

HJR028

SETTLING CHRISTENSEN V. MINER

Background

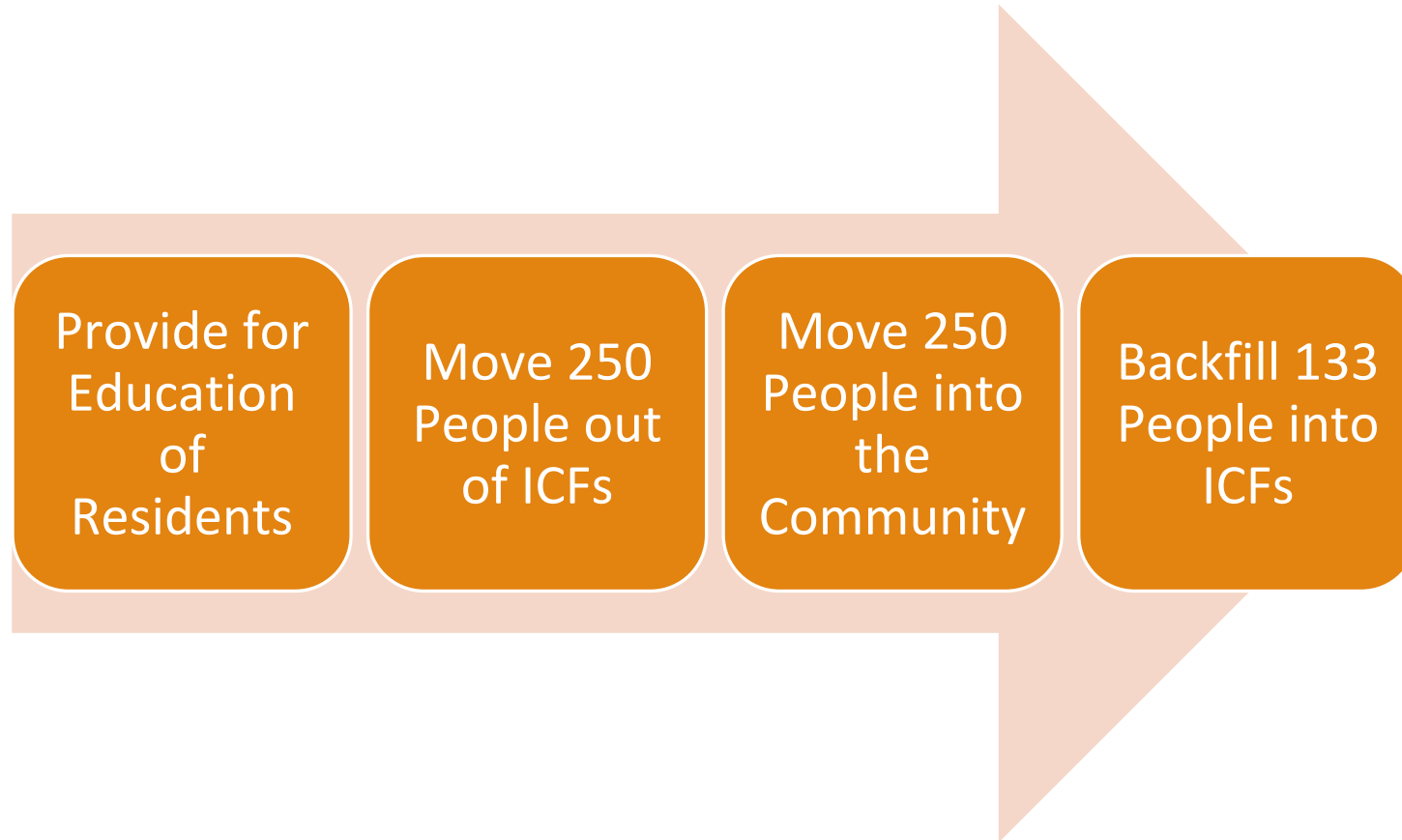
Utah's system for the disabled includes Intermediary Care Facilities (ICFs)

Olmstead v. L.C. – “Unjustified isolation” is discrimination under Title II of the ADA, and institutionalization is unjustified when:

- [a] the State's treatment professionals have determined that community placement is appropriate,
- [b] the transfer from institutional care to a less restrictive setting is not opposed by the affected individual, and
- [c] the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities

Several suits based on Olmstead have been brought against states across the country by the Disability Law Center with the intent of moving people from ICFs into the community

4 Financial Steps of Settlement



Education of Residents

DOH

- Staff for Education/Outreach and Transition Assistance
- Cost to Utah – \$97,000

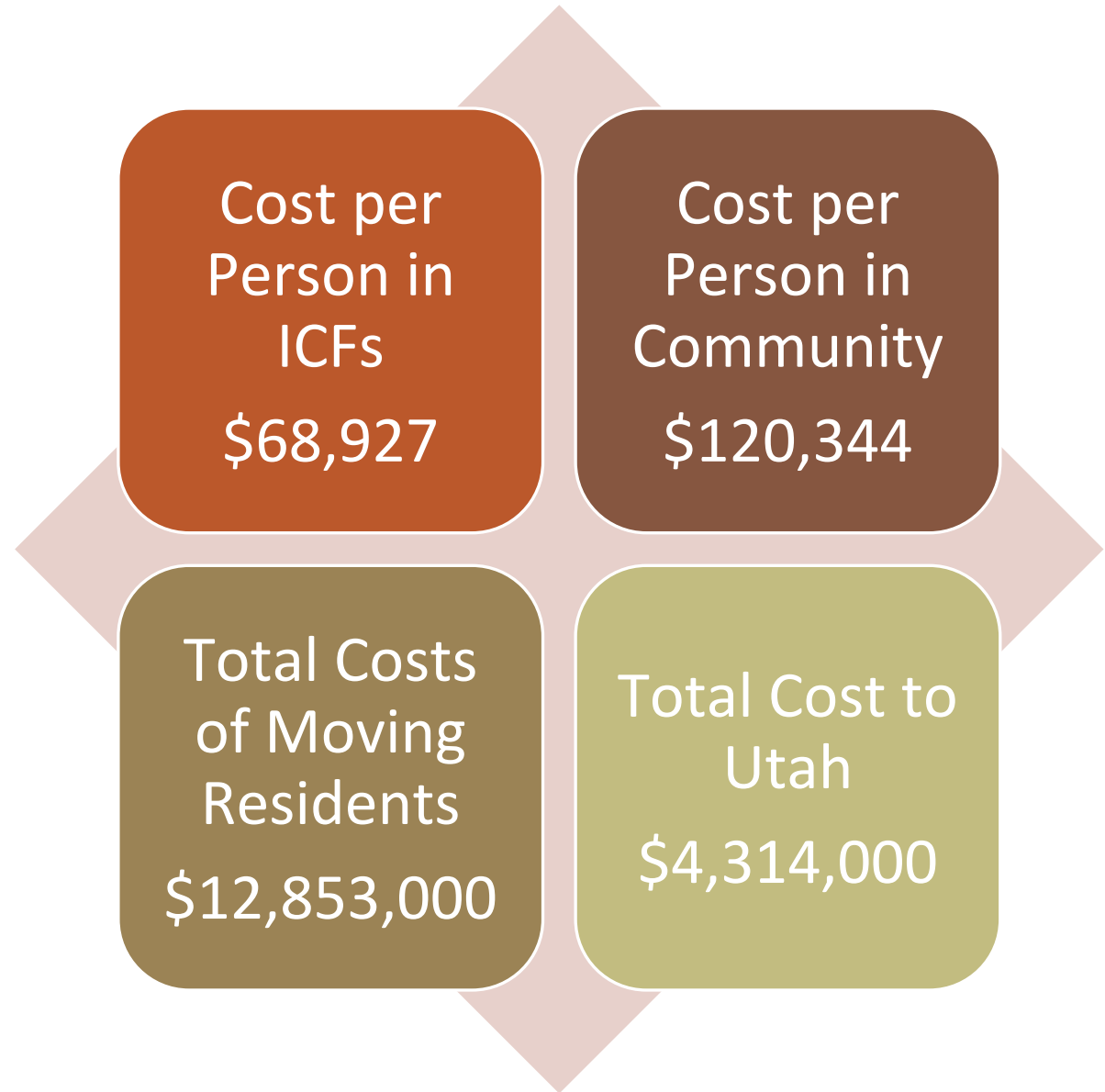
DHS

- Office of Public Guardian Staffing to Support Informed Decision-Making
- Cost to Utah – \$116,000

