

DLC Lawsuit & Settlement

Christensen v. Miner asserted that Utah does not provide sufficient opportunities for people with intellectual disabilities who currently live in a private intermediate care facility (ICF) to move into community-based services if they want to; and that practices are not compliant with either the Americans with Disabilities Act or the U.S. Supreme Court *Olmstead* Decision.

January 2018
DLC files the lawsuit.

2019 General Session
HJR 28 passed in support of the Settlement Agreement. Legislature appropriated \$7,324,000 for implementation.

May 2019
Settlement Agreement signed and filed with the court.

91% of New Admissions may be interested in community-based services

100% Engagement with Residents and Guardians

Requirements

- Move 250 interested people from privately owned ICFs to community-based services between FY 2020 and FY 2024
- Reduce the overall number of ICF beds by 135
- Place a permanent moratorium on licensing new ICF beds
- Prioritize moving interested individuals under 22 out of private ICFs into the community
- Implement improved policy for ICF residents under 22
- Require the Medicaid and DSPD Directors, or designees, to approve ICF admission for those under 22
- Provide robust education to people living in ICFs and those considering moving to an ICF
- Develop a decision-making process to assist people who aren't able to independently make decisions about living arrangements



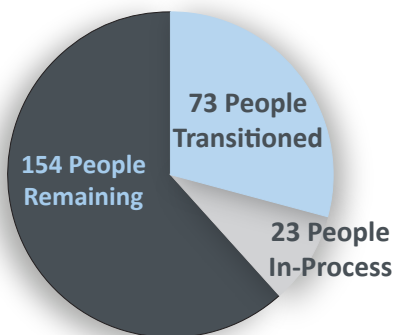
Skilled Nursing Waiver Service



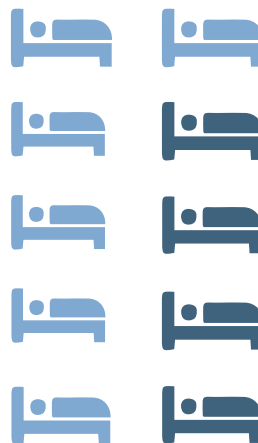
Financial Support for Bed Reductions



New Education Materials



59% Bed Reduction



Tablets purchased with CARES Act funding enhance communications with family, friends, and Transition Specialists; and improve access to the community-based services and education materials available online.

Action Requested

- Amendment to UCA §§ 26-18-502 and 26-18-503 that implements a permanent moratorium on the creation of additional ICF beds. Look for Representative Eliason's bill.
- Reinstatement of \$1.15M ICF Quality Improvement funding to accomplish reduction of the remaining 56 ICF beds and improve individualized services for those who want to remain in an ICF.



Thank you for restoring the \$2.6M cut from the Transition Program. Your support is crucial for our continued success.