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1 SENATE JOINT RESOLUTION NO. 30
2 (As Amended by Senate Amendment No. 3)

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

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

14 WHEREAS, As a result of insufficient home- and
15 community-based service options for individuals with
16 developmental disabilities in Illinois, many individuals and
17 their families must choose between living with their parents or
18 other family members without the supports and services they
19 need, or living in an Intermediate Care Facility, or an
20 Intermediate Care Facility/DD 15 and under, or a State-operated
21 developmental center, even if they could live successfully in a
22 less restrictive setting with appropriate supports and
23 services; and

1 WHEREAS, There are now over 16,000 individuals with
2 developmental disabilities in Illinois with documented crisis,
3 emerging crisis, or future service needs who are on the
4 Department of Human Services' Priority of Urgency of Need of
5 Services (PUNS) waiting list database for services and
6 supports, and the need is probably greater because this number
7 only represents those individuals who have actually signed up
8 for the PUNS waiting list database; and

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

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

1 "The Report of the Community Integrated Living Arrangement
2 Nursing Services Work Group", and "The Illinois Direct Support
3 Professional Workforce Initiative" address the issues with the
4 Illinois system; and

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

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

15 WHEREAS, In order to meet the urgent need for quality home-
16 and community-based services in Illinois, major systemic
17 fiscal and policy changes are necessary and must be a real
18 priority for the State; and

19 WHEREAS, The workers who provide direct support in the
20 community to individuals with developmental disabilities
21 should be paid fair and adequate wages; and

1 WHEREAS, Until the State breaks the cycle of underfunding
2 and lack of significant growth of home- and community-based
3 services and supports for people with developmental
4 disabilities and their families which perpetuates short-term
5 measures to address crises in the system and which, in the long
6 term, has maintained and fostered the competition among many
7 for scarce public resources, the community-based system will
8 continue to be fragmented and inadequately funded; therefore,
9 be it

10 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL
11 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
12 CONCURRING HEREIN, that the Department of Human Services,
13 Division of Developmental Disabilities, shall develop a 7-year
14 Plan with yearly benchmarks to enhance and expand access to
15 quality community services and supports as informed by the
16 "Blueprint for System Redesign" (January 2008), "State Funding
17 of Community Agencies for Services to Illinois Residents with
18 Mental Illness and/or Developmental Disabilities: Final Report
19 to the Illinois General Assembly", "The Report of the Community
20 Integrated Living Arrangement Nursing Services Work Group",
21 and "The Illinois Direct Support Professional Workforce
22 Initiative" by December 1, 2009; and be it further

23 RESOLVED, That increases in the resources available to the
24 Department shall be appropriated to services and supports

1 consistent with the Benchmarks of the 7-year Plan considering
2 factors including, but not limited to, fair and adequate wages
3 and benefits for Direct Support Professionals, funding
4 incentives, identifying new revenue sources, maximizing
5 current revenue sources, creating opportunities for capacity
6 building, and new rate methodologies that enhance quality
7 service and quality assurance, crisis intervention, and
8 workforce development; and be it further

9 RESOLVED, That the Secretary of Human Services shall
10 provide an annual report on the implementation of the Plan,
11 including a year-by-year fiscal impact statement on each aspect
12 of the Plan, to the Governor and to each Member of the General
13 Assembly by not later than July 1st of each year and interim
14 progress reports to the Governor and to the Members of the
15 General Assembly not later than December 31st of each year
16 until the Plan is fully implemented; and be it further

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

21 RESOLVED, That copies of this resolution be sent to the
22 Governor, the Secretary of the Department of Human Services,
23 the Director of the Governor's Office of Management and Budget,

1 and all Members of the General Assembly.