



1 HOUSE JOINT RESOLUTION 28

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

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

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

1 Nursing Services Work Group", and "The Illinois Direct Support  
2 Professional Workforce Initiative" address the issues with the  
3 Illinois system; and

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

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

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

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

21 WHEREAS, Until the State breaks the cycle of underfunding

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

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