

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 adding Section
6 54.5 as follows:

7 (20 ILCS 1705/54.5 new)

8 Sec. 54.5. Community care for the developmentally disabled
9 quality workforce initiative.

10 (a) Legislative intent. Individuals with developmental
11 disabilities who live in community-based settings rely on
12 direct support staff for a variety of supports and services
13 essential to the ability to reach their full potential. A
14 stable, well-trained direct support workforce is critical to
15 the well-being of these individuals. State and national studies
16 have documented high rates of turnover among direct support
17 workers and confirmed that improvements in wages can help
18 reduce turnover and develop a more stable and committed
19 workforce. This Section would increase the wages and benefits
20 for direct care workers supporting individuals with
21 developmental disabilities and provide accountability by
22 ensuring that additional resources go directly to these
23 workers.

1 (b) Reimbursement. In order to attract and retain a stable,
2 qualified, and healthy workforce, beginning July 1, 2010, the
3 Department of Human Services may reimburse an individual
4 community service provider serving individuals with
5 developmental disabilities for spending incurred to provide
6 improved wages and benefits to its employees serving
7 developmentally disabled individuals. Reimbursement shall be
8 based upon the provider's most recent cost report. Subject to
9 available appropriations, this reimbursement shall be made
10 according to the following criteria:

11 (1) The Department shall reimburse the provider to
12 compensate for spending on improved wages and benefits for
13 its eligible employees. Eligible employees include
14 employees engaged in direct care work.

15 (2) In order to qualify for reimbursement under this
16 Section, a provider must submit to the Department, before
17 January 1 of each year, documentation of a written, legally
18 binding commitment to increase spending for the purpose of
19 providing improved wages and benefits to its eligible
20 employees during the next year. The commitment must be
21 binding as to both existing and future staff. The
22 commitment must include a method of enforcing the
23 commitment that is available to the employees or their
24 representative and is expeditious, uses a neutral
25 decision-maker, and is economical for the employees. The
26 Department must also receive documentation of the

1 provider's provision of written notice of the commitment
2 and the availability of the enforcement mechanism to the
3 employees or their representative.

4 (3) Reimbursement shall be based on the amount of
5 increased spending to be incurred by the provider for
6 improving wages and benefits that exceeds the spending
7 reported in the cost report currently used by the
8 Department. Reimbursement shall be calculated as follows:
9 the per diem equivalent of the quarterly difference between
10 the cost to provide improved wages and benefits for covered
11 eligible employees as identified in the legally binding
12 commitment and the previous period cost of wages and
13 benefits as reported in the cost report currently used by
14 the Department, subject to the limitations identified in
15 paragraph (2) of this subsection. In no event shall the per
16 diem increase be in excess of \$7.00 for any 12 month
17 period, or in excess of \$8.00 for any 12 month period for
18 community-integrated living arrangements with 4 beds or
19 less. For purposes of this Section, "community-integrated
20 living arrangement" has the same meaning ascribed to that
21 term in the Community-Integrated Living Arrangements
22 Licensure and Certification Act.

23 (4) Any community service provider is eligible to
24 receive reimbursement under this Section. A provider's
25 eligibility to receive reimbursement shall continue as
26 long as the provider maintains eligibility under paragraph

1 (2) of this subsection and the reimbursement program
2 continues to exist.

3 (c) Audit. Reimbursement under this Section is subject to
4 audit by the Department and shall be reduced or eliminated in
5 the case of any provider that does not honor its commitment to
6 increase spending to improve the wages and benefits of its
7 employees or that decreases such spending.

8 Section 10. The Illinois Public Aid Code is amended by
9 adding Section 5-5.4f as follows:

10 (305 ILCS 5/5-5.4f new)

11 Sec. 5-5.4f. Intermediate care facilities for the
12 developmentally disabled quality workforce initiative.

13 (a) Legislative intent. Individuals with developmental
14 disabilities who live in community-based settings rely on
15 direct support staff for a variety of supports and services
16 essential to the ability to reach their full potential. A
17 stable, well-trained direct support workforce is critical to
18 the well-being of these individuals. State and national studies
19 have documented high rates of turnover among direct support
20 workers and confirmed that improvements in wages can help
21 reduce turnover and develop a more stable and committed
22 workforce. This Section would increase the wages and benefits
23 for direct care workers supporting individuals with
24 developmental disabilities and provide accountability by

1 ensuring that additional resources go directly to these
2 workers.

3 (b) Reimbursement. Notwithstanding any provision of
4 Section 5-5.4, in order to attract and retain a stable,
5 qualified, and healthy workforce, beginning July 1, 2010, the
6 Department of Healthcare and Family Services may reimburse an
7 individual intermediate care facility for the developmentally
8 disabled for spending incurred to provide improved wages and
9 benefits to its employees serving the individuals residing in
10 the facility. Reimbursement shall be based upon patient days
11 reported in the facility's most recent cost report. Subject to
12 available appropriations, this reimbursement shall be made
13 according to the following criteria:

14 (1) The Department shall reimburse the facility to
15 compensate for spending on improved wages and benefits for
16 its eligible employees. Eligible employees include
17 employees engaged in direct care work.

18 (2) In order to qualify for reimbursement under this
19 Section, a facility must submit to the Department, before
20 January 1 of each year, documentation of a written, legally
21 binding commitment to increase spending for the purpose of
22 providing improved wages and benefits to its eligible
23 employees during the next year. The commitment must be
24 binding as to both existing and future staff. The
25 commitment must include a method of enforcing the
26 commitment that is available to the employees or their

1 representative and is expeditious, uses a neutral
2 decision-maker, and is economical for the employees. The
3 Department must also receive documentation of the
4 facility's provision of written notice of the commitment
5 and the availability of the enforcement mechanism to the
6 employees or their representative.

7 (3) Reimbursement shall be based on the amount of
8 increased spending to be incurred by the facility for
9 improving wages and benefits that exceeds the spending
10 reported in the cost report currently used by the
11 Department. Reimbursement shall be calculated as follows:
12 the per diem equivalent of the quarterly difference between
13 the cost to provide improved wages and benefits for covered
14 eligible employees as identified in the legally binding
15 commitment and the previous period cost of wages and
16 benefits as reported in the cost report currently used by
17 the Department, subject to the limitations identified in
18 paragraph (2) of this subsection. In no event shall the per
19 diem increase be in excess of \$5.00 for any 12 month period
20 for an intermediate care facility for the developmentally
21 disabled with more than 16 beds, or in excess of \$6.00 for
22 any 12 month period for an intermediate care facility for
23 the developmentally disabled with 16 beds or less.

24 (4) Any intermediate care facility for the
25 developmentally disabled is eligible to receive
26 reimbursement under this Section. A facility's eligibility

1 to receive reimbursement shall continue as long as the
2 facility maintains eligibility under paragraph (2) of this
3 subsection and the reimbursement program continues to
4 exist.

5 (c) Audit. Reimbursement under this Section is subject to
6 audit by the Department and shall be reduced or eliminated in
7 the case of any facility that does not honor its commitment to
8 increase spending to improve the wages and benefits of its
9 employees or that decreases such spending.

10 Section 99. Effective date. This Act takes effect July 1,
11 2010.