

1 HOUSE JOINT RESOLUTION

2 WHEREAS, In *Olmstead vs. L.C. ex rel. Zimring*, 119 S. Ct.
3 2176 (1999), the Supreme Court affirmed that a state is
4 obliged to provide community-based services and supports for
5 individuals with disabilities who have been recommended for
6 community placement by a state's treatment professional,
7 choose to be served in the community, and would otherwise be
8 served in a state institution; and

9 WHEREAS, The implication of the *Olmstead* Decision is a
10 fundamental alteration in the state's delivery system for
11 persons with disabilities, requiring the expansion of
12 services and supports at the community level to integrate
13 more persons with disabilities in community-based settings;
14 and

15 WHEREAS, In fulfilling the responsibilities under
16 *Olmstead*, the State must coordinate the necessary financial
17 resources to expand these community-based services, including
18 identifying other financial resources outside of General
19 Revenue Funds; and

20 WHEREAS, In further fulfilling the responsibilities under
21 *Olmstead* by addressing the interagency barriers to services
22 and supports for all persons with disabilities, a cohesive
23 and strategic direction must be established by the Governor
24 and all State agencies that offer services and supports to
25 persons with disabilities that maximizes the use of all
26 sources of funding at the State, federal, and local levels;
27 and

28 WHEREAS, Federal funding opportunities play an integral
29 role in providing states with additional financial resources
30 to maintain and expand services and supports for persons with
31 disabilities; and

1 WHEREAS, The Home and Community Based Services (HCBS)
2 Waiver, first authorized by Congress in 1981, continues to
3 play a larger role in permitting innovation in the states due
4 to the increasing flexibility of the Centers for Medicare and
5 Medicaid Services (CMS) and an increasing nationwide effort
6 to utilize currently unmatched state and local funds to draw
7 down additional federal HCBS Waiver revenue; and

8 WHEREAS, The Olmstead Decision has also stimulated
9 increased utilization of the Waiver to finance community long
10 term care supports; and

11 WHEREAS, Illinois has the capacity to leverage unmatched
12 State funds to capture more federal financial participation,
13 thereby improving on its current ranking of 48th in federal
14 waiver spending per capita; and

15 WHEREAS, In FY00, Illinois captured an average of only
16 \$6.15 in federal funding per capita, and federal-state waiver
17 spending represented only 13% of total spending; therefore,
18 be it

19 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
20 NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
21 SENATE CONCURRING HEREIN, that we support the efforts of the
22 State's developmental disabilities council, the Illinois
23 Council on Developmental Disabilities, in its support of
24 activities that lead to a re-design of the system of services
25 and supports for all persons with developmental disabilities
26 and urge the Council to conduct activities that address the
27 following goals:

28 (1) identify ways in which the State of Illinois can
29 increase its ability to capture more federal financial
30 participation (FFP), as well as maximize other financial
31 resources to fund services and supports for persons with
32 disabilities;

1 (2) identify ways in which the State of Illinois can
2 increase the flexibility in how that federal financial
3 participation is utilized; and

4 (3) identify ways in which the State of Illinois can
5 direct more federal financial participation toward the
6 expansion of community-based services and supports for
7 persons with disabilities; and be it further

8 RESOLVED, That a copy of this Resolution be forwarded to
9 the chairperson of the Illinois Council on Developmental
10 Disabilities.