



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5622

by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

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

Amends the Mental Health and Developmental Disabilities Administrative Act and the Illinois Public Aid Code. Provides that the Department of Human Services shall 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, including, but not limited to, intermediate care for the developmentally disabled facilities, medically complex for the developmentally disabled facilities, community-integrated living arrangements, community day services, employment, and other residential and day programs for persons with intellectual and developmental disabilities supported by State funds or funding under Title XIX of the federal Social Security Act. Provides that the Department shall increase rates and reimbursements so that by July 1, 2018 direct support persons earn a base wage of not less than \$13.50 per hour and so that other front-line personnel earn a commensurate wage, and by July 1, 2020, direct support persons earn a base wage of not less than \$15 per hour and so that other front-line personnel earn a commensurate wage. Defines "front-line personnel". Effective immediately.

LRB100 20858 SLF 36355 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning care for persons with developmental
2 disabilities, which may be referred to as the Community
3 Disability Living Wage Act.

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

11 WHEREAS, According to the most recent Illinois industry
12 surveys, the average DSP wage in Illinois is \$10.59 per hour
13 which is below the U.S. Department of Health and Human Services
14 poverty threshold of \$12.07 for a family of 4 and one out of
15 every four DSP jobs in provider agencies are going unfilled;
16 low wages often compel DSPs to work many overtime hours or hold
17 down a second job to support their families; research by the
18 American Network of Community Options and Resources (ANCOR),
19 inclusive of Illinois, reveals 56% of DSPs rely on public
20 assistance to make ends meet, creating additional expenditures
21 for State government; low wages are a consequence of the
22 historically low reimbursement rates paid by the State of
23 Illinois to community-based service providers; a 75 cent wage
24 increase last year raised rates paid these agencies by 5% or
25 less, the only increase in State funding in 10 years; the

1 Consumer Price Index increased 18% over the same period; and

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

10 WHEREAS, Rising wages in several other sectors now mean,
11 despite the 75 cent increase strenuous efforts to recruit new
12 workers, agencies are experiencing staff vacancy rates of up to
13 40%; excessive vacancies force employers to rely more on
14 overtime, leading to staff burnout and driving up costs; for
15 the second year in a row the federal court monitor documented
16 how this growing hiring crisis impedes the ability of community
17 disability agencies to expand to accommodate persons newly
18 approved for services as part of the Ligas Consent Decree; and

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

1 the hourly wage paid to DSPs is needed; and

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

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

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

12 (20 ILCS 1705/55.5 new)

13 Sec. 55.5. Increased wages for front-line personnel. As
14 used in this Section, "front-line personnel" means direct
15 support persons, aides, front-line supervisors, qualified
16 intellectual disabilities professionals, nurses, and
17 non-administrative support staff working in service settings
18 outlined in this Section. The Department shall establish
19 reimbursement rates that build toward livable wages for
20 front-line personnel in residential and day programs and
21 service coordination agencies serving persons with
22 intellectual and developmental disabilities under Section 54

1 of this Act, including, but not limited to, intermediate care
2 for the developmentally disabled facilities, medically complex
3 for the developmentally disabled facilities,
4 community-integrated living arrangements, community day
5 services, employment, and other residential and day programs
6 for persons with intellectual and developmental disabilities
7 supported by State funds or funding under Title XIX of the
8 federal Social Security Act. The Department shall increase
9 rates and reimbursements so that by July 1, 2018 direct support
10 persons earn a base wage of not less than \$13.50 per hour and
11 so that other front-line personnel earn a commensurate wage,
12 and by July 1, 2020, direct support persons earn a base wage of
13 not less than \$15 per hour and so that other front-line
14 personnel earn a commensurate wage.

15 Section 10. The Illinois Public Aid Code is amended by
16 adding Section 5-5.4j as follows:

17 (305 ILCS 5/5-5.4j new)

18 Sec. 5-5.4j. Increased wages for front-line personnel. As
19 used in this Section, "front-line personnel" means direct
20 support persons, aides, front-line supervisors, qualified
21 intellectual disabilities professionals, nurses, and
22 non-administrative support staff working in service settings
23 outlined in this Section. Under Section 55.5 of the Mental
24 Health and Developmental Disabilities Administrative Act, the

1 payment rate for all facilities licensed by the Department of
2 Public Health under the ID/DD Community Care Act as
3 intermediate care for the developmentally disabled facilities
4 and under the MC/DD Act as medically complex for the
5 developmentally disabled facilities shall be increased to fund
6 rates and reimbursements so that by July 1, 2018 direct support
7 persons earn a wage of not less than \$13.50 per hour and so
8 that other front-line personnel earn a commensurate wage, and
9 by July 1, 2020, direct support persons earn a base wage of not
10 less than \$15 per hour and so that other front-line personnel
11 earn a commensurate wage.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.