

SB3872



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3872

Introduced 2/14/2020, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/74

Amends the Mental Health and Developmental Disabilities Administrative Act. Requires the Department of Human Services to increase rates and reimbursements to fund a minimum of a \$0.58 per hour wage increase, for front-line personnel for services provided in the City of Chicago, and \$0.62 per hour, for front-line personnel for services provided in the rest of the State, above the wage rates published by the Department effective July 2019. Provides that the Department shall publish an annual mandatory wage chart with wage requirements for direct service personnel containing either a single statewide wage for all direct support personnel or one wage each for direct support personnel in Chicago and the rest of the State. Provides that future wage requirements shall be no less than the percent increased by the consumer price index-u. Includes compliance provisions for service providers. Defines terms.

LRB101 19318 RLC 68787 b

A BILL FOR

1 AN ACT concerning mental health and developmental
2 disabilities.

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

5 Section 5. The Mental Health and Developmental
6 Disabilities Administrative Act is amended by changing Section
7 74 as follows:

8 (20 ILCS 1705/74)

9 Sec. 74. Rates and reimbursements.

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

22 (b) Rates and reimbursements. Within 30 days after the
23 effective date of this amendatory Act of the 100th General

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

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

22 (d) Rates and reimbursements. Within 30 days after the
23 effective date of this amendatory Act of the 101st General
24 Assembly, the Department shall increase rates and
25 reimbursements to fund a minimum of a \$0.58 per hour wage
26 increase, for front-line personnel for services provided in the

1 City of Chicago, and \$0.62 per hour, for front-line personnel
2 for services provided in the rest of the State, above the wage
3 rates published by the Department effective July 2019. As used
4 in this subsection, "front-line personnel" includes, but is not
5 limited to, direct support persons, aides, front-line
6 supervisors, qualified intellectual disabilities
7 professionals, nurses, and non-administrative support staff
8 working in community-based provider organizations serving
9 individuals with developmental disabilities.

10 (e) To eliminate wage discrepancies and further stabilize
11 the workforce, the Department shall publish an annual mandatory
12 wage chart with wage requirements for direct service personnel.
13 The wage chart shall contain, at a minimum, either a single
14 statewide wage for all direct support personnel or one wage
15 each for direct support personnel in Chicago and the rest of
16 the State. Subsequent wage requirements published by the
17 Department shall not be lower than those defined in subsection
18 (d) and shall continue to increase by at least the percent
19 increased by the consumer price index-u. As used in this
20 paragraph, "consumer price index-u" means the index published
21 by the Bureau of Labor Statistics of the United States
22 Department of Labor that measures the average change in prices
23 of goods and services purchased by all urban consumers, United
24 States city average, all items, 1982-84 = 100.

25 Service providers shall verify their compliance with wage
26 requirements by submitting an expenditure report to the

1 Department. The Department may designate another party to audit
2 a service provider should the report be absent, incomplete, or
3 give reasonable suspicion of fraud. The Department may provide
4 a compliance action plan outlining wage fund reallocation
5 should the audit grant evidence the provider has paid workers
6 less than the mandated wage or similar noncompliance. Failure
7 to abide by the action plan may result in Department sanctions,
8 such as suspension of intake or termination of contract.

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