage  
2 increases for direct care staff.

3 For facilities licensed by the Department of Public Health  
4 under the ID/DD Community Care Act as ID/DD Facilities and  
5 under the MC/DD Act as MC/DD Facilities, subject to federal  
6 approval, the rates taking effect on the latter of the  
7 approval date of the State Plan Amendment for these facilities  
8 or the Waiver Amendment for the home and community-based  
9 services settings shall include an increase sufficient to  
10 provide a \$0.26 per hour wage increase to the base wage for  
11 non-executive staff. The Department shall adopt rules,  
12 including emergency rules as authorized by Section 5-45 of the  
13 Illinois Administrative Procedure Act, to implement the  
14 provisions of this Section, including wage increases for  
15 direct care staff.

16 For facilities licensed by the Department of Public Health  
17 under the ID/DD Community Care Act as ID/DD Facilities and  
18 under the MC/DD Act as MC/DD Facilities, subject to federal  
19 approval of the State Plan Amendment and the Waiver Amendment  
20 for the home and community-based services settings, the rates  
21 taking effect for the services delivered on or after July 1,  
22 2020 shall include an increase sufficient to provide a \$1.00  
23 per hour wage increase for non-executive staff. For services  
24 delivered on or after January 1, 2021, subject to federal  
25 approval of the State Plan Amendment and the Waiver Amendment  
26 for the home and community-based services settings, shall

1 include an increase sufficient to provide a \$0.50 per hour  
2 increase for non-executive staff. 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 Section, including wage increases for  
6 direct care staff.

7 For facilities licensed by the Department of Public Health  
8 under the ID/DD Community Care Act as ID/DD Facilities and  
9 under the MC/DD Act as MC/DD Facilities, subject to federal  
10 approval of the State Plan Amendment, the rates taking effect  
11 for the residential services delivered on or after July 1,  
12 2021, shall include an increase sufficient to provide a \$0.50  
13 per hour increase for aides in the rate methodology. For  
14 facilities licensed by the Department of Public Health under  
15 the ID/DD Community Care Act as ID/DD Facilities and under the  
16 MC/DD Act as MC/DD Facilities, subject to federal approval of  
17 the State Plan Amendment, the rates taking effect for the  
18 residential services delivered on or after January 1, 2022  
19 shall include an increase sufficient to provide a \$1.00 per  
20 hour increase for aides in the rate methodology. In addition,  
21 for residential services delivered on or after January 1, 2022  
22 such rates shall include an increase sufficient to provide  
23 wages for all residential non-executive direct care staff,  
24 excluding aides, at the federal Department of Labor, Bureau of  
25 Labor Statistics' average wage as defined in rule by the  
26 Department. The Department shall adopt rules, including

1 emergency rules as authorized by Section 5-45 of the Illinois  
2 Administrative Procedure Act, to implement the provisions of  
3 this Section.

4 For facilities licensed by the Department of Public Health  
5 under the ID/DD Community Care Act as ID/DD facilities and  
6 under the MC/DD Act as MC/DD facilities, subject to federal  
7 approval of the State Plan Amendment, the rates taking effect  
8 for services delivered on or after January 1, 2023, shall  
9 include a \$1.00 per hour wage increase for all direct support  
10 personnel and all other frontline personnel who are not  
11 subject to the Bureau of Labor Statistics' average wage  
12 increases, who work in residential and community day services  
13 settings, with at least \$0.50 of those funds to be provided as  
14 a direct increase to all aide base wages, with the remaining  
15 \$0.50 to be used flexibly for base wage increases to the rate  
16 methodology for aides. In addition, for residential services  
17 delivered on or after January 1, 2023 the rates shall include  
18 an increase sufficient to provide wages for all residential  
19 non-executive direct care staff, excluding aides, at the  
20 federal Department of Labor, Bureau of Labor Statistics'  
21 average wage as determined by the Department. Also, for  
22 services delivered on or after January 1, 2023, the rates will  
23 include adjustments to employment-related expenses as defined  
24 in rule by the Department. The Department shall adopt rules,  
25 including emergency rules as authorized by Section 5-45 of the  
26 Illinois Administrative Procedure Act, to implement the

1 provisions of this Section.

2 For facilities licensed by the Department of Public Health  
3 under the ID/DD Community Care Act as ID/DD facilities and  
4 under the MC/DD Act as MC/DD facilities, subject to federal  
5 approval of the State Plan Amendment, the rates taking effect  
6 for services delivered on or after January 1, 2024 shall  
7 include a \$2.50 per hour wage increase for all direct support  
8 personnel and all other frontline personnel who are not  
9 subject to the Bureau of Labor Statistics' average wage  
10 increases and who work in residential and community day  
11 services settings. At least \$1.25 of the per hour wage  
12 increase shall be provided as a direct increase to all aide  
13 base wages, and the remaining \$1.25 of the per hour wage  
14 increase shall be used flexibly for base wage increases to the  
15 rate methodology for aides. In addition, for residential  
16 services delivered on or after January 1, 2024, the rates  
17 shall include an increase sufficient to provide wages for all  
18 residential non-executive direct care staff, excluding aides,  
19 at the federal Department of Labor, Bureau of Labor  
20 Statistics' average wage as determined by the Department.  
21 Also, for services delivered on or after January 1, 2024, the  
22 rates will include adjustments to employment-related expenses  
23 as defined in rule by the Department. The Department shall  
24 adopt rules, including emergency rules as authorized by  
25 Section 5-45 of the Illinois Administrative Procedure Act, to  
26 implement the provisions of this Section.