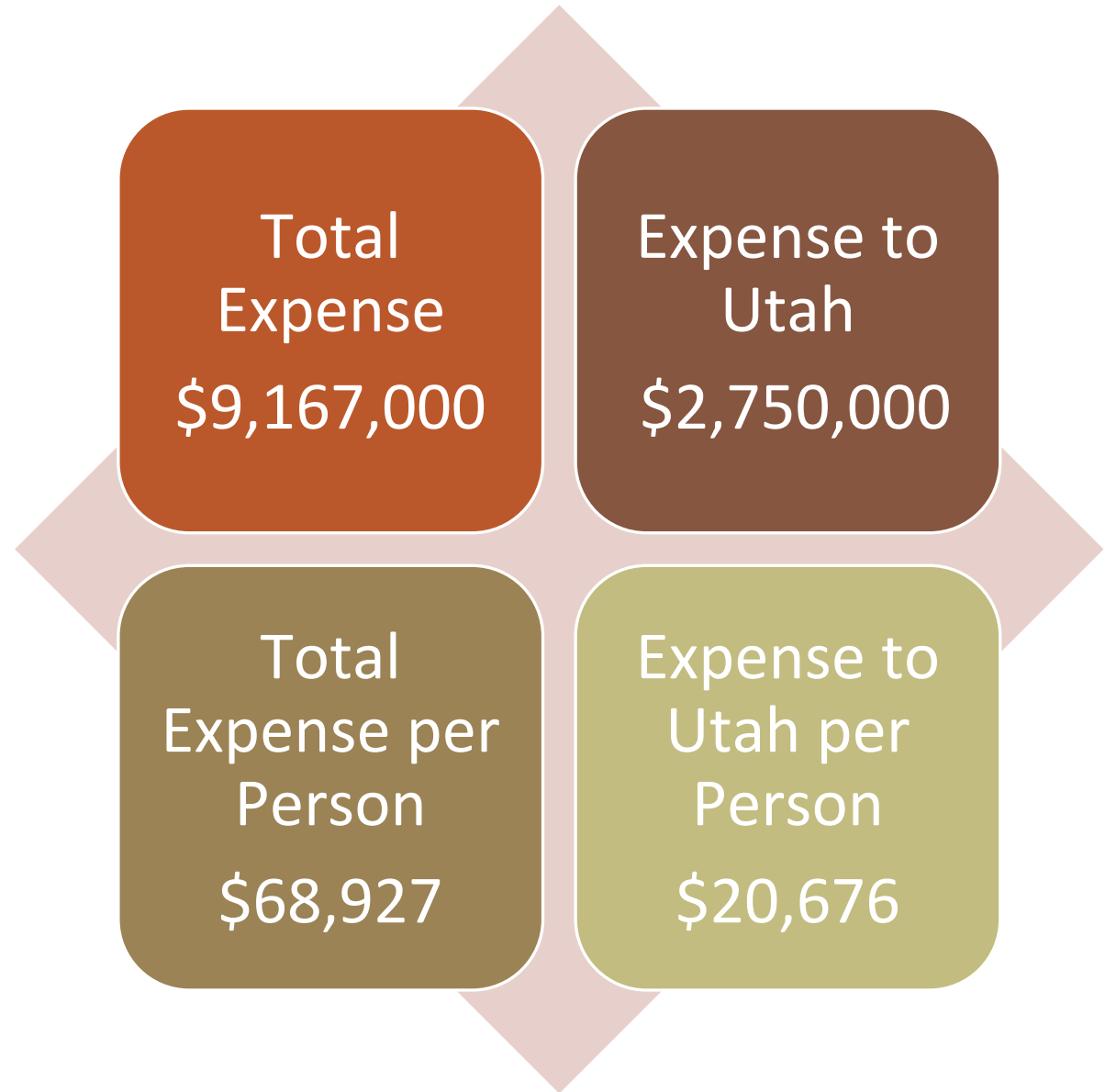
DHS

- Providing for Residents to Visit the Community
- Cost to Utah – \$47,000

Annual Costs of Moving 250 People Out of ICFs into the Community



Annual Costs of Backfilling 133 People into ICFs



Total Annual
Impact on State
Budget



Other Funds That May Be Required

Improving Conditions in Intermediate Care Facilities (ICFs)

- \$2.4 million ongoing

Limited Services Waiver for People with Disabilities

- \$6 million ongoing

Adding Skilled Nursing Services for Individuals Living in the Community

- \$ 4 million ongoing