

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.