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HOUSE JOINT RESOLUTION

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WHEREAS, The United States Supreme Court in *Olmstead v. L.C. Ex Rel. Zimring*, 119 S. Ct. 2176 (1999), held that the unjustifiable institutionalization of a person with a disability who could live in the community with appropriate supports and services, and wishes to do so, is unlawful discrimination in violation of the Americans with Disabilities Act (ADA); and

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WHEREAS, Many individuals with developmental disabilities in Illinois who desire home or community-based residential services are unable to obtain them due to the lack of funding for such options; and

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WHEREAS, As a result of insufficient home and community-based service options for individuals with developmental disabilities in Illinois, many individuals and their families must choose between living with their parents or other family members without the supports and services they need, or living in a State-operated developmental center or another institution, even if they could live successfully in a less restrictive setting with appropriate supports and services; and

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WHEREAS, There are now over 16,000 individuals with

1 developmental disabilities in Illinois with documented crisis,
2 emerging crisis, or future service needs who are on the
3 Department of Human Services' Priority of Urgency of Need of
4 Services (PUNS) waiting list database for services and
5 supports, and the need is probably greater because this number
6 only represents those individuals who have actually signed up
7 for the PUNS waiting list database; and

8 WHEREAS, Almost 10 years after the Olmstead decision, a
9 report titled "The State of the States in Disabilities 2008" by
10 the Department of Psychiatry and Coleman Institute for
11 Cognitive Disabilities of the University of Colorado ranks the
12 State of Illinois 51st in the nation in terms of making small
13 community living arrangements (6 residents or fewer) available
14 to individuals with developmental disabilities; and

15 WHEREAS, The State of Illinois ranks near the very bottom
16 both nationally and among the other Midwest states in per
17 capita spending for home and community-based supports and
18 services for individuals with developmental disabilities; and

19 WHEREAS, Other studies, including but not limited to,
20 "State Funding of Community Agencies for Services to Illinois
21 Residents with Mental Illness and/or Developmental
22 Disabilities: Final Report to the Illinois General Assembly"
23 and "The Report of the Community Integrated Living Arrangement

1 Nursing Services Work Group" address the issues with the
2 Illinois system; and

3 WHEREAS, "The Blueprint for System Redesign in Illinois"
4 reviewed the findings of these studies as well as the results
5 of a gaps analysis and created a framework for restructuring
6 the current service system for people with developmental
7 disabilities and their families; and

8 WHEREAS, These studies and numerous legislative measures
9 and lawsuits over the last decade have attempted to address the
10 shortcomings of Illinois' fragmented and inadequate system of
11 services and supports to individuals with developmental
12 disabilities; and

13 WHEREAS, The level of need and corresponding cost for
14 providing supports and services for individuals with
15 developmental disabilities in Illinois will continue to
16 outpace significantly the State's ability to fund services
17 appropriately and effectively unless major systemic fiscal and
18 policy changes are made to the service delivery system; and

19 WHEREAS, Until the State breaks the cycle of underfunding
20 and lack of significant growth of home and community-based
21 services and supports for people with developmental
22 disabilities and their families which perpetuates short term

1 measures to address crises in the system and which, in the long
2 term, has maintained and fostered the competition among many
3 for scarce public resources; the community-based system will
4 continue to be fragmented and inadequately funded; therefore,
5 be it

6 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
7 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
8 SENATE CONCURRING HEREIN, that the Department of Human
9 Services, Division of Developmental Disabilities, shall
10 develop a 7-year Plan with yearly benchmarks to enhance and
11 expand access to quality community services and supports as
12 described in the recommendations of the "Blueprint for System
13 Redesign" (January 2008) and other reports that have been done,
14 by December 1, 2009; and be it further

15 RESOLVED, That any increase in the resources available to
16 the Department shall be appropriated to services and supports
17 consistent with the action steps in the Plan considering, but
18 not limited to, funding incentives, identifying new revenue
19 sources, maximizing current revenue sources, creating
20 opportunities for capacity building and new rate methodologies
21 that enhance quality service and quality assurance, crisis
22 intervention and workforce development; and be it further

23 RESOLVED, That the Secretary of Human Services shall

1 provide an annual report on the implementation of the Plan to
2 the Governor and to each member of the General Assembly by not
3 later than July 1st of each year and interim progress reports
4 to the Governor and to the members of the General Assembly not
5 later than December 31st of each year until the plan is fully
6 implemented; and be it further

7 RESOLVED, That appropriate committees of the House of
8 Representatives and the Senate shall convene at least one
9 hearing not later than July 1st of each year on the subject of
10 the Plan; and be it further

11 RESOLVED, That copies of this Resolution be sent to the
12 Governor, the Secretary of the Department of Human Services,
13 the Director of the Governor's Office of Management and Budget,
14 and all members of the General Assembly.