



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4449**

Introduced 1/20/2026, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

See Index

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 frontline personnel in residential and day programs and service coordination agencies serving persons with intellectual or developmental disabilities. Provides that for community-based providers serving persons with intellectual or developmental disabilities, subject to federal approval of any relevant Waiver Amendment, the rates taking effect for services delivered on or after January 1, 2027 shall include an increase in the rate methodology sufficient to provide a \$1.20 per hour wage rate increase for all direct support professionals 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. Prohibits community-based providers from using the rate increases for operational or administrative expenses. Requires rate increases that are sufficient to provide wages for all residential non-executive direct care staff. Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that the rates for ID/DD and MC/DD facilities for services delivered on or after January 1, 2027 shall include a \$1.20 per hour wage increase for all direct support professionals and other frontline personnel who are not subject to the Bureau of Labor Statistics' average wage increases. Provides that changes to the rate methodologies are subject to federal approval. Grants emergency rulemaking authority to the Departments of Human Services and Healthcare and Family Services to implement the rate increases. Effective immediately.

LRB104 17074 KTG 30489 b

1 AN ACT concerning care for persons with intellectual or  
2 developmental 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 or developmental disabilities are supported in  
10 community-based settings in Illinois; direct support  
11 professionals (DSPs) are trained paraprofessional staff who  
12 are engaged in activities of daily living and community  
13 support; too many of these employees earn wages that place  
14 them and their families below the poverty level.

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

20 (3) The lack of adequate wages for employees who perform  
21 the challenging work of supporting persons with intellectual  
22 or developmental disabilities results in high employee  
23 turnover, which in turn negatively impacts the quality of

1 services provided, higher wages are proven to reduce staff  
2 turnover, improving stability and quality of services while  
3 reducing employer training costs.

4 (4) A December 2020 report issued by an independent  
5 consulting group commissioned by the State to propose changes  
6 to the State's reimbursement for community disability agencies  
7 recommended that addressing DSP wages was the number one  
8 priority for ensuring compliance with the mandates of the  
9 Ligas Consent Decree, and further recommended that wages for  
10 DSPs should be fixed at 150% of the prevailing minimum wage  
11 plus additional funding for benefits.

12 (5) The difference between 150% of the State minimum wage  
13 on January 1, 2027 and the hourly DSP wage rate set by the  
14 State amounts to \$1.20 per hour.

15 (6) The General Assembly finds that in order to reduce  
16 turnover, increase retention, fill vacancies, and ensure DSPs  
17 are adequately compensated for the critically important work  
18 they do, an increase in rates and reimbursements to  
19 community-based service providers to effectuate an increase in  
20 the hourly wage paid to DSPs is needed.

21 Section 3. Purpose and intent. It is the purpose of this  
22 Act to increase the wages of DSPs and other frontline staff in  
23 community disability agencies beyond the poverty level and to  
24 a level competitive with rival employers and above the State  
25 minimum wage, in an effort to improve the lives of DSPs and the

1 lives of the vulnerable persons they support.

2 It is the intent of the General Assembly to ensure that all  
3 funds resulting from rate increases provided to community  
4 disability agencies are allocated to frontline employee wages  
5 in order to address the current workforce crisis which is the  
6 primary obstacle to the availability of community-based  
7 services for people with disabilities.

8 Section 5. The Illinois Administrative Procedure Act is  
9 amended by adding Sections 5-45.71 and 5-45.72 as follows:

10 (5 ILCS 100/5-45.71 new)

11 Sec. 5-45.71. Emergency rulemaking; DHS rate increase for  
12 direct support professionals and all frontline personnel. To  
13 provide for the expeditious and timely implementation of  
14 changes made by this amendatory Act of the 104th General  
15 Assembly to Section 74 of the Mental Health and Developmental  
16 Disabilities Administrative Act, emergency rules implementing  
17 the changes made by this amendatory Act of the 104th General  
18 Assembly to Section 74 of the Mental Health and Developmental  
19 Disabilities Administrative Act may be adopted in accordance  
20 with Section 5-45 by the Department of Human Services. The  
21 adoption of emergency rules authorized by Section 5-45 and  
22 this Section is deemed to be necessary for the public  
23 interest, safety, and welfare.

24 This Section is repealed one year after the effective date

1 of this amendatory Act of the 104th General Assembly.

