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1                                    AMENDMENT TO SENATE JOINT RESOLUTION 15

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Joint Resolution 15 by  
3 replacing everything after the title with the following:

4            "WHEREAS, The United States Supreme Court in *Olmstead v.*  
5 *L.C. Ex Rel. Zimring*, 119 S. Ct. 2176 (1999), held that under  
6 Title II of the Americans with Disabilities Act (ADA), States  
7 are required to provide community-based treatment for persons  
8 with mental disabilities when the State's treatment  
9 professionals determine that such placement is appropriate,  
10 the affected persons do not oppose such treatment, and the  
11 placement can be reasonably accommodated, taking into account  
12 the resources available to the State and the needs of others  
13 with mental disabilities; and

14            WHEREAS, Title II of the ADA further states that a public  
15 entity shall administer services, programs, and activities in  
16 the most integrated setting appropriate to the needs of

1 individuals with disabilities, defining that setting as one  
2 that enables individuals with disabilities to interact with  
3 non-disabled persons to the fullest extent possible; and

4 WHEREAS, Almost 10 years after the Olmstead decision, a  
5 report titled "The State of the States in Disabilities 2008" by  
6 the Department of Psychiatry and Coleman Institute for  
7 Cognitive Disabilities of the University of Colorado ranks the  
8 State of Illinois 40th nationally in fiscal effort for services  
9 for individuals with developmental disabilities, including all  
10 programs - home based, group home, and congregate care; 43rd in  
11 State fiscal effort for community services; 47th in home and  
12 community-based waiver spending per capita; and 51st in serving  
13 persons with developmental disabilities in environments of 6 or  
14 less; and

15 WHEREAS, The State has not adequately invested funding for  
16 home and community-based services for individuals with  
17 developmental disabilities, and has cut funding for those  
18 services in the past three State fiscal year budgets; and

19 WHEREAS, Funding for home and community-based services  
20 does not currently meet the cost of providing those services  
21 and supports due to inflationary pressures, increased  
22 personnel costs, mandated increases in minimum wage, rising  
23 health insurance costs, and the increased cost of doing

1 business with vendors; and

2 WHEREAS, Wages for community-based direct service  
3 professionals are generally at or barely above the poverty  
4 level for a single person supporting one or more children,  
5 leading to excessive turnover and undermining the availability  
6 of quality services; and

7 WHEREAS, "Person-centered" means that services and  
8 supports are identified and authorized to address the specific  
9 needs of each person as a result of an individualized  
10 assessment and through a person-centered planning process; and

11 WHEREAS, Illinois has a disproportionate number of  
12 Illinois citizens with developmental disabilities who are  
13 served in Intermediate Care Facilities for the Developmentally  
14 Disabled (ICF/DD) and State-Operated Developmental Centers  
15 (SODC); and

16 WHEREAS, Data shows that Illinois lags substantially  
17 behind nearly all other states in fostering the provision of  
18 services in the most integrated setting; the Illinois  
19 utilization rate for SODC services in 2009 was 18.0 individuals  
20 per 100,000 persons in the general population; the nationwide  
21 utilization rate in 2009 was 11.1 individuals per 100,000 in  
22 the general population; and

1           WHEREAS, The majority of other states have significantly  
2 reduced their utilization of large state-operated facilities;  
3 in order for Illinois to achieve parity with the national  
4 average by 2017, Illinois would need to serve an average of  
5 8.9% fewer individuals in SODCs annually; and

6           WHEREAS, As long as the State continues to perpetuate short  
7 term measures to address crises in the system, in the long  
8 term, Illinois will perpetuate its inability to serve the  
9 growing number of individuals with developmental disabilities  
10 who are not currently receiving services; and

11           WHEREAS, The total budget for all services across all  
12 settings for persons with developmental disabilities falls far  
13 short of what is needed for a quality service system; and

