

Ligas Implementation Plan FY2022 Revisions

State of Illinois

**Illinois Department of Human Services, Division of Developmental Disabilities
Revised Plan – 08/04/2021**

This Implementation Plan has been developed by the Division of Developmental Disabilities (DDD), with input from the Plaintiffs, Intervenors, and Monitor, to accomplish the obligations and objectives set forth in the *Ligas v. Hamos* Consent Decree. (Case: 1:05-cv-04331 Document #: 549)

Table of Contents

Section I. Executive Summary	4
Section II. Development and Maintenance of the Class Member List	5
Section III. Outreach	6
Section IV. Development of Community Capacity	7
Section V. Community-Based Services/Placement for Individuals Residing in ICFs/DD	18
Section VI. Transition Planning	19
Section VII. Waiting List for Community Services and Placement	21
Section VIII. Community Crises	22
Section IX. Appeal Process	23
Section X. Resources Necessary for Implementation	23
Section XI. Interagency Agreements	25
Section XII. Process for Plan Reporting and Modification	25
Section XIII. Compliance Survey Results	26
Section XIV. Acronyms	29

Section I. Executive Summary

Background of Litigation and Overview of Consent Decree

On June 15, 2011, a federal judge approved a Consent Decree settling the *Ligas v. Hamos* lawsuit (now *Ligas v. Eagleson*), filed on July 28, 2005, on behalf of two groups of Class Members with developmental disabilities:

- Adult individuals in Illinois with developmental disabilities who qualify for Medicaid Waiver services, who reside in ICFs/DD with nine or more residents, and who have a current record affirmatively requesting to receive Community-Based Services or placement in a Community-Based Setting.
- Adult individuals in Illinois with developmental disabilities who qualify for Medicaid Waiver services, who reside in a Family Home, who are in need of Community-Based Services or placement in a Community-Based Setting, and who have a current record affirmatively requesting Community-Based Services or placement in a Community-Based Setting.

The Decree included annual requirements for transition of individuals out of ICF/DDs as well as those waiting for services, based on individual choice and preferences.

The Decree required significant expansion of the Community-Based system to meet the growing demand for those services, while continuing to honor an individual's choice in deciding on the types of services and settings he or she prefers in order to live a personally fulfilling and productive life. The Decree includes the following provisions:

- Services for Individuals Currently Residing in ICFs/DD

Within six years of approval of the Decree, all individuals living in ICFs/DD as of the effective date of the Decree who have affirmatively requested Community-Based Settings were to move to Community-Based Settings. For those individuals who wish to continue living in an ICF/DD, the Decree requires the State to honor that choice and to continue to provide adequate funding to meet the needs of such individuals.

- Services for Individuals Currently Residing in the Family Home

The DDD was to serve 3,000 individuals on the Waiting List for Community-Based Services or placement in a Community-Based Setting, as defined in the Decree, over the first six years of the Decree (1,000 within the first two years and 500 each year the next four years) with home-based support services or in Community-Based residential settings. After the end of the six-year period, all Class Members on the PUNS list are to be served at a reasonable pace. In addition, individuals meeting established crisis criteria continue to be expeditiously served, without limits as to the number of people served.

- Other General Provisions

- Evaluations and Transition Service Plans focus on individual desires and goals and is not be limited by existing services. The State, however, is not required to develop or offer services that are not part of the approved Waiver or Medicaid State Plan.

- The Illinois Department of Human Services (IDHS) is to seek sufficient funds in annual budget requests to develop and maintain the services described in the Decree. Implementation of the Decree is not, however, dependent on legislative appropriation of new funds.
- A Court Monitor was appointed by the Court to oversee compliance with the Decree and report on progress to the Court on an annual basis. After nine years of the approval of the Decree, the State may petition the Court to terminate the monitoring process.