2 (5 ILCS 100/5-45.72 new)

3 Sec. 5-45.72. Emergency rulemaking; DHFS rate increase for  
4 direct support professionals and all frontline personnel. To  
5 provide for the expeditious and timely implementation of  
6 changes made by this amendatory Act of the 104th General  
7 Assembly to Sections 5-5.4 and 5-5.4i of the Illinois Public  
8 Aid Code, emergency rules implementing the changes made by  
9 this amendatory Act of the 104th General Assembly to Sections  
10 5-5.4 and 5-5.4i of the Illinois Public Aid Code may be adopted  
11 in accordance with Section 5-45 by the Department of  
12 Healthcare and Family Services. The adoption of emergency  
13 rules authorized by Section 5-45 and this Section is deemed to  
14 be necessary for the public interest, safety, and welfare.

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

17 Section 10. The Mental Health and Developmental  
18 Disabilities Administrative Act is amended by changing Section  
19 74 and by adding Section 55.5 as follows:

20 (20 ILCS 1705/55.5 new)

21 Sec. 55.5. Increased wages for frontline personnel. As  
22 used in this Section, "frontline personnel" means direct  
23 support professionals, aides, frontline supervisors, and

1 non-administrative support staff working in service settings  
2 outlined in this Section.

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

15 The Department shall increase rates and reimbursements so  
16 that by January 1, 2027 wages for direct support professionals  
17 shall be increased by \$1.20 per hour, and so that other  
18 frontline personnel earn a commensurate wage.

19 (20 ILCS 1705/74)

20 Sec. 74. Rates and reimbursements.

21 (a) Within 30 days after July 6, 2017 (the effective date  
22 of Public Act 100-23), the Department shall increase rates and  
23 reimbursements to fund a minimum of a \$0.75 per hour wage  
24 increase for frontline personnel, including, but not limited  
25 to, direct support professionals, aides, frontline

1 supervisors, qualified intellectual disabilities  
2 professionals, nurses, and non-administrative support staff  
3 working in community-based provider organizations serving  
4 individuals with developmental disabilities. The Department  
5 shall adopt rules, including emergency rules under subsection  
6 (y) of Section 5-45 of the Illinois Administrative Procedure  
7 Act, to implement the provisions of this Section.

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

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

1 under subsection (jj) of Section 5-45 of the Illinois  
2 Administrative Procedure Act, to implement the provisions of  
3 this Section, including wage increases for direct care staff.

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

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

23 (e) For community-based providers serving persons with  
24 intellectual/developmental disabilities, subject to federal  
25 approval of any relevant Waiver Amendment, the rates taking  
26 effect for services delivered on or after January 1, 2023,

1 shall include an increase in the rate methodology sufficient  
2 to provide a \$1.00 per hour wage increase for all direct  
3 support professionals and all other frontline personnel who  
4 are not subject to the Bureau of Labor Statistics' average  
5 wage increases, who work in residential and community day  
6 services settings, with at least \$0.50 of those funds to be  
7 provided as a direct increase to base wages, with the  
8 remaining \$0.50 to be used flexibly for base wage increases.  
9 In addition, the rates taking effect for services delivered on  
10 or after January 1, 2023 shall include an increase sufficient  
11 to provide wages for all residential non-executive direct care  
12 staff, excluding direct support professionals, at the federal  
13 Department of Labor, Bureau of Labor Statistics' average wage  
14 as defined in rule by the Department.

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

23 (f) For community-based providers serving persons with  
24 intellectual/developmental disabilities, subject to federal  
25 approval of any relevant Waiver Amendment, the rates taking  
26 effect for services delivered on or after January 1, 2024

1 shall include an increase in the rate methodology sufficient  
2 to provide a \$2.50 per hour wage increase for all direct  
3 support professionals and all other frontline personnel who  
4 are not subject to the Bureau of Labor Statistics' average  
5 wage increases and who work in residential and community day  
6 services settings. At least \$1.25 of the per hour wage  
7 increase shall be provided as a direct increase to base wages,  
8 and the remaining \$1.25 of the per hour wage increase shall be  
9 used flexibly for base wage increases. In addition, the rates  
10 taking effect for services delivered on or after January 1,  
11 2024 shall include an increase sufficient to provide wages for  
12 all residential non-executive direct care staff, excluding  
13 direct support professionals, at the federal Department of  
14 Labor, Bureau of Labor Statistics' average wage as defined in  
15 rule by the Department.

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

24 (g) For community-based providers serving persons with  
25 intellectual or developmental disabilities, subject to federal  
26 approval of any relevant Waiver Amendment, the rates taking

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

21 The establishment of and any changes to the rate  
22 methodologies for community-based services provided to persons  
23 with intellectual or 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.

