

Illinois State Report 1

By Rita Winkeler

The federal lawsuit against the state – Illinois League of Advocates for the Developmentally Disabled vs. Illinois Department of Human Services was dismissed in Federal District court in March 2016 by mutual agreement of the parties, the issues having become moot as a result of a new Governor taking office in 2016. The federal judge in this case reaffirmed the right of the developmentally disabled to have the full range of placement choices required under federal law, including, but not limited to intermediate Care Facilities for the Developmentally Disabled (ICF/DD, which includes State Operated Developmental Centers).

The federal government continues to pressure the Illinois Department of Human Services to transition individuals from state centers. The Illinois Department of Human Services has made it clear that they believe there will always be some individuals that will need the services that only a state center can provide. The Department recently issued a policy statement to inform independent Service Coordination agencies that they are required by Federal Medicaid regulations to inform individuals with developmental disabilities seeking residential services of their right to receive services in an Intermediate Care Facility for Persons with Developmental Disabilities (ICF/DD). At this time there are no plans to close any of the SODCs and there is no re-balancing plan.

The state continues to operate without a budget, but due to court orders in Federal District court, payments to private DD providers have continued. The rates to private providers are still inadequate and causing problems in providing consistent, safe care. There has been no increase in rates since 2008. There is a bill in the General Assembly to increase the minimum wage for Direct Support professionals from \$10.71 to \$15 per hour. It has been estimated that this will result in a \$330 million annual increase in costs, and there is no money at this time to fund this increase.

There is also a bill to restore certain grants for human services in the community, including developmental disabilities, for example, dental and respite care. This bill has been passed and sent to the Governor. The funding for the grants already exists so hopefully the Governor will sign this.

There is a Continuum of Care DD Licensure bill. It provides that within twelve months after the effective date, a system of licensure for continuum of care facilities shall be established. This bill seems well on its way to being passed. It is very practical, but could be a odds with CMS's new HCBS rules. Facilities licensed under this bill would likely be subject to “heightened scrutiny” under the new rules, which would put their federal match in jeopardy.