



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3727

Introduced 2/5/2026, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/74
305 ILCS 5/5-5a.2 new

Amends the Mental Health and Developmental Disabilities Administrative Act. Provides that beginning July 1, 2026, the Department of Human Services shall reissue the original cost and wage survey for costs associated with the administration of services to persons with intellectual and developmental disabilities in community day services that was contained in the Department's Guidehouse Rate Study. Provides that the cost and wage survey shall be used to effectuate rate increases in transportation funding for the administration of community day services to persons with intellectual and developmental disabilities and may include provider contact information, total costs of employee salaries and benefits, staff turnover, and other information. Requires the Department to adopt rules. Amends the Medical Assistance Article of the Illinois Public Aid Code. Requires the Department of Healthcare and Family Services to file an amendment to the Home and Community-Based Services Waiver Program for Adults with Developmental Disabilities that removes the 5 hour per day billing maximums at community day services. Provides that the amendment shall not modify monthly and yearly billing maximums for community day services. Provides that implementation is contingent on federal approval. Effective July 1, 2026.

LRB104 19958 KTG 33408 b

1 AN ACT concerning public aid.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing Section
6 74 as follows:

7 (20 ILCS 1705/74)

8 Sec. 74. Rates and reimbursements.

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

21 (b) Rates and reimbursements. Within 30 days after June 4,
22 2018 (the effective date of Public Act 100-587), the
23 Department shall increase rates and reimbursements to fund a

1 minimum of a \$0.50 per hour wage increase for frontline
2 personnel, including, but not limited to, direct support
3 professionals, aides, frontline supervisors, qualified
4 intellectual disabilities professionals, nurses, and
5 non-administrative support staff working in community-based
6 provider organizations serving individuals with developmental
7 disabilities. The Department shall adopt rules, including
8 emergency rules under subsection (bb) of Section 5-45 of the
9 Illinois Administrative Procedure Act, to implement the
10 provisions of this Section.

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

20 (d) For community-based providers serving persons with
21 intellectual/developmental disabilities, subject to federal
22 approval of any relevant Waiver Amendment, the rates taking
23 effect for services delivered on or after January 1, 2022,
24 shall include an increase in the rate methodology sufficient
25 to provide a \$1.50 per hour wage increase for direct support
26 professionals in residential settings and sufficient to

1 provide wages for all residential non-executive direct care
2 staff, excluding direct support professionals, at the federal
3 Department of Labor, Bureau of Labor Statistics' average wage
4 as defined in rule by the Department.

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

13 (e) For community-based providers serving persons with
14 intellectual/developmental disabilities, subject to federal
15 approval of any relevant Waiver Amendment, the rates taking
16 effect for services delivered on or after January 1, 2023,
17 shall include an increase in the rate methodology sufficient
18 to provide a \$1.00 per hour wage increase for all direct
19 support professionals and all other frontline personnel who
20 are not subject to the Bureau of Labor Statistics' average
21 wage increases, who work in residential and community day
22 services settings, with at least \$0.50 of those funds to be
23 provided as a direct increase to base wages, with the
24 remaining \$0.50 to be used flexibly for base wage increases.
25 In addition, the rates taking effect for services delivered on
26 or after January 1, 2023 shall include an increase sufficient

1 to provide wages for all residential non-executive direct care
2 staff, excluding direct support professionals, at the federal
3 Department of Labor, Bureau of Labor Statistics' average wage
4 as defined in rule by the Department.

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

13 (f) For community-based providers serving persons with
14 intellectual/developmental disabilities, subject to federal
15 approval of any relevant Waiver Amendment, the rates taking
16 effect for services delivered on or after January 1, 2024
17 shall include an increase in the rate methodology sufficient
18 to provide a \$2.50 per hour wage increase for all direct
19 support professionals and all other frontline personnel who
20 are not subject to the Bureau of Labor Statistics' average
21 wage increases and who work in residential and community day
22 services settings. At least \$1.25 of the per hour wage
23 increase shall be provided as a direct increase to base wages,
24 and the remaining \$1.25 of the per hour wage increase shall be
25 used flexibly for base wage increases. In addition, the rates
26 taking effect for services delivered on or after January 1,

1 2024 shall include an increase sufficient to provide wages for
2 all residential non-executive direct care staff, excluding
3 direct support professionals, at the federal Department of
4 Labor, Bureau of Labor Statistics' average wage as defined in
5 rule by the Department.

