



Senate

General Assembly

File No. 702

January Session, 2023

Substitute Senate Bill No. 1215

Senate, May 4, 2023

The Committee on Appropriations reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CERTAIN EMPLOYEES WORKING IN INTERMEDIATE CARE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 341 of public act 21-2 of the June special session, as
2 amended by section 249 of public act 22-118, is repealed and the
3 following is substituted in lieu thereof (*Effective from passage*):

4 (a) The Secretary of the Office of Policy and Management shall
5 allocate available funds for the fiscal years ending June 30, 2022, and
6 June 30, 2023, to increase rates to state-contracted providers for the
7 purpose of wage enhancements and related Federal Insurance
8 Contributions Act, workers compensation, and unemployment
9 insurance expenses for employees who provide services to individuals
10 with intellectual disability authorized to receive supports and services
11 through the Department of Developmental Services. [Providers] Except
12 as provided in subsection (c) of this section, providers that receive a rate
13 adjustment for the purpose of wage enhancements but do not provide
14 increases in employee salaries as described in this section on or before

15 July 31, 2021, and July 31, 2022, respectively, may be subject to a rate
 16 decrease in the same amount as the adjustment by the Commissioner of
 17 Developmental Services. In addition, the commissioner shall, within
 18 available resources and at the commissioner's discretion, make funds
 19 available to support enhanced benefits. Nothing in this section shall
 20 require the commissioner to distribute funding in a way that jeopardizes
 21 anticipated federal reimbursement.

22 (b) If, after the Secretary of the Office of Policy and Management
 23 allocates funds pursuant to subsection (a) of this section, there is a
 24 balance of available funds that has not been allocated for the fiscal years
 25 ending June 30, 2022, and June 30, 2023, the Office of Policy and
 26 Management shall disburse such funds as a cost-of-living adjustment to
 27 state-contracted providers that deliver services and supports through
 28 the Department of Developmental Services.

29 (c) For the fiscal year ending June 30, 2023, any state-contracted
 30 provider who received funds pursuant to subsection (a) of this section
 31 may use such funds for the purpose of wage enhancements and related
 32 benefits, as described in subsection (a) of this section, for employees
 33 working in intermediate care facilities who provide services to
 34 individuals with intellectual disability authorized to receive supports
 35 and services through the Department of Social Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	PA 21-2 of the June Sp. Sess., Sec. 341

APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23
Department of Developmental Services	GF - None	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows providers additional flexibility related the expenditure of currently contracted funding, which does not result in a fiscal impact to the state.

Department of Developmental Services' (DDS) contracted private providers received funding in FY 23 to provide wage and benefit enhancements to their DDS funded employees. The bill enables providers to use this funding to support employees who work in Department of Social Services funded Intermediate Care Facilities for individuals with Intellectual Disability(ICF/ID), as originally intended.

The Out Years

There is no fiscal impact in the outyears as a result of this bill.

OFA Bill Analysis**SB 1215*****AN ACT CONCERNING CERTAIN EMPLOYEES WORKING IN INTERMEDIATE CARE FACILITIES.*****SUMMARY:**

For FY 23, any Department of Developmental Services (DDS) contracted provider who received funds pursuant to PA 21-2, JSS as amended by PA 22-118, for the purpose of wage enhancements and related expenses for employees who provide services to individuals with intellectual disability authorized to receive supports and services through DDS, may use the remaining funding to support their employees who work in Department of Social Services funded Intermediate Care Facilities for individuals with Intellectual Disability(ICF/ID). The providers must use the funds for the purpose of the same enhancements received by their DDS contracted employees.

EFFECTIVE DATE: Upon Passage

BACKGROUND***Intermediate Care Facilities for individuals with Intellectual Disability (ICF/ID)***

ICF/ID is an optional Medicaid benefit that enables states to provide comprehensive and individualized health care and rehabilitation services to individuals to promote their functional status and independence. Although it is an optional benefit, all states offer it, if only as an alternative to home and community-based services waivers for individuals at the ICF/ID level of care.¹

¹ Medicaid.gov

As of March 6, 2023, there were 66 ICF/IDs run by private providers who provide supports and services to 334 DDS consumers and are funded by the Department of Social Services.

COMMITTEE ACTION

Appropriations Committee

Joint Favorable Substitute

Yea 51 Nay 1