The Implementation Plan

This document sets forth the State's plans to implement the provisions of the Consent Decree for Fiscal Year 2022 (FY22). It was developed in accordance with Paragraph 26 of the Consent Decree and has incorporated input received from the Plaintiffs, Intervenors, and the Court Monitor. References to paragraph numbers in each of the sections below refer to paragraphs within the Consent Decree from which language is excerpted. For full context, readers should refer to the Consent Decree. Should any language in the Implementation Plan unintentionally conflict with that of the Consent Decree, the Consent Decree governs. Each Section of the decree is discussed separately below:

Section II. Development and Maintenance of the Class Member List

Paragraph 6. Within thirty (30) days after Approval of the Decree, Defendants shall compile an initial list of Class Members by taking the list of Individuals to whom notice of Preliminary Approval of this Decree was sent, adding those Individuals from whom any of the Parties received a written, affirmative request to receive Community-Based Services or placement in a Community-Based Setting after notice of Preliminary Approval of this Decree was sent, but excluding (i) those individuals who filed objections to the Proposed Consent Decree that was the subject of the July 1, 2009 Fairness Hearing as described in Paragraph 3(i) above, and (ii) those Individuals from whom Defendants receive written requests that the Individuals do not wish to receive Community-Based Services or placement in a Community-Based Setting.

Paragraph 8. Defendants shall maintain a statewide database in which all Class Members are enrolled.

Consistent with Paragraph 6 of the Consent Decree, a Class Member list was created and has been maintained since the initial list was provided to the Monitor and Plaintiffs on July 15, 2011. The list includes:

- Adults (age 18 and above) enrolled in the State's Prioritization of Urgency of Need for Services (PUNS) database as of June 15, 2011, who were not already living in a 24-hour Community-Based Setting or State-Operated Developmental Center (SODC); and

- Individuals who had submitted written requests to be included in the Class to the Office of the Illinois Attorney General.

The list does not include those excluded from the Class in accordance with the provisions of Paragraph 6 of the Decree. For the first six years of the Decree (through June 11, 2017), the ICF/DD Class Member List was finalized, and per the Decree, new ICF/DD Class Members will only be added if they enroll on PUNS and go through the process identified in the Reasonable Pace section (see Section VII – Waiting List for Community Services and Placement). The Class List may continue to be modified under limited and specific circumstances where an individual's rights under the *Ligas* Decree were not properly exercised. However, individuals from the PUNS waiting list continue to be added as Class Members (including individuals who may be residing in an ICF/DD and enroll on PUNS).

Section III. Outreach

Paragraph 25. Defendants shall maintain a fair and accessible process by which Individuals with Developmental Disabilities or their legal guardians can affirmatively request in writing to receive Community-Based Services and/or placement in a Community-Based Setting or to receive ICF-MR services in an ICF-DD, and Defendants shall maintain up-to-date records of those requests.

Outreach required by the Decree to potential Class Members in ICF/DD settings has concluded. DDD will continue to identify those Medicaid-eligible individuals in need of services through continuation of the PUNS database and work with the Independent Service Coordination (ISC) Agencies. DDD will continue to maintain the ISC office locator function and toll-free number, in addition to numerous web-based resources, to enable families and guardians to learn about and apply for services.

General Information Sharing

DDD continues to maintain and update the *Ligas* page¹ on its website. The DDD will post a schedule on its website of all events in which it will present information about the Consent Decree.

Ligas Class Member/Family Advisory Town Hall

The Defendants, in conjunction with the Monitor and with input from the Parties, established a *Ligas* Class Member/Family Advisory Committee (CMAC). For FY22, subject to COVID restrictions and precautions, DDD will hold two (semi-annual) *Ligas* Town Hall meetings in addition to two CMAC meetings. The Town Hall and CMAC meetings may be held via webinar, in person or through a hybrid model. These meetings will allow Class Members, families, guardians, and other interested parties to hear updates directly from DDD staff and to speak from their perspective. DDD staff will consult and coordinate with the Monitor and Class Counsel

¹ The link to the IDHS *Ligas* page is: <http://www.dhs.state.il.us/page.aspx?item=66987>.

when planning these meetings. The Town Halls will be open to the public and summaries will be provided to the Parties and Monitor. Meeting dates and summaries will be posted on the DDD's website, including a link on the *Ligas* webpage by June 30, 2021.

