

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 903 Session of 2014

INTRODUCED BY MURT, DiGIROLAMO, MILLARD, KIRKLAND, DAVIS, McGEEHAN, ROZZI, MAHONEY, D. MILLER, DeLISSIO, COHEN, READSHAW, O'NEILL, PARKER, PAINTER, THOMAS, ROEBUCK AND McCARTER, JUNE 16, 2014

REFERRED TO COMMITTEE ON HUMAN SERVICES, JUNE 16, 2014

A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to  
 2 conduct a comprehensive review and issue a report of the  
 3 Department of Public Welfare, Office of Developmental  
 4 Programs' implementation of the 1999 ruling by the Supreme  
 5 Court of the United States in *Olmstead v. L.C.*, relating to  
 6 the closure of State centers for people with intellectual  
 7 disabilities and the provision of home-based and community-  
 8 based services.

9 WHEREAS, Known as the 1999 *Olmstead* decision, in a landmark  
 10 interpretation of the Americans with Disabilities Act of 1990  
 11 (Public Law 101-336, 104 Stat. 327) (ADA), the Supreme Court of  
 12 the United States ruled that people with disabilities have a  
 13 right to receive care in the most integrated setting appropriate  
 14 and that unnecessary institutionalization violates the ADA; and

15 WHEREAS, All states must comply with *Olmstead* and are  
 16 required to have an *Olmstead* Plan with measurable objectives  
 17 demonstrating how *Olmstead* will be implemented; and

18 WHEREAS, The Department of Public Welfare has not produced an  
 19 *Olmstead* Plan for the Office of Developmental Programs  
 20 demonstrating how the Commonwealth will move individuals with

1 intellectual disabilities out of State centers; and

2 WHEREAS, In fiscal year 2013-2014, 1,060 individuals with  
3 intellectual disabilities were still residing in State centers;  
4 and

5 WHEREAS, In fiscal year 2013-2014, 51,970 individuals with  
6 intellectual disabilities were receiving home-based and  
7 community-based services; and

8 WHEREAS, In fiscal year 2013-2014, the Department of Public  
9 Welfare had allocated funds to move 100 individuals from the  
10 State centers to the community; and

11 WHEREAS, From January 2013 through February 2014, 18  
12 individuals have been moved from State centers into the  
13 community; and

14 WHEREAS, From January 2013 through February 2014, eight  
15 individuals with intellectual disabilities have been admitted to  
16 one of the State centers; and

17 WHEREAS, As of February 2014, 13,888 individuals with  
18 intellectual disabilities are on the waiting list for home-based  
19 and community-based services; therefore be it

20 RESOLVED, That the House of Representatives request the  
21 Legislative Budget and Finance Committee to conduct a  
22 comprehensive review and issue a report on the Department of  
23 Public Welfare, Office of Developmental Programs' implementation  
24 of *Olmstead* as it relates to the closure of the five State  
25 centers for people with intellectual disabilities and the  
26 provision of home-based and community-based services; and be it  
27 further

28 RESOLVED, That the report shall include the economic impact  
29 of the closure of the State centers, the potential for economic  
30 development of the five properties, opportunities for employees

1 in the post-closure environment and the potential to reinvest  
2 post-closure financial savings in community-based supports for  
3 people on the waiting list for intellectual disabilities  
4 services; and be it further

5       RESOLVED, That the committee report to the House of  
6 Representatives on its activities, findings and recommendations  
7 by June 30, 2015, and issue interim reports to the House of  
8 Representatives as the committee deems necessary.