1           For facilities licensed by the Department of Public Health  
2 under the ID/DD Community Care Act as ID/DD facilities and  
3 under the MC/DD Act as MC/DD facilities, subject to federal  
4 approval of a State Plan Amendment, the rates taking effect  
5 for services delivered on or after January 1, 2025 shall  
6 include a \$1.00 per hour wage increase for all direct support  
7 personnel and all other frontline personnel who are not  
8 subject to the Bureau of Labor Statistics' average wage  
9 increases and who work in residential and community day  
10 services settings, with at least \$0.75 of those funds to be  
11 provided as a direct increase to all aide base wages and the  
12 remaining \$0.25 to be used flexibly for base wage increases to  
13 the rate methodology for aides. These increases shall not be  
14 used by facilities for operational and administrative  
15 expenses. In addition, for residential services delivered on  
16 or after January 1, 2025, the rates shall include an increase  
17 sufficient to provide wages for all residential non-executive  
18 direct care staff, excluding aides, at the federal Department  
19 of Labor, Bureau of Labor Statistics' average wage as  
20 determined by the Department. Also, for services delivered on  
21 or after January 1, 2025, the rates will include adjustments  
22 to employment-related expenses as defined in rule by the  
23 Department. The Department shall adopt rules, including  
24 emergency rules as authorized by Section 5-45 of the Illinois  
25 Administrative Procedure Act, to implement the provisions of  
26 this Section.

1           Notwithstanding any other provision of this Section to the  
2 contrary, any regional wage adjuster for facilities located  
3 outside of the counties of Cook, DuPage, Kane, Lake, McHenry,  
4 and Will shall be no lower than 1.00, and any regional wage  
5 adjuster for facilities located within the counties of Cook,  
6 DuPage, Kane, Lake, McHenry, and Will shall be no lower than  
7 1.15.

8           For facilities licensed by the Department of Public Health  
9 under the ID/DD Community Care Act as ID/DD facilities and  
10 under the MC/DD Act as MC/DD facilities, subject to federal  
11 approval, the rates taking effect for services delivered on or  
12 after July 1, 2025, shall be increased sufficiently to provide  
13 a minimum \$2.00 per hour wage increase over the wages in effect  
14 on June 30, 2025 for front-line personnel, including, but not  
15 limited to, direct support professionals, aides, front-line  
16 supervisors, and non-administrative support staff working in  
17 community-based provider organizations serving individuals  
18 with developmental disabilities, and sufficient to provide  
19 wages for all other residential non-executive direct care  
20 staff, excluding direct support professionals, at the U.S.  
21 Department of Labor, Bureau of Labor Statistics' average wage  
22 as defined, by rule, by the Department. The Department shall  
23 adopt rules, including emergency rules in accordance with the  
24 Illinois Administrative Procedure Act, to implement the  
25 provisions of this paragraph.

26           (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;

1 103-8, eff. 6-7-23; 103-588, eff. 7-1-24.)

2 (305 ILCS 5/5-5.4i)

3 Sec. 5-5.4i. 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 persons, aides, front-line supervisors,  
9 qualified intellectual disabilities professionals, nurses, and  
10 non-administrative support staff working in community-based  
11 provider organizations serving individuals with developmental  
12 disabilities. The Department shall adopt rules, including  
13 emergency rules under subsection (y) of Section 5-45 of the  
14 Illinois Administrative Procedure Act, to implement the  
15 provisions of this Section.

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

1 Illinois Administrative Procedure Act, to implement the  
2 provisions of this Section.

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

12 (d) For community-based providers serving persons with  
13 intellectual or developmental disabilities, subject to federal  
14 approval, the rates taking effect for services delivered on or  
15 after July 1, 2025, shall be increased sufficiently to provide  
16 a minimum \$2.00 per hour wage increase over the wages in effect  
17 on June 30, 2025 for front-line personnel, including, but not  
18 limited to, direct support professionals, aides, front-line  
19 supervisors, and non-administrative support staff working in  
20 community-based provider organizations serving individuals  
21 with developmental disabilities, and sufficient to provide  
22 wages for all other residential non-executive direct care  
23 staff, excluding direct support professionals, at the U.S.  
24 Department of Labor, Bureau of Labor Statistics' average wage  
25 as defined, by rule, by the Department. The Department shall  
26 adopt rules, including emergency rules in accordance with the

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

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.