Section IV. Development of Community Capacity

Paragraph 4. The choices of Individuals with Developmental Disabilities, including Class Members, to receive Community-Based Services or placement in a Community-Based Setting or to receive ICF/MR services in an ICF-DD will be honored; provided, however, that this commitment to honoring choice does not alter Defendants' current obligations under existing law regarding licensed ICF-DD capacity system-wide or at any specific ICF-DD, and provided that, under current applicable law, this commitment does not entitle an Individual with Developmental Disabilities to receive ICF/MR services in a specific ICF-DD. Defendants shall implement sufficient measures to ensure the availability of services, supports and other resources of sufficient quality, scope and variety to meet their obligations to such individuals under the Decree and the Implementation Plan consistent with such choices. While the Decree remains in effect, any amendment to the State Plan submitted by the State pursuant to 42 U.S.C. § 1396, et seq. will continue to include ICF-DD services as an alternative choice for long-term care services for eligible Individuals with Developmental Disabilities. Nothing in this Decree shall impair Defendants' ability to make changes in their provision of supports and services to Individuals with Developmental Disabilities, including Class Members, regardless of setting, provided that Defendants continue to honor Individuals' choices and fulfill Defendants' obligations under the Decree and Implementation Plan. Resources necessary to meet the needs of Individuals with Developmental Disabilities who choose to receive services in ICFs-DD shall be made available and such resources will not be affected by Defendants' fulfillment of their obligations under the Decree, including the obligations under Paragraphs 17 through 19 and 21 through 23. Funding for services for each Individual with Developmental Disabilities will be based on the Individual's needs using federally approved objective criteria regardless of whether the Individual chooses to receive services in an ICF-DD or in a Community-Based Setting; provided, however, nothing in this Decree shall require Defendants to change their current method for establishing funding or from adopting new methods based upon federally approved objective criteria.

Paragraph 5. Annual budgets submitted by Defendants on behalf of their agencies shall request sufficient funds necessary to develop and maintain the services, supports and structures described in the Decree, consistent with the choices of Individuals with Developmental Disabilities, including Class Members. Defendants shall take steps sufficient to implement funding mechanisms that facilitate transition among service settings.

During the first six years of the Decree, the benchmark of serving 3,000 individuals currently living at home through either Community Integrated Living Arrangements (CILAs) or Home-Based Support Service (HBS) was achieved. In addition, Class Members residing in ICF/DDs

also moved to CILA or HBS settings. Class Members continue to move into CILA or HBS under the Reasonable Pace provisions of the Decree. Individuals selected to receive services under this Consent Decree may choose from any qualified and willing provider as defined in the Waiver.

Illinois has a substantial base of qualified HBS, CILA, and day program providers. Based on billing information, as of April 1, 2021, there are 226 CILA providers, 114 Self-Directed Assistance providers,² 128 Community Day Services (CDS) providers, and 58 supported employment providers actively billing for services. Additionally, there are providers of therapies, assistive technology, and other support services under the Waiver.

DDD continues to review progress toward expansion of services as necessary to implement the provisions of the Decree. Due to COVID-related delays, the DDD will complete this capacity-related action step in partnership with the University of Illinois at Chicago (UIC) in FY22: DDD will interview and survey ISC agencies and provider agencies to understand the barriers to increasing community capacity, with a specific focus on expanding CILAcapacity for those with physical accessibility needs, high behavioral needs, and high medical needs by January 1, 2022. DDD will then utilize the data gathered from interviews, focus groups, and surveys to identify strategies and to develop a plan to address capacity by June 30, 2022, which will be incorporated into the FY 23 Implementation Plan.

Data Reporting, Focused Selection and the PUNS Selection List

DDD reports on all active Class Members seeking and/or in need of services on the *Ligas* Services List, which has been compiled into a database allowing inquiries and searches of particular groups and individual Class Members.

DDD has continued to participate in monthly calls between Defendants and Parties to discuss specific *Ligas* Class Members who have funding sources and who continue to seek community-based services.