3 (h) For community-based providers serving persons with  
4 intellectual or developmental disabilities, subject to federal  
5 approval of any relevant Waiver Amendment, the rates taking  
6 effect for services delivered on or after January 1, 2026  
7 shall include an increase in the rate methodology sufficient  
8 to provide a \$0.80 per hour wage increase for all direct  
9 support personnel and all other frontline personnel who are  
10 not subject to the Bureau of Labor Statistics' average wage  
11 increases and who work in residential and community day  
12 services settings, with at least \$0.60 of the per hour wage  
13 increase to be provided as a direct increase to base wages, and  
14 the remaining \$0.20 of the per hour wage increase to be used  
15 flexibly for base wage increases. These increases shall not be  
16 used by community-based providers for operational or  
17 administrative expenses. In addition, the rates taking effect  
18 for services delivered on or after January 1, 2026 shall  
19 include an increase sufficient to provide wages for all  
20 residential non-executive direct care staff, excluding direct  
21 support personnel, at the federal Department of Labor, Bureau  
22 of Labor Statistics' average wage as defined in rule by the  
23 Department.

24 The establishment of and any changes to the rate  
25 methodologies for community-based services provided to persons  
26 with intellectual or developmental disabilities are subject to

1 federal approval of any relevant Waiver Amendment and shall be  
2 defined in rule by the Department. 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 subsection.

6 (i) For community-based providers serving persons with  
7 intellectual or developmental disabilities, subject to federal  
8 approval of any relevant Waiver Amendment, the rates taking  
9 effect for services delivered on or after January 1, 2027  
10 shall include an increase in the rate methodology sufficient  
11 to provide a \$1.20 per hour wage rate increase for all direct  
12 support professionals and all other frontline personnel who  
13 are not subject to the Bureau of Labor Statistics' average  
14 wage increases and who work in residential and community day  
15 services settings. These increases shall not be used by  
16 community-based providers for operational or administrative  
17 expenses. In addition, the rates taking effect for services  
18 delivered on or after January 1, 2027 shall include an  
19 increase sufficient to provide wages for all residential  
20 non-executive direct care staff, excluding direct support  
21 professionals, at the federal Department of Labor, Bureau of  
22 Labor Statistics' average wage as defined by rule by the  
23 Department. For services delivered on or after January 1,  
24 2027, the rates shall include adjustments to  
25 employment-related expenses as defined by rule by the  
26 Department.

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

9       (Source: P.A. 103-8, eff. 6-7-23; 103-154, eff. 6-30-23;  
10       103-588, eff. 6-5-24; 104-2, eff. 6-16-25.)

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

13             (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

14       Sec. 5-5.4. Standards of payment; Department of Healthcare  
15       and Family Services. The Department of Healthcare and Family  
16       Services shall develop standards of payment of nursing  
17       facility and ICF/DD services in facilities providing such  
18       services under this Article which:

19             (1) Provide for the determination of a facility's payment  
20       for nursing facility or ICF/DD services on a prospective  
21       basis. The amount of the payment rate for all nursing  
22       facilities certified by the Department of Public Health under  
23       the ID/DD Community Care Act or the Nursing Home Care Act as  
24       Intermediate Care for the Developmentally Disabled facilities,

1 Long Term Care for Under Age 22 facilities, Skilled Nursing  
2 facilities, or Intermediate Care facilities under the medical  
3 assistance program shall be prospectively established annually  
4 on the basis of historical, financial, and statistical data  
5 reflecting actual costs from prior years, which shall be  
6 applied to the current rate year and updated for inflation,  
7 except that the capital cost element for newly constructed  
8 facilities shall be based upon projected budgets. The annually  
9 established payment rate shall take effect on July 1 in 1984  
10 and subsequent years. No rate increase and no update for  
11 inflation shall be provided on or after July 1, 1994, unless  
12 specifically provided for in this Section. The changes made by  
13 Public Act 93-841 extending the duration of the prohibition  
14 against a rate increase or update for inflation are effective  
15 retroactive to July 1, 2004.

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 July 1,  
20 1998 shall include an increase of 3%. For facilities licensed  
21 by the Department of Public Health under the Nursing Home Care  
22 Act as Skilled Nursing facilities or Intermediate Care  
23 facilities, the rates taking effect on July 1, 1998 shall  
24 include an increase of 3% plus \$1.10 per resident-day, as  
25 defined by the Department. For facilities licensed by the  
26 Department of Public Health under the Nursing Home Care Act as

