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1                                    AMENDMENT TO SENATE JOINT RESOLUTION 30

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Joint Resolution 30 by  
3 replacing everything after the heading 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 the  
6 unjustifiable institutionalization of a person with a  
7 disability who could live in the community with appropriate  
8 supports and services, and wishes to do so, is unlawful  
9 discrimination in violation of the Americans with Disabilities  
10 Act (ADA); and

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

15            WHEREAS, As a result of insufficient home and

1 community-based service options for individuals with  
2 developmental disabilities in Illinois, many individuals and  
3 their families must choose between living with their parents or  
4 other family members without the supports and services they  
5 need, or living in an Intermediate Care Facility, or an  
6 Intermediate Care Facility/DD 15 and under, or a State-operated  
7 developmental center, even if they could live successfully in a  
8 less restrictive setting with appropriate supports and  
9 services; and

10 WHEREAS, There are now over 16,000 individuals with  
11 developmental disabilities in Illinois with documented crisis,  
12 emerging crisis, or future service needs who are on the  
13 Department of Human Services' Priority of Urgency of Need of  
14 Services (PUNS) waiting list database for services and  
15 supports, and the need is probably greater because this number  
16 only represents those individuals who have actually signed up  
17 for the PUNS waiting list database; and

18 WHEREAS, Almost 10 years after the Olmstead decision, a  
19 report titled "The State of the States in Disabilities 2008" by  
20 the Department of Psychiatry and Coleman Institute for  
21 Cognitive Disabilities of the University of Colorado ranks the  
22 State of Illinois 40th nationally in fiscal effort for services  
23 for individuals with developmental disabilities, including all  
24 programs - home based, group home, and congregate care; 43rd in

1 State fiscal effort for community services; 47th in home and  
2 community-based waiver spending per capita; and 51st in serving  
3 people with developmental disabilities in environments of 6 or  
4 less; and

5 WHEREAS, Other studies, including but not limited to,  
6 "State Funding of Community Agencies for Services to Illinois  
7 Residents with Mental Illness and/or Developmental  
8 Disabilities: Final Report to the Illinois General Assembly",  
9 "The Report of the Community Integrated Living Arrangement  
10 Nursing Services Work Group", and "The Illinois Direct Support  
11 Professional Workforce Initiative" address the issues with the  
12 Illinois system; and

13 WHEREAS, "The Blueprint for System Redesign in Illinois"  
14 reviewed the findings of these studies as well as the results  
15 of a gaps analysis and created a framework for restructuring  
16 the current service system for people with developmental  
17 disabilities and their families; and

18 WHEREAS, These studies and numerous legislative measures  
19 and lawsuits over the last decade have attempted to address the  
20 shortcomings of Illinois' fragmented and inadequate system of  
21 services and supports to individuals with developmental  
22 disabilities; and

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

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

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

17           RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL  
18 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES  
19 CONCURRING HEREIN, that the Department of Human Services,  
20 Division of Developmental Disabilities, shall develop a 7-year  
21 Plan with yearly benchmarks to enhance and expand access to  
22 quality community services and supports as informed by the  
23 "Blueprint for System Redesign" (January 2008), "State Funding

1 of Community Agencies for Services to Illinois Residents with  
2 Mental Illness and/or Developmental Disabilities: Final Report  
3 to the Illinois General Assembly", "The Report of the Community  
4 Integrated Living Arrangement Nursing Services Work Group",  
5 and "The Illinois Direct Support Professional Workforce  
6 Initiative" by December 1, 2009; and be it further

7 RESOLVED, That increases in the resources available to the  
8 Department shall be appropriated to services and supports  
9 consistent with the Benchmarks of the 7-year Plan considering  
10 factors including, but not limited to, fair and adequate wages  
11 and benefits for Direct Support Professionals, funding  
12 incentives, identifying new revenue sources, maximizing  
13 current revenue sources, creating opportunities for capacity  
14 building, and new rate methodologies that enhance quality  
15 service and quality assurance, crisis intervention, and  
16 workforce development; and be it further

17 RESOLVED, That the Secretary of Human Services shall  
18 provide an annual report on the implementation of the Plan,  
19 including a year-by-year fiscal impact statement on each aspect  
20 of the Plan, to the Governor and to each member of the General  
21 Assembly by not later than July 1st of each year and interim  
22 progress reports to the Governor and to the members of the  
23 General Assembly not later than December 31st of each year  
24 until the plan is fully implemented; and be it further

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

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