DDD includes in the monthly reports a summary of all Class Members who have either been removed from the *Ligas* selection list or placed on “hold³.” In addition, a separate submission is provided only to the Plaintiffs and Monitor, to identify the factual basis for the determination. DDD will also continue to provide to Plaintiffs and the Monitor PUNS data (including those actively seeking services and planning) and a list of all individuals who have been selected from PUNS but who have not initiated services within 18 months of their selection for further analysis and discussion.

Provider Qualifications and Training

New Providers

² Service Facilitation is no longer a requirement under the Home-Based Services Program, but such services, now called “Self-Directed Assistance” are available if desired.

³ “Hold” is for *Ligas* Class Members who have been selected from PUNS to receive services but do not wish to actively pursue community-based services at the time of selection; additional information on “hold” is provided below.

New provider information continues to be available on the DDD website⁴, including information on qualifications, regulations, compliance issues, staff training, DDD contacts, etc., as well as information on mandatory orientation sessions required for all new providers. This past fiscal year the process was reviewed and strengthened in order to ensure clarity in the process. DDD continues to explore ways to identify potential provider agencies including working with national organizations to identify strategies to bring in new providers and encourage/incentivize existing providers to serve individuals with physical accessibility needs, high behavioral needs, and high medical needs. The capacity study being conducted in conjunction with UIC, as mentioned above, will be helpful in directing the DDD's efforts in these areas.

Conversion of ICF/DD Capacity

DDD may enter into voluntary closure agreements with providers of ICFs/DD, during which DDD ensures that ICF/DD residents transitioning to a new residential setting are provided with an assessment and service plan that meets the requirements of the Decree, informed of their right to explore options among any qualified provider and are given a choice of qualified residential providers if they choose to explore those options. For ICFs/DD with the capacity to serve 16 or more individuals, closure agreements provide for rates during the closure period that recognize the need for coverage of fixed costs while individuals are transitioning to new residential settings of their choice, whether operated by the same or a different provider.

In order to provide more detail about the downsizing/closure process, a sample agreement is available for reference on the DDD's website⁵.

Employment

Employment of Class Members will continue to have an increased focus during FY22. DDD continues to work collaboratively with the Division of Rehabilitation Services (DRS) to develop a smoother process to ensure Class Member access to Vocational Rehabilitation services and then transition to waiver funded services for long term support. In FY21 a Memorandum of Understanding (MOU) was signed by both divisions which outlines each division's responsibilities and quarterly meetings are occurring as expected. Also in FY21, the DDD brought on an individual contractor dedicated to employment expansion, while working to hire a full time DDD staff person. In FY22, the DDD expects to be able to hire a full time DDD staff to continue the focus on employment expansion, data collection, information bulletins and training and technical assistance support for ISC agencies and provider organizations. In FY 22, the Division is implementing the Guidehouse rate recommendations for supported employment (both individual and group, pending appropriation) and has eliminated the collection of earned income, effective 7/1/21. The DDD, and DRS as appropriate, will also continue to participate in the State Employment Leadership Network consultation through FY22.

FY22 priorities include:

⁴ The link to the new provider page is: <http://www.dhs.state.il.us/page.aspx?item=47336>.

⁵ The links to the sample downsizing agreements are: <http://www.dhs.state.il.us/page.aspx?item=85069> and <http://www.dhs.state.il.us/page.aspx?item=85081>.

- 1) Hire a permanent staff member dedicated to the expansion of employment for individuals with I/DD in Illinois.
- 2) Fully implement the collection and sharing of employment data to drive decision-making and support clear communication about employment definitions and goals.
- 3) Expand and develop DRS and DDD interagency collaboration to forward the goal of expanding participation in integrated employment for DDD customers, including:
 - Continue to partner with DRS in the implementation of the Workforce Innovation and Opportunity Act, Section 511.
 - Work with DRS to provide written clarification to local offices and Community Rehabilitation Partners on policy issues that impact individuals with I/DD.
- 4) Develop strategy, policy, and competency-building activities to support expanding the number of providers who are vendors for both DRS and Medicaid Home and Community Based Services (HCBS) to deliver employment related services.

