



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1904

by Rep. David R. Leitch

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1705/54.6 new

Amends the Mental Health and Developmental Disabilities Administrative Act. Provides that the Department of Human Services may reimburse an individual community service provider serving individuals, including children, suffering from mental illness, co-occurring mental and substance use disorders, and other behavioral disorders for spending incurred to provide improved wages and benefits to its employees. Provides that reimbursement shall be based upon the provider's most recent cost report and shall be made according to certain criteria. Further provides that the reimbursement is subject to audit by the Department and shall be reduced or eliminated in the case of any provider that does not honor its commitment to increase spending to improve the wages and benefits of its employees or that decreases such spending. Effective immediately.

LRB097 08204 KTG 48329 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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 54.6 as follows:

7 (20 ILCS 1705/54.6 new)

8 Sec. 54.6. Community behavioral health care quality  
9 workforce initiative.

10 (a) Legislative intent. Individuals, including children,  
11 suffering from mental illness, co-occurring mental and  
12 substance use disorders, and other behavioral disorders who  
13 receive care and treatment in community-based settings rely on  
14 direct support staff for a variety of supports and services  
15 essential to the ability to reach their full potential. A  
16 stable, well-trained direct support workforce is critical to  
17 the well-being of these individuals. The General Assembly  
18 recognizes that in order to address underserved areas and  
19 populations and to address Illinois' professional shortage  
20 areas, Illinois must attract and retain a qualified community  
21 behavioral health care workforce. This community behavioral  
22 health care quality workforce must include a workforce that is  
23 culturally and linguistically competent. Fair compensation is

1 an important component of Illinois' human resources strategy to  
2 help reduce turnover and develop a well trained, more stable,  
3 and committed workforce. This Section would increase the wages  
4 and benefits for direct care workers supporting individuals,  
5 including children, suffering from mental illness,  
6 co-occurring mental and substance use disorders, and other  
7 behavioral disorders and provide accountability by ensuring  
8 that these additional resources go directly to direct care  
9 workers.

10 (b) Reimbursement. In order to attract and retain a stable,  
11 qualified, and healthy workforce, beginning July 1, 2011, the  
12 Department may reimburse an individual community service  
13 provider serving individuals, including children, suffering  
14 from mental illness, co-occurring mental and substance use  
15 disorders, and other behavioral disorders for spending  
16 incurred to provide improved wages and benefits to its  
17 employees. Reimbursement shall be based upon the provider's  
18 most recent cost report. Subject to available appropriations,  
19 this reimbursement shall be made according to the following  
20 criteria:

21 (1) The Department shall reimburse the provider to  
22 compensate for spending on improved wages and benefits for  
23 its eligible employees. Eligible employees include  
24 employees engaged in direct care work.

25 (2) In order to qualify for reimbursement under this  
26 Section, a provider must submit to the Department, before

1 January 1 of each year, documentation of a written, legally  
2 binding commitment to increase spending for the purpose of  
3 providing improved wages and benefits to its eligible  
4 employees during the next year. The commitment must apply  
5 to both existing and future staff. The commitment must  
6 include a method of enforcing the commitment that is  
7 available to the employees or their representative, is  
8 expeditious, and is economical to administer for the  
9 provider. The Department must also receive documentation  
10 of the provider's provision of written notice of the  
11 commitment and the availability of the enforcement  
12 mechanism to the employees or their representative.

13 (3) Reimbursement shall be based on the amount of  
14 increased spending to be incurred by the provider for  
15 improving wages and benefits that exceed the spending  
16 reported in the cost report currently used by the  
17 Department. Reimbursement shall be calculated as follows:  
18 the per diem equivalent of the quarterly difference between  
19 the cost to provide improved wages and benefits for covered  
20 eligible employees as identified in the legally binding  
21 commitment and the previous period cost of wages and  
22 benefits as reported in the cost report currently used by  
23 the Department, subject to the limitations identified in  
24 paragraph (2) of this subsection.

25 (4) Any community service provider is eligible to  
26 receive reimbursement under this Section. A provider's

1       eligibility to receive reimbursement shall continue as  
2       long as the provider maintains eligibility under paragraph  
3       (2) of this subsection and the reimbursement program  
4       continues to 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 provider 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 upon  
11       becoming law.