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SENATE 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 under Title II of the Americans with Disabilities Act (ADA), States are required to provide community based treatment for persons with mental disabilities when the State's treatment professionals determine that such placement is appropriate, the affected persons do not oppose such treatment, and the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities; and

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WHEREAS, Title II of the ADA further states that a public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of individuals with disabilities, defining that setting as one that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible; and

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WHEREAS, Almost 10 years after the *Olmstead* decision, a report titled "The State of the States in Disabilities 2008" by the Department of Psychiatry and Coleman Institute for Cognitive Disabilities of the University of Colorado ranks the State of Illinois 40th nationally in fiscal effort for services for individuals with developmental disabilities, including all

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1 home based programs, group home, and congregate care; 43rd in
2 State fiscal effort for community services; 47th in home and
3 community-based waiver spending per capita; and 51st in serving
4 persons with developmental disabilities in environments of 6 or
5 less; and

6 WHEREAS, The State has not adequately invested funding for
7 home and community-based services for individuals with
8 developmental disabilities, and has cut funding for those
9 services in the past 3 State fiscal year budgets; and

10 WHEREAS, Funding for home and community-based services
11 does not currently meet the cost of providing those services
12 and supports due to inflationary pressures, increased
13 personnel costs, mandated increases in minimum wage, rising
14 health insurance costs, and the increased cost of doing
15 business with vendors; and

16 WHEREAS, Wages for community-based direct service
17 professionals are generally at or barely above the poverty
18 level for a single person supporting one or more children,
19 leading to excessive turnover and undermining the availability
20 of quality services; and

21 WHEREAS, "Person-centered" means that services and
22 supports are identified and authorized to address the specific

1 needs of each person as a result of an individualized
2 assessment and through a person-centered planning process; and

3 WHEREAS, Illinois has a disproportionate number of
4 Illinois citizens with developmental disabilities who are
5 served in Intermediate Care Facilities for the Developmentally
6 Disabled and State-Operated Developmental Centers (SODC); and

7 WHEREAS, Data shows that Illinois lags substantially
8 behind nearly all other states in fostering the provision of
9 services in the most integrated setting; the Illinois
10 utilization rate for SODC services in 2009 was 18.0 individuals
11 per 100,000 persons in the general population; the nationwide
12 utilization rate in 2009 was 11.1 individuals per 100,000 in
13 the general population; and

14 WHEREAS, The majority of other states have significantly
15 reduced their utilization of large state-operated facilities;
16 in order for Illinois to achieve parity with the national
17 average by 2017, Illinois would need to serve an average of
18 8.9% fewer individuals in SODCs annually; and

19 WHEREAS, As long as the State continues to perpetuate short
20 term measures to address crises in the system, in the long
21 term, Illinois will perpetuate its inability to serve the
22 growing number of individuals with developmental disabilities

1 who are not currently receiving services; and

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

5 WHEREAS, The Illinois Department of Human Services'
6 Division of Developmental Disabilities (Division) developed
7 and released its Strategic Plan for Fiscal Years 2011-2017 in
8 July 2010 which aims to substantively reorient Division
9 priorities and resources to support a truly person-centered
10 system of services for which there is a popular mandate;
11 therefore, be it

12 RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL
13 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
14 CONCURRING HEREIN, that in alignment with the Division's 7-year
15 Strategic Plan, all children and adults with developmental
16 disabilities living in Illinois will receive high quality
17 services guided by a person-centered plan that maximizes
18 individual choice and flexibility in the most integrated
19 setting possible regardless of intensity or severity of need;
20 and be it further

21 RESOLVED, That the Division's Strategic Plan will employ
22 national utilization or funding rates as benchmarks to measure

1 progress, and the Division will continue to monitor the
2 Prioritization of Urgency of Need for Services (PUNS) waiting
3 list to evaluate system-wide service needs; and be it further

4 RESOLVED, That Illinois will implement at least one new,
5 outcome-based model for service delivery that improves the
6 coordination and integration of habilitation, social, and
7 clinical care for people with developmental disabilities; and
8 be it further

9 RESOLVED, That the number of individuals living in the most
10 integrated settings will achieve parity with the national
11 utilization rates so that more individuals will live in
12 settings of 6 or less; fewer individuals will live in private
13 intermediate care facilities for individuals with
14 developmental disabilities; and fewer individuals will live in
15 SODCs; and be it further

16 RESOLVED, That in order to ensure positive outcomes for all
17 persons, Illinois will work to achieve parity with the average
18 national rate of funding for developmental disability services
19 in order to achieve the goals set forth by the Division's
20 7-year Strategic Plan; and be it further

21 RESOLVED, That more individuals with developmental
22 disabilities will receive integrated employment services to

1 achieve parity with the national utilization rates; and be it
2 further

3 RESOLVED, That the number of people receiving
4 Medicaid-funded Home and Community Based Services (HCBS) will
5 achieve parity with national utilization rates; and be it
6 further

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

10 RESOLVED, That Illinois will seek to provide funding for an
11 annual cost-of-living increase for community-based direct
12 service employees in order to ensure that these workers receive
13 a fair wage that allows them to support their families; and be
14 it further

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

19 RESOLVED, That persons with developmental disabilities are
20 linked to the services that best meet their needs and to
21 promote that linkage there must be an effective service

1 coordination system that is available to all regardless of
2 geographic or network boundaries and available to support
3 individuals, families, and guardians; and be it further

4 RESOLVED, That persons with developmental disabilities
5 will be actively involved in policy discussions and will be
6 respected as partners in the process, making informed choices
7 and decisions in order to support productive and fulfilling
8 lives; and be it further

9 RESOLVED, That the input from families and guardians will
10 be respected and taken into consideration in conjunction with
11 the wishes of the individual; and be it further

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

17 RESOLVED, That the allocation of resources to support
18 people with developmental disabilities will accurately reflect
19 service demand and be a priority at all levels of government
20 and for the citizens of Illinois and that funding for
21 developmental disabilities services will be realigned to
22 reflect the strategic priorities and benchmarks identified in

1 the Division's 7-year Strategic Plan; and be it further

2 RESOLVED, That future budgets shall take into
3 consideration the steps necessary to achieve the plans laid out
4 in this joint resolution; 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.