Specific to DRS employment services, Public Act 101-0368 required the DRS to create a five-year Customized Employment Pilot Program. Per the Public Act, the Pilot went into effect on July 1, 2020. As of December 31, 2020, the DRS had contracts with six (6) Customized Employment provider organizations; the six provider organizations were serving 13 individuals; and of those 13 individuals being served, there were 2 individuals employed. In FY22, DRS will have at least seven (7) contracts with a projection of 35 customers, with further expansion continuing, barring any COVID-19 related delays.

Defendants will keep the Monitor and Class Counsel regularly updated on its progress with its efforts to expand employment opportunities for Class Members including reporting on activities in the 6-month data reports.

PUNS/ICF/DD Class Members-*Ligas* Services List “Hold” and Removal

Removal

Class Members in ICF/DDs and individuals selected from the PUNS list for services are still subject to removal from the *Ligas* Services List for a number of reasons. Removal of a Class Member from the *Ligas* Services List does not necessarily result in removal from the PUNS list, nor does it prevent the individual from seeking other waiver-based services or expressing an interest to become a Class Member in the future. Removal is warranted under the following circumstances:

ICF/DD Class Members:

- Individuals who are ineligible for services will be removed from the Active/Confirmed list. Reasons for ineligibility include death, relocation out of state, clinical ineligibility, and inability to financially qualify for Medicaid¹. For those who are deemed ineligible, they will be given timely notice on how to appeal that determination and if the eligibility is overturned, they will be returned to the Active/Confirmed list.

- Individuals who do not meet *Ligas* Class Member requirements will be removed from the *Ligas* Services List but will remain on the PUNS waiting list.
- Declined Community-Based services, demonstrated by completion of a written document stating their or their guardian's preference to remain in the ICF/DD. Individuals and their guardians are free to change their minds and make a Current Record of their interest to receive Community-Based Services or placement in a Community-Based Setting.

PUNS Class Members:

- Ineligible for services. Reasons for ineligibility include but are not limited to death, relocation out of state, clinical ineligibility, and inability to financially qualify for Medicaid⁶. Ineligibility will also result in removal from the PUNS list, but removal in certain of these circumstances is subject to the appeal rights of the individual.
- Failure to meet *Ligas* Class Member requirements (but may remain on the PUNS waiting list).⁷
- Decline of services, in which the individual/guardian may affirmatively request to be placed in the "Planning" category of need on PUNS.
- Decline of services (although *Ligas* services may be re-initiated during the 3 months after the date services were declined). Failure to re-initiate services within 3 months of the decline of services will void the PUNS selection and the individual will remain in the "Planning for Services" (formerly "Planning") PUNS category.
- Decline of services and request to be removed from PUNS will result in the removal of the individual from the *Ligas* Selection List and the PUNS database. This is also subject to the 3-month limit to re-initiate services, after which the PUNS selection will no longer be valid and re-enrollment in PUNS will be required.
- Refusal to complete or failure to cooperate in the assessment process. This includes but is not limited to any of the following:
 - Failure to either make contact with or respond to inquiries (telephonic, written or other) from the assigned ISC Agency within the initial 6-month period following the mailing of the selection letter;
 - Failure to engage in and begin the assessment process within the initial 6-month period;
 - After obtaining an extension on the initial 6-month application deadline, failure to complete the assessment and obtain an eligibility determination within 9 months from the date of mailing of the PUNS selection letter. Extensions will be granted

⁶ Individuals and their guardians will be afforded a full 9-month time period (with extensions as needed for good cause) to become eligible for Medicaid.

⁷ Class Members must be 18 years of age or older and residing in either a family home or an ICF/DD of 9 or more individuals. State Operated Developmental Centers, SNF-Peds, Skilled Nursing Facilities, residential schools or correctional facilities are among the settings that are not eligible settings. Class Members retain their Class Member status post-transition to a CILA. During FY21, DDD will continue to explore how best to address concerns regarding individuals in SNF-PEDS and ensuring they have the ability to seek Community-Based Services.

upon a showing of continued engagement with the ISC Agency and for extraordinary circumstances.

