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SENATE JOINT RESOLUTION NO. 15

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(As Amended By Senate Amendment No. 1)

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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

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

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

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

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

22 WHEREAS, "Person-centered" means that services and

1 supports are identified and authorized to address the specific  
2 needs of each person as a result of an individualized  
3 assessment and through a person-centered planning process; and

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

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

16 WHEREAS, The majority of other states have significantly  
17 reduced their utilization of large state-operated facilities;  
18 in order for Illinois to achieve parity with the national  
19 average by 2017, Illinois would need to serve an average of  
20 8.9% fewer individuals in SODCs annually; and

21 WHEREAS, As long as the State continues to perpetuate  
22 short-term measures to address crises in the system, in the

1 long term, Illinois will perpetuate its inability to serve the  
2 growing number of individuals with developmental disabilities  
3 who are not currently receiving services; and

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

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

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

1           RESOLVED, That, taking into account the resources  
2 available to the State, the Plan's progress will be measured by  
3 how it increasingly and judiciously provides that Illinois  
4 citizens with developmental disabilities, including both those  
5 currently served and those awaiting services (as determined by  
6 Prioritization of Urgency of Need for Services (PUNS)), are  
7 served in the most integrated setting consistent with the  
8 protections under Olmstead; and be it further

9           RESOLVED, That Illinois will implement at least one new,  
10 outcome-based model for service delivery that improves the  
11 coordination and integration of habilitation, social, and  
12 clinical care for people with developmental disabilities; and  
13 be it further

14           RESOLVED, That the number of individuals living in the most  
15 integrated settings will achieve parity with the national  
16 utilization rates so that more individuals will live in  
17 settings of 6 or less; fewer individuals will live in private  
18 ICF/DDs; and fewer individuals will live in SODCs; and be it  
19 further

20           RESOLVED, That in order to ensure positive outcomes for all  
21 persons, Illinois will work to achieve parity with the average  
22 national rate of funding for developmental disability  
23 services, in order to achieve the goals set forth by the

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

2 RESOLVED, That more individuals with developmental  
3 disabilities will receive integrated employment services to  
4 achieve parity with the national utilization rates; and be it  
5 further

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

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

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

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

1           RESOLVED, That persons with developmental disabilities and  
2 their families and guardians will be actively involved in  
3 policy discussions and will be respected as partners in the  
4 process, making informed choices and decisions in order to  
5 support productive and fulfilling lives; and be it further

6           RESOLVED, That the State of Illinois recognizes that home  
7 and community providers are a vital part of healthy communities  
8 and are counted on by individuals and families and the State to  
9 support their goals and therefore should be listened to and  
10 respected; and be it further

11           RESOLVED, That the allocation of resources to support  
12 people with developmental disabilities will accurately reflect  
13 service demand and be a priority at all levels of government  
14 and for the citizens of Illinois and that funding for  
15 developmental disabilities services will be realigned to  
16 reflect the Strategic Priorities and benchmarks identified in  
17 the Division's 7-year Strategic Plan; and be it further

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

21           RESOLVED, That copies of this resolution be sent to the

1 Governor, the Secretary of the Department of Human Services,  
2 the Director of the Governor's Office of Management and Budget,  
3 and all Members of the General Assembly.