14           WHEREAS, The Illinois Department of Human Services'  
15 Division of Developmental Disabilities (Division) developed  
16 and released its Strategic Plan for Fiscal Years 2011-2017 in  
17 July 2010 which aims to substantively re-orient Division  
18 priorities and resources to support a truly person-centered  
19 system of services for which there is a popular mandate;  
20 therefore, be it

21           RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL

1 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES  
2 CONCURRING HEREIN, that in alignment with the Division's 7-year  
3 Strategic Plan (Plan) all children and adults with  
4 developmental disabilities living in Illinois will receive  
5 high quality services guided by a person-centered plan that  
6 maximizes individual choice and flexibility in the most  
7 integrated setting possible regardless of intensity or  
8 severity of need; and be it further

9 RESOLVED, That, taking into account the resources  
10 available to the State, the Plan's progress will be measured by  
11 how it increasingly and judiciously provides that Illinois  
12 citizens with developmental disabilities, including both those  
13 currently served and those awaiting services (as determined by  
14 Prioritization of Urgency of Need for Services (PUNS)), are  
15 served in the most integrated setting consistent with the  
16 protections under Olmstead; and be it further

17 RESOLVED, That Illinois will implement at least one new,  
18 outcome-based model for service delivery that improves the  
19 coordination and integration of habilitation, social, and  
20 clinical care for people with developmental disabilities; and  
21 be it further

22 RESOLVED, That the number of individuals living in the most  
23 integrated settings will achieve parity with the national

1 utilization rates so that more individuals will live in  
2 settings of 6 or less; fewer individuals will live in private  
3 ICFs/DD; and fewer individuals will live in SODCs; and be it  
4 further

5 RESOLVED, That in order to ensure positive outcomes for all  
6 persons, Illinois will work to achieve parity with the average  
7 national rate of funding for developmental disability  
8 services, in order to achieve the goals set forth by the  
9 Division's 7-year Strategic Plan; and be it further

10 RESOLVED, That more individuals with developmental  
11 disabilities will receive integrated employment services to  
12 achieve parity with the national utilization rates; and be it  
13 further

14 RESOLVED, That the number of people receiving  
15 Medicaid-funded Home and Community Based Services (HCBS) will  
16 achieve parity with national utilization rates; and be it  
17 further

18 RESOLVED, That the disparity between wages paid to State of  
19 Illinois employees and community-based direct service  
20 professionals will be reduced; and be it further

21 RESOLVED, That Illinois will seek to provide funding for an

1 annual cost-of-living increase for community-based direct  
2 service employees in order to ensure that these workers receive  
3 a fair wage that allows them to support their families; and be  
4 it further

5 RESOLVED, That the Division will develop a comprehensive,  
6 integrated data management system that captures, aggregates,  
7 and analyzes data from various sources, allowing timely  
8 analysis of service processes and outcomes; and be it further

9 RESOLVED, That persons with developmental disabilities and  
10 their families and guardians will be actively involved in  
11 policy discussions and will be respected as partners in the  
12 process, making informed choices and decisions in order to  
13 support productive and fulfilling lives; and be it further

14 RESOLVED, That the State of Illinois recognizes that home  
15 and community providers are a vital part of healthy communities  
16 and are counted on by individuals and families and the State to  
17 support their goals and therefore should be listened to and  
18 respected; and be it further

19 RESOLVED, That the allocation of resources to support  
20 people with developmental disabilities will accurately reflect  
21 service demand and be a priority at all levels of government  
22 and for the citizens of Illinois and that funding for

1 developmental disabilities services will be realigned to  
2 reflect the Strategic Priorities and benchmarks identified in  
3 the Division's 7-year Strategic Plan; and be it further

4 RESOLVED, That future budgets shall take into  
5 consideration the steps necessary to achieve the plans laid out  
6 in this joint resolution; and be it further

7 RESOLVED, That copies of this Resolution be sent to the  
8 Governor, the Secretary of the Department of Human Services,  
9 the Director of the Governor's Office of Management and Budget,  
10 and all members of the General Assembly."