Hold List

DDD continues to monitor Class Members who are on the “Hold” list, in which certain individuals selected from ICF/DDs or the PUNS list, who are not yet ready to initiate services or who are unable to complete the process, are given a temporary “Hold” period during which they may still exercise the benefits arising from their selection. A Class Member may remain on “Hold” for a maximum of two years, during which time the ISC Agency will contact the individual once every six months. During the two-year period, the individual/guardian may, at any time, choose to continue with the waiver process to obtain services. However, if the individual fails to take any action in furtherance of service initiation, at the end of the two-year Hold period, the individual’s PUNS selection will be invalidated.⁸ At that point, the individual will be able to enroll on PUNS as a new enrollment. Any future PUNS selection will be based on the new enrollment date.

Individuals may be placed in the “hold” category for the following reasons:

- Seeking services from particular provider(s);
- Awaiting opportunity to move with particular peers;
- Undecided on a provider;
- Deciding between home-based and CILA services;
- Determining whether to proceed with waiver services;
- To allow time to address medical or personal matters (including, but not limited to, rehabilitation, medical procedures, family emergencies or other matters that may delay decisions as to services);
- Other reasons with approval from DDD.

Individuals on Hold are not counted toward ICF/DD transitions or Reasonable Pace benchmarks.

Monitor’s Concerns Regarding Capacity Development

The Monitor has included concerns in the past four Annual Reports⁹ and has found the Defendants out of compliance with respect to resources and capacity, while noting progress in a number of areas. The Defendants continue to be out of compliance based on the Court’s orders of August 11, 2017 and June 6, 2018, but significant process has been made and regularly reported to the Court.

As of the date of this Implementation Plan, a number of actions have been taken in an effort to bring the Defendants into compliance. This includes, but it not limited to, the following:

⁸ Individuals on the Hold list will be notified at the 18-month point that absent further action, they will be removed from Hold in six months (at the two-year mark) and be removed from PUNS. However, if the delay in taking action within the two-year period is through no fault of the individual or his/her guardian, the Hold period may be extended on a case-by-case basis.

⁹ The link to the Annual Reports of the Court Monitor is: <https://www.dhs.state.il.us/page.aspx?item=64489>.

- Guidehouse Rate Study: The work of the Rates Oversight Committee, which began in FY19, came to a close in late 2020. In December 2020, Guidehouse (formerly Navigant Consulting) issued its final report, *Developmental Disability Services Rate Study*, which provided rates and rate methodology recommendations for waiver funded and ICF services and supports. The report includes phased-in recommendations, recommending implementation in Fiscal Years 2022 through 2026. As set out in the report, the cost for implementation in FY22 would be \$329 million with each year thereafter costing an additional roughly \$100 million, with the total cost of implementation being approximately \$745 million. The Monitor, Class Counsel, and Intervenors all recommend that the State fully implement the Guidehouse Rate Study in the time frame set forth in the report, believing that comprehensive and timely implementation is necessary for the State to come into compliance with the Consent Decree. The State is proposing a robust, but longer phase-in timeline for implementation due to the cost of the recommendations and other State budget demands and pressures, as set forth below. The State will share the Current, Projected Guidehouse Timeline document with the Monitor, Class Counsel and Intervenors by 7/23/2021.
- FY22 Budget and Guidehouse Rate Study Implementation: In February 2021, the Governor proposed a budget that included \$77 million additional funding in the DDD budget. In March 2021, Congress passed, and President Biden signed the American Rescue Plan Act (ARPA). The ARPA included a provision that allows states to receive an additional 10 percent increase in federal Medicaid matching funds (FMAP). The General Assembly passed and the Governor signed the FY22 Budget (PA 102-0017) and the FY22 Budget Implementation (BIMP) bill (PA 102-0016). This appropriates funding, including ARPA enhanced FMAP, sufficient to address Ligas Consent Decree priorities including the following Guidehouse recommendations effective January 1, 2022, unless otherwise noted, subject to federal CMS approval:
 - Fund 700 PUNS placements effective July 1, 2021.
 - Increase CILA DSP reimbursement rates by \$1.50/hour.
 - Increase ICF Aide reimbursement rates by \$0.50/hour effective July 1, 2021, and \$1.00/hour effective January 1, 2022.
 - Increase other frontline staff wages for CILA Residential and ICF Residential to the Guidehouse recommendations (Bureau of Labor Statistics (BLS) averages).
 - Standardize ‘Five-Hour’ model of unstaffed time across CILA.
 - Implement an occupancy factor.
 - Eliminate the collection of earned income for CILA residents (effective July 1, 2021).
 - Update the rate methodologies for Intermittent CILA and Host Family CILA.
 - Create a rate methodology for Community Day Services (CDS).
 - Increase CDS DSP reimbursement rates by \$1.50/hour.
 - Increase other frontline staff wages to Guidehouse recommendations/BLS averages.
 - Increase day program hours to 1,200 annually.