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

14 (g) For community-based providers serving persons with
15 intellectual or developmental disabilities, subject to federal
16 approval of any relevant Waiver Amendment, the rates taking
17 effect for services delivered on or after January 1, 2025
18 shall include an increase in the rate methodology sufficient
19 to provide a \$1 per hour wage rate increase for all direct
20 support personnel and all other frontline personnel who are
21 not subject to the Bureau of Labor Statistics' average wage
22 increases and who work in residential and community day
23 services settings, with at least \$0.75 of those funds to be
24 provided as a direct increase to base wages and the remaining
25 \$0.25 to be used flexibly for base wage increases. These
26 increases shall not be used by community-based providers for

1 operational or administrative expenses. In addition, the rates
2 taking effect for services delivered on or after January 1,
3 2025 shall include an increase sufficient to provide wages for
4 all residential non-executive direct care staff, excluding
5 direct support personnel, at the federal Department of Labor,
6 Bureau of Labor Statistics' average wage as defined by rule by
7 the Department. For services delivered on or after January 1,
8 2025, the rates shall include adjustments to
9 employment-related expenses as defined by rule by the
10 Department.

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

19 (h) For community-based providers serving persons with
20 intellectual or developmental disabilities, subject to federal
21 approval of any relevant Waiver Amendment, the rates taking
22 effect for services delivered on or after January 1, 2026
23 shall include an increase in the rate methodology sufficient
24 to provide a \$0.80 per hour wage increase for all direct
25 support personnel and all other frontline personnel who are
26 not subject to the Bureau of Labor Statistics' average wage

1 increases and who work in residential and community day
2 services settings, with at least \$0.60 of the per hour wage
3 increase to be provided as a direct increase to base wages, and
4 the remaining \$0.20 of the per hour wage increase to be used
5 flexibly for base wage increases. These increases shall not be
6 used by community-based providers for operational or
7 administrative expenses. In addition, the rates taking effect
8 for services delivered on or after January 1, 2026 shall
9 include an increase sufficient to provide wages for all
10 residential non-executive direct care staff, excluding direct
11 support personnel, at the federal Department of Labor, Bureau
12 of Labor Statistics' average wage as defined in rule by the
13 Department.

14 The establishment of and any changes to the rate
15 methodologies for community-based services provided to persons
16 with intellectual or 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 (i) Beginning July 1, 2026, the Department shall reissue
23 the original cost and wage survey for costs associated with
24 the administration of services to persons with intellectual
25 and developmental disabilities in community day services that
26 was contained in the Department's Guidehouse Rate Study. The

1 cost and wage survey shall be used to effectuate rate
2 increases in transportation funding for the administration of
3 community day services to persons with intellectual and
4 developmental disabilities and may include the following
5 items:

6 (1) Provider contact information.

7 (2) Total costs of employee salaries and benefits.

8 (3) Category of services provided by agencies.

9 (4) Salary and wage information for staff.

10 (5) Benefits for staff.

11 (6) Staff turnover.

12 (7) Day services costs.

13 (8) Supported employment costs.

14 (9) Costs related to the provision of transportation.

15 The Department shall adopt rules to implement this
16 subsection.

17 (Source: P.A. 103-8, eff. 6-7-23; 103-154, eff. 6-30-23;
18 103-588, eff. 6-5-24; 104-2, eff. 6-16-25.)

19 Section 10. The Illinois Public Aid Code is amended by
20 adding Section 5-5a.2 as follows:

21 (305 ILCS 5/5-5a.2 new)

22 Sec. 5-5a.2. Community day services billing; adults with
23 intellectual and developmental disabilities. The Department
24 shall file an amendment to the Home and Community-Based

1 Services Waiver Program for Adults with Developmental
2 Disabilities authorized under Section 1915(c) of the Social
3 Security Act that removes the 5 hour per day billing maximums
4 for community day services. The amendment shall not modify
5 monthly and yearly billing maximums for community day
6 services. Implementation of this Section is contingent on
7 federal approval.

8 Section 99. Effective date. This Act takes effect July 1,
9 2026.