1 Intermediate Care Facilities for the Developmentally Disabled  
2 or Long Term Care for Under Age 22 facilities, the rates taking  
3 effect on January 1, 2006 shall include an increase of 3%. For  
4 facilities licensed by the Department of Public Health under  
5 the Nursing Home Care Act as Intermediate Care Facilities for  
6 the Developmentally Disabled or Long Term Care for Under Age  
7 22 facilities, the rates taking effect on January 1, 2009  
8 shall include an increase sufficient to provide a \$0.50 per  
9 hour wage increase for non-executive staff. For facilities  
10 licensed by the Department of Public Health under the ID/DD  
11 Community Care Act as ID/DD Facilities the rates taking effect  
12 within 30 days after July 6, 2017 (the effective date of Public  
13 Act 100-23) shall include an increase sufficient to provide a  
14 \$0.75 per hour wage increase for non-executive staff. The  
15 Department shall adopt rules, including emergency rules under  
16 subsection (y) of Section 5-45 of the Illinois Administrative  
17 Procedure Act, to implement the provisions of this paragraph.  
18 For facilities licensed by the Department of Public Health  
19 under the ID/DD Community Care Act as ID/DD Facilities and  
20 under the MC/DD Act as MC/DD Facilities, the rates taking  
21 effect within 30 days after June 5, 2019 (the effective date of  
22 Public Act 101-10) shall include an increase sufficient to  
23 provide a \$0.50 per hour wage increase for non-executive  
24 frontline personnel, including, but not limited to, direct  
25 support persons, aides, frontline supervisors, qualified  
26 intellectual disabilities professionals, nurses, and

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

5 For facilities licensed by the Department of Public Health  
6 under the ID/DD Community Care Act as ID/DD facilities and  
7 under the MC/DD Act as MC/DD facilities, subject to federal  
8 approval of a State Plan Amendment, the rates taking effect  
9 for services delivered on or after January 1, 2027 shall  
10 include a \$1.20 per hour wage increase for all direct support  
11 professionals and all other frontline personnel who are not  
12 subject to the Bureau of Labor Statistics' average wage  
13 increases and who work in residential and community day  
14 services settings. These increases shall not be used by  
15 facilities for operational and administrative expenses. In  
16 addition, for residential services delivered on or after  
17 January 1, 2027, the rates shall include an increase  
18 sufficient to provide wages for all residential non-executive  
19 direct care staff, excluding aides, at the federal Department  
20 of Labor, Bureau of Labor Statistics' average wage as  
21 determined by the Department. Also, for services delivered on  
22 or after January 1, 2027, the rates shall include adjustments  
23 to employment-related expenses as defined in rule by the  
24 Department. The Department shall adopt rules, including  
25 emergency rules as authorized by Section 5-45 of the Illinois  
26 Administrative Procedure Act, to implement the provisions of

1 this Section.

2 For facilities licensed by the Department of Public Health  
3 under the Nursing Home Care Act as Intermediate Care for the  
4 Developmentally Disabled facilities or Long Term Care for  
5 Under Age 22 facilities, the rates taking effect on July 1,  
6 1999 shall include an increase of 1.6% plus \$3.00 per  
7 resident-day, as defined by the Department. For facilities  
8 licensed by the Department of Public Health under the Nursing  
9 Home Care Act as Skilled Nursing facilities or Intermediate  
10 Care facilities, the rates taking effect on July 1, 1999 shall  
11 include an increase of 1.6% and, for services provided on or  
12 after October 1, 1999, shall be increased by \$4.00 per  
13 resident-day, as defined by the Department.

14 For facilities licensed by the Department of Public Health  
15 under the Nursing Home Care Act as Intermediate Care for the  
16 Developmentally Disabled facilities or Long Term Care for  
17 Under Age 22 facilities, the rates taking effect on July 1,  
18 2000 shall include an increase of 2.5% per resident-day, as  
19 defined by the Department. For facilities licensed by the  
20 Department of Public Health under the Nursing Home Care Act as  
21 Skilled Nursing facilities or Intermediate Care facilities,  
22 the rates taking effect on July 1, 2000 shall include an  
23 increase of 2.5% per resident-day, as defined by the  
24 Department.

25 For facilities licensed by the Department of Public Health  
26 under the Nursing Home Care Act as skilled nursing facilities

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

16 (A) For a facility that would receive a lower nursing  
17 component rate per patient day under the new system than  
18 the facility received effective on the date immediately  
19 preceding the date that the Department implements the new  
20 payment methodology, the nursing component rate per  
21 patient day for the facility shall be held at the level in  
22 effect on the date immediately preceding the date that the  
23 Department implements the new payment methodology until a  
24 higher nursing component rate of reimbursement is achieved  
25 by that facility.

26 (B) For a facility that would receive a higher nursing

1 component rate per patient day under the payment  
2 methodology in effect on July 1, 2003 than the facility  
3 received effective on the date immediately preceding the  
4 date that the Department implements the new payment  
5 methodology, the nursing component rate per patient day  
6 for the facility shall be adjusted.

7 (C) Notwithstanding paragraphs (A) and (B), the  
8 nursing component rate per patient day for the facility  
9 shall be adjusted subject to appropriations provided by  
10 the General Assembly.

11 For facilities licensed by the Department of Public Health  
12 under the Nursing Home Care Act as Intermediate Care for the  
13 Developmentally Disabled facilities or Long Term Care for  
14 Under Age 22 facilities, the rates taking effect on March 1,  
15 2001 shall include a statewide increase of 7.85%, as defined  
16 by the Department.

17 Notwithstanding any other provision of this Section, for  
18 facilities licensed by the Department of Public Health under  
19 the Nursing Home Care Act as skilled nursing facilities or  
20 intermediate care facilities, except facilities participating  
21 in the Department's demonstration program pursuant to the  
22 provisions of Title 77, Part 300, Subpart T of the Illinois  
23 Administrative Code, the numerator of the ratio used by the  
24 Department of Healthcare and Family Services to compute the  
25 rate payable under this Section using the Minimum Data Set  
26 (MDS) methodology shall incorporate the following annual

1 amounts as the additional funds appropriated to the Department  
2 specifically to pay for rates based on the MDS nursing  
3 component methodology in excess of the funding in effect on  
4 December 31, 2006:

5 (i) For rates taking effect January 1, 2007,  
6 \$60,000,000.

7 (ii) For rates taking effect January 1, 2008,  
8 \$110,000,000.

9 (iii) For rates taking effect January 1, 2009,  
10 \$194,000,000.

11 (iv) For rates taking effect April 1, 2011, or the  
12 first day of the month that begins at least 45 days after  
13 February 16, 2011 (the effective date of Public Act  
14 96-1530), \$416,500,000 or an amount as may be necessary to  
15 complete the transition to the MDS methodology for the  
16 nursing component of the rate. Increased payments under  
17 this item (iv) are not due and payable, however, until (i)  
18 the methodologies described in this paragraph are approved  
19 by the federal government in an appropriate State Plan  
20 amendment and (ii) the assessment imposed by Section 5B-2  
21 of this Code is determined to be a permissible tax under  
22 Title XIX of the Social Security Act.

23 Notwithstanding any other provision of this Section, for  
24 facilities licensed by the Department of Public Health under  
25 the Nursing Home Care Act as skilled nursing facilities or  
26 intermediate care facilities, the support component of the

1 rates taking effect on January 1, 2008 shall be computed using  
2 the most recent cost reports on file with the Department of  
3 Healthcare and Family Services no later than April 1, 2005,  
4 updated for inflation to January 1, 2006.

5 For facilities licensed by the Department of Public Health  
6 under the Nursing Home Care Act as Intermediate Care for the  
7 Developmentally Disabled facilities or Long Term Care for  
8 Under Age 22 facilities, the rates taking effect on April 1,  
9 2002 shall include a statewide increase of 2.0%, as defined by  
10 the Department. This increase terminates on July 1, 2002;  
11 beginning July 1, 2002 these rates are reduced to the level of  
12 the rates in effect on March 31, 2002, as defined by the  
13 Department.

14 For facilities licensed by the Department of Public Health  
15 under the Nursing Home Care Act as skilled nursing facilities  
16 or intermediate care facilities, the rates taking effect on  
17 July 1, 2001 shall be computed using the most recent cost  
18 reports on file with the Department of Public Aid no later than  
19 April 1, 2000, updated for inflation to January 1, 2001. For  
20 rates effective July 1, 2001 only, rates shall be the greater  
21 of the rate computed for July 1, 2001 or the rate effective on  
22 June 30, 2001.

23 Notwithstanding any other provision of this Section, for  
24 facilities licensed by the Department of Public Health under  
25 the Nursing Home Care Act as skilled nursing facilities or  
26 intermediate care facilities, the Illinois Department shall

1 determine by rule the rates taking effect on July 1, 2002,  
2 which shall be 5.9% less than the rates in effect on June 30,  
3 2002.

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

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

21 Notwithstanding any other provision of this Section, for  
22 facilities licensed by the Department of Public Health under  
23 the Nursing Home Care Act as skilled nursing facilities or  
24 intermediate care facilities, effective January 1, 2009, the  
25 per diem support component of the rates effective on January  
26 1, 2008, computed using the most recent cost reports on file

1 with the Department of Healthcare and Family Services no later  
2 than April 1, 2005, updated for inflation to January 1, 2006,  
3 shall be increased to the amount that would have been derived  
4 using standard Department of Healthcare and Family Services  
5 methods, procedures, and inflators.

6 Notwithstanding any other provisions of this Section, for  
7 facilities licensed by the Department of Public Health under  
8 the Nursing Home Care Act as intermediate care facilities that  
9 are federally defined as Institutions for Mental Disease, or  
10 facilities licensed by the Department of Public Health under  
11 the Specialized Mental Health Rehabilitation Act of 2013, a  
12 socio-development component rate equal to 6.6% of the  
13 facility's nursing component rate as of January 1, 2006 shall  
14 be established and paid effective July 1, 2006. The  
15 socio-development component of the rate shall be increased by  
16 a factor of 2.53 on the first day of the month that begins at  
17 least 45 days after January 11, 2008 (the effective date of  
18 Public Act 95-707). As of August 1, 2008, the  
19 socio-development component rate shall be equal to 6.6% of the  
20 facility's nursing component rate as of January 1, 2006,  
21 multiplied by a factor of 3.53. For services provided on or  
22 after April 1, 2011, or the first day of the month that begins  
23 at least 45 days after February 16, 2011 (the effective date of  
24 Public Act 96-1530), whichever is later, the Illinois  
25 Department may by rule adjust these socio-development  
26 component rates, and may use different adjustment

1 methodologies for those facilities participating, and those  
2 not participating, in the Illinois Department's demonstration  
3 program pursuant to the provisions of Title 77, Part 300,  
4 Subpart T of the Illinois Administrative Code, but in no case  
5 may such rates be diminished below those in effect on August 1,  
6 2008.

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 as long-term care  
10 facilities for residents under 22 years of age, the rates  
11 taking effect on July 1, 2003 shall include a statewide  
12 increase of 4%, as defined by the Department.

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

20 Notwithstanding any other provision 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, effective January 1, 2005,  
24 facility rates shall be increased by the difference between  
25 (i) a facility's per diem property, liability, and malpractice  
26 insurance costs as reported in the cost report filed with the

1 Department of Public Aid and used to establish rates effective  
2 July 1, 2001 and (ii) those same costs as reported in the  
3 facility's 2002 cost report. These costs shall be passed  
4 through to the facility without caps or limitations, except  
5 for adjustments required under normal auditing procedures.

6 Rates established effective each July 1 shall govern  
7 payment for services rendered throughout that fiscal year,  
8 except that rates established on July 1, 1996 shall be  
9 increased by 6.8% for services provided on or after January 1,  
10 1997. Such rates will be based upon the rates calculated for  
11 the year beginning July 1, 1990, and for subsequent years  
12 thereafter until June 30, 2001 shall be based on the facility  
13 cost reports for the facility fiscal year ending at any point  
14 in time during the previous calendar year, updated to the  
15 midpoint of the rate year. The cost report shall be on file  
16 with the Department no later than April 1 of the current rate  
17 year. Should the cost report not be on file by April 1, the  
18 Department shall base the rate on the latest cost report filed  
19 by each skilled care facility and intermediate care facility,  
20 updated to the midpoint of the current rate year. In  
21 determining rates for services rendered on and after July 1,  
22 1985, fixed time shall not be computed at less than zero. The  
23 Department shall not make any alterations of regulations which  
24 would reduce any component of the Medicaid rate to a level  
25 below what that component would have been utilizing in the  
26 rate effective on July 1, 1984.

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

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

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

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

23           The Department shall develop enhanced payments to offset  
24 the additional costs incurred by a facility serving  
25 exceptional need residents and shall allocate at least  
26 \$4,000,000 of the funds collected from the assessment

1 established by Section 5B-2 of this Code for such payments.  
2 For the purpose of this Section, "exceptional needs" means,  
3 but need not be limited to, ventilator care and traumatic  
4 brain injury care. The enhanced payments for exceptional need  
5 residents under this paragraph are not due and payable,  
6 however, until (i) the methodologies described in this  
7 paragraph are approved by the federal government in an  
8 appropriate State Plan amendment and (ii) the assessment  
9 imposed by Section 5B-2 of this Code is determined to be a  
10 permissible tax under Title XIX of the Social Security Act.

11 Beginning January 1, 2014 the methodologies for  
12 reimbursement of nursing facility services as provided under  
13 this Section 5-5.4 shall no longer be applicable for services  
14 provided on or after January 1, 2014.

15 No payment increase under this Section for the MDS  
16 methodology, exceptional care residents, or the  
17 socio-development component rate established by Public Act  
18 96-1530 of the 96th General Assembly and funded by the  
19 assessment imposed under Section 5B-2 of this Code shall be  
20 due and payable until after the Department notifies the  
21 long-term care providers, in writing, that the payment  
22 methodologies to long-term care providers required under this  
23 Section have been approved by the Centers for Medicare and  
24 Medicaid Services of the U.S. Department of Health and Human  
25 Services and the waivers under 42 CFR 433.68 for the  
26 assessment imposed by this Section, if necessary, have been

1 granted by the Centers for Medicare and Medicaid Services of  
2 the U.S. Department of Health and Human Services. Upon  
3 notification to the Department of approval of the payment  
4 methodologies required under this Section and the waivers  
5 granted under 42 CFR 433.68, all increased payments otherwise  
6 due under this Section prior to the date of notification shall  
7 be due and payable within 90 days of the date federal approval  
8 is received.

9 On and after July 1, 2012, the Department shall reduce any  
10 rate of reimbursement for services or other payments or alter  
11 any methodologies authorized by this Code to reduce any rate  
12 of reimbursement for services or other payments in accordance  
13 with Section 5-5e.

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

24 For facilities licensed by the Department of Public Health  
25 under the ID/DD Community Care Act as ID/DD Facilities and  
26 under the MC/DD Act as MC/DD Facilities, subject to federal

1 approval, the rates taking effect on the latter of the  
2 approval date of the State Plan Amendment for these facilities  
3 or the Waiver Amendment for the home and community-based  
4 services settings shall include an increase sufficient to  
5 provide a \$0.26 per hour wage increase to the base wage for  
6 non-executive staff. The Department shall adopt rules,  
7 including emergency rules as authorized by Section 5-45 of the  
8 Illinois Administrative Procedure Act, to implement the  
9 provisions of this Section, including wage increases for  
10 direct care staff.

11 For facilities licensed by the Department of Public Health  
12 under the ID/DD Community Care Act as ID/DD Facilities and  
13 under the MC/DD Act as MC/DD Facilities, subject to federal  
14 approval of the State Plan Amendment and the Waiver Amendment  
15 for the home and community-based services settings, the rates  
16 taking effect for the services delivered on or after July 1,  
17 2020 shall include an increase sufficient to provide a \$1.00  
18 per hour wage increase for non-executive staff. For services  
19 delivered on or after January 1, 2021, subject to federal  
20 approval of the State Plan Amendment and the Waiver Amendment  
21 for the home and community-based services settings, shall  
22 include an increase sufficient to provide a \$0.50 per hour  
23 increase for non-executive staff. 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 Section, including wage increases for

1 direct care staff.

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 the residential services delivered on or after July 1,  
7 2021, shall include an increase sufficient to provide a \$0.50  
8 per hour increase for aides in the rate methodology. For  
9 facilities licensed by the Department of Public Health under  
10 the ID/DD Community Care Act as ID/DD Facilities and under the  
11 MC/DD Act as MC/DD Facilities, subject to federal approval of  
12 the State Plan Amendment, the rates taking effect for the  
13 residential services delivered on or after January 1, 2022  
14 shall include an increase sufficient to provide a \$1.00 per  
15 hour increase for aides in the rate methodology. In addition,  
16 for residential services delivered on or after January 1, 2022  
17 such rates shall include an increase sufficient to provide  
18 wages for all residential non-executive direct care staff,  
19 excluding aides, at the federal Department of Labor, Bureau of  
20 Labor Statistics' average wage as defined in rule by the  
21 Department. The Department shall adopt rules, including  
22 emergency rules as authorized by Section 5-45 of the Illinois  
23 Administrative Procedure Act, to implement the provisions of  
24 this Section.

25 For facilities licensed by the Department of Public Health  
26 under the ID/DD Community Care Act as ID/DD facilities and

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

23 For facilities licensed by the Department of Public Health  
24 under the ID/DD Community Care Act as ID/DD facilities and  
25 under the MC/DD Act as MC/DD facilities, subject to federal  
26 approval of the State Plan Amendment, the rates taking effect

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

22 For facilities licensed by the Department of Public Health  
23 under the ID/DD Community Care Act as ID/DD facilities and  
24 under the MC/DD Act as MC/DD facilities, subject to federal  
25 approval of a State Plan Amendment, the rates taking effect  
26 for services delivered on or after January 1, 2025 shall

1 include a \$1.00 per hour wage increase for all direct support  
2 personnel and all other frontline personnel who are not  
3 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 all aide base wages and the  
7 remaining \$0.25 to be used flexibly for base wage increases to  
8 the rate methodology for aides. These increases shall not be  
9 used by facilities for operational and administrative  
10 expenses. In addition, for residential services delivered on  
11 or after January 1, 2025, the rates shall include an increase  
12 sufficient to provide wages for all residential non-executive  
13 direct care staff, excluding aides, at the federal Department  
14 of Labor, Bureau of Labor Statistics' average wage as  
15 determined by the Department. Also, for services delivered on  
16 or after January 1, 2025, the rates will include adjustments  
17 to employment-related expenses as defined in rule by the  
18 Department. The Department shall adopt rules, including  
19 emergency rules as authorized by Section 5-45 of the Illinois  
20 Administrative Procedure Act, to implement the provisions of  
21 this Section.

22 For facilities licensed by the Department of Public Health  
23 under the ID/DD Community Care Act as ID/DD facilities and  
24 under the MC/DD Act as MC/DD facilities, subject to federal  
25 approval of a State Plan Amendment, the rates taking effect  
26 for services delivered on or after January 1, 2026 shall

1 include a \$0.80 per hour wage increase for all direct support  
2 personnel and all other frontline personnel who are not  
3 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 \$0.60 of those funds to be  
6 provided as a direct increase to all aide base wages and the  
7 remaining \$0.20 to be used flexibly for base wage increases to  
8 the rate methodology for aides. These increases shall not be  
9 used by facilities for operational and administrative  
10 expenses. In addition, for residential services delivered on  
11 or after January 1, 2026, the rates shall include an increase  
12 sufficient to provide wages for all residential non-executive  
13 direct care staff, excluding aides, at the federal Department  
14 of Labor, Bureau of Labor Statistics' average wage as  
15 determined by the Department. Also, for services delivered on  
16 or after January 1, 2026, the rates will include adjustments  
17 to employment-related expenses as defined in rule by the  
18 Department. The Department shall adopt rules, including  
19 emergency rules as authorized by Section 5-45 of the Illinois  
20 Administrative Procedure Act, to implement the provisions of  
21 this Section.

22 Notwithstanding any other provision of this Section to the  
23 contrary, any regional wage adjuster for facilities located  
24 outside of the counties of Cook, DuPage, Kane, Lake, McHenry,  
25 and Will shall be no lower than 1.00, and any regional wage  
26 adjuster for facilities located within the counties of Cook,

1 DuPage, Kane, Lake, McHenry, and Will shall be no lower than  
2 1.15.

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 of a State Plan Amendment, the rates taking effect  
7 for services delivered on or after January 1, 2027 shall  
8 include a \$1.20 per hour wage increase for all direct support  
9 professionals and all other frontline personnel who are not  
10 subject to the Bureau of Labor Statistics' average wage  
11 increases and who work in residential and community day  
12 services settings. These increases shall not be used by  
13 facilities for operational and administrative expenses. In  
14 addition, for residential services delivered on or after  
15 January 1, 2027, the rates shall include an increase  
16 sufficient to provide wages for all residential non-executive  
17 direct care staff, excluding aides, at the federal Department  
18 of Labor, Bureau of Labor Statistics' average wage as  
19 determined by the Department. Also, for services delivered on  
20 or after January 1, 2027, the rates shall include adjustments  
21 to employment-related expenses as defined in rule by the  
22 Department. The Department shall adopt rules, including  
23 emergency rules as authorized by Section 5-45 of the Illinois  
24 Administrative Procedure Act, to implement the provisions of  
25 this Section.

26 (Source: P.A. 103-8, eff. 6-7-23; 103-588, eff. 7-1-24; 104-2,

1 eff. 6-16-25.)

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 of any relevant Waiver Amendment, the rates taking  
15 effect for services delivered on or after January 1, 2027  
16 shall include an increase in the rate methodology sufficient  
17 to provide a \$1.20 per hour wage rate increase for all direct  
18 support professionals and all other frontline personnel who  
19 are not subject to the Bureau of Labor Statistics' average  
20 wage increases and who work in residential and community day  
21 services settings. These increases shall not be used by  
22 community-based providers for operational or administrative  
23 expenses. In addition, the rates taking effect for services  
24 delivered on or after January 1, 2027 shall include an  
25 increase sufficient to provide wages for all residential  
26 non-executive direct care staff, excluding direct support

1 professionals, at the federal Department of Labor, Bureau of  
2 Labor Statistics' average wage as defined by rule by the  
3 Department. For services delivered on or after January 1,  
4 2027, the rates shall include adjustments to  
5 employment-related expenses as defined by rule by the  
6 Department.

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

15 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
16 101-10, eff. 6-5-19.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 100/5-45.71 new

4 5 ILCS 100/5-45.72 new

5 20 ILCS 1705/55.5 new

6 20 ILCS 1705/74

7 305 ILCS 5/5-5.4 from Ch. 23, par. 5-5.4

8 305 ILCS 5/5-5.4i