- Implement the Guidehouse recommendations for Individual Supported Employment and Group Supported Employment rates.
- 3% Cost of Living Adjustment (COLA) for Children’s Group Homes (to be commensurate with increases being provided to DCFS Children’s Group Homes).
- An extension of the CILA COVID per diem (5%) through June 30, 2022.
- An extension of the CDS COVID per diem (15%) through December 31, 2021.
- Additional one-time funding to be determined in collaboration with the Illinois Department of Healthcare and Family Services (HFS).
- Previous Rate Increases: The proposed rate increases are in addition to rate increases already enacted over the past several years, which are summarized in the chart below:

Fiscal Year	Funding Increase– HCBS	Funding Increase - LTC	Implementation	Effective Date
2018	\$0.75/hour wage increase	\$0.75/hour wage increase	Pass-through to front-line staff (HCBS); pass-through to staff through program & support components of rate (ICF)	08/01/2017 (Both)
2019	\$0.50/hour wage increase; additional \$0.04 for Chicago	\$0.50/hour wage increase	Pass-through to front-line staff (HCBS); pass-through to staff through program & support components of rate (ICF)	10/01/2018 (Both)
2020	3.5% rate increase	3.5% rate increase	Rate increase/COLA	07/01/2019; 08/01/19 for LTC
2020 (mid-year, non-legislative)	\$0.58 & \$0.62/hour wage increase	\$0.24/hour wage increase	Wage increase (not required to be pass-through)	01/01/20; est. 06/01/20 for LTC
2021	\$1.00/hour wage increase \$0.50/hour wage increase	\$1.00/hour wage increase \$0.50/hour wage increase	\$0.80/hour and \$0.40/hour, respectively, required to be pass-through to non-exec staff	TBD (requesting 07/01/20 and 01/01/21, respectively)

Fiscal Year	Funding Increase – HCBS	Funding Increase - LTC	Implementation	Effective Date
2022	\$170 million total (details above)	\$170 million total (details above)	TBD	07/01/2021 and 01/01/2022 (as noted above)

Per the request of the Monitor and Parties, the following represents additional activities currently underway within the DDD. These activities, while related to certain of the Monitor's concerns, are not specific to the *Ligas* Decree, as they are much broader and impact all individuals who receive services under the Adults with Developmental Disabilities Waiver. As such, the State does not consider them to be a part of, nor governed by either the *Ligas* Consent Decree or the Implementation Plan, but do agree that these activities provide a benefit to Class Members. The State makes no representations as to the end result from these activities but will continue to update the Parties and Monitor on progress and developments in these areas as they occur, especially as they impact *Ligas* Class Members. Plaintiffs and the Court Monitor disagree with the State as to applicability that the *Ligas* Decree and Implementation Plan have on these activities, but as the parties do not disagree on the nature of these activities, the issue need not be resolved at this time.

- Short-Term Stabilization Homes: In FY20, the DDD funded an expansion of Short-term Stabilization Homes (SSH) under the adult Medicaid Waiver increasing from the initial four homes, to eight homes, utilizing the two providers under contract with the DDD on the original four homes. In FY21, the providers opened 2 of these additional homes and are beginning to serve clients; the third and fourth home will open in FY22. Each home can serve four individuals; the expansion increases capacity from sixteen (16) to thirty-two (32) individuals. SSH homes provide temporary stabilization services due to extraordinary behavior issues. The homes are equipped with high staffing and oversight ratios, as well as the necessary staff or consultants to address individual behavior and medication needs. Transition planning for post-stabilization