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HOUSE RESOLUTION

WHEREAS, The United States Supreme Court decision in Olmstead ex rel. Zimring v. L.C., 119 S.Ct. 2176 (1999), held that persons with disabilities have a right to receive State-funded services and programs in the most integrated setting appropriate to meet their needs and to participate in community life to the fullest extent possible; and

WHEREAS, Many persons with disabilities now residing in nursing facilities in Illinois are able, available, and willing to engage in competitive employment or could be able and available to engage in employment if provided with appropriate supports; and

WHEREAS, Many persons with disabilities now residing in nursing facilities in Illinois are able and willing to live in more integrated residential settings; and

WHEREAS, Current Illinois Department of Public Aid rules limiting income retention by persons with disabilities residing in nursing facilities serve as a disincentive for persons with disabilities to seek or maintain employment; and

WHEREAS, Current Illinois Department of Public Aid rules limiting income retention by persons with disabilities residing in nursing facilities hamper the ability of such persons to transition to more integrated residential settings because they are unable to accumulate enough savings to consider other housing options; and

WHEREAS, Individual Development Accounts have proven to be successful in assisting low-income persons in meeting important financial, educational, and housing goals; and

WHEREAS, Allowing persons with disabilities now residing

1 in nursing facilities in Illinois who are employed or who will
2 become employed to deposit a significant portion of their
3 earned income into Individual Development Accounts for the
4 purpose of saving for the transition to more integrated
5 residential settings could result in greater economic
6 independence for such persons; therefore, be it

7 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
8 NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
9 the Department of Public Aid is directed to do the following:

10 (1) Conduct a thorough review and analysis of the
11 current income retention rules for persons with
12 disabilities who are residing in nursing facilities in
13 Illinois in regard to the impact of the rules (a) on the
14 implementation of the Olmstead decision in general and (b)
15 on whether the rules create a disincentive to engage in
16 gainful employment for persons who are able, available, and
17 willing to seek employment with or without supports.

18 (2) Include in the review and analysis of current
19 income retention rules recommendations on the feasibility
20 of allowing persons with disabilities who reside in nursing
21 facilities in Illinois and who are able and willing to move
22 to more integrated residential settings to keep a larger
23 portion of their income and deposit that income into
24 Individual Development Accounts to allow for the
25 accumulation of assets in order to transition into more
26 integrated residential settings.

27 (3) Consult with the Department of Human Services,
28 appropriate advisory councils and committees, persons with
29 disabilities and their family members, advocates for
30 persons with disabilities, and other interested parties in
31 conducting the review and analysis and developing
32 recommendations.

33 (4) File a written report, including findings and
34 recommendations, consistent with this Resolution, with the
35 House of Representatives on or before December 31, 2004;

1 and be it further

2 RESOLVED, That the Department of Human Services shall
3 cooperate in executing the requirements of this Resolution; and
4 be it further

5 RESOLVED, That a copy of this Resolution be sent to the
6 Director of Public Aid and to the Secretary of Human Services.