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LRB096 11713 DRJ 26640 a

1 AMENDMENT TO HOUSE JOINT RESOLUTION 28

2 AMENDMENT NO. ____ . Amend House Joint Resolution 28 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 HOUSE OF REPRESENTATIVES OF THE
18 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
19 SENATE CONCURRING HEREIN, that the Department of Human
20 Services, Division of Developmental Disabilities, shall
21 develop a 7-year Plan with yearly benchmarks to enhance and
22 expand access to quality community services and supports as
23 informed by the "Blueprint for System Redesign" (January 2008),

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

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

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

1 until the plan is fully implemented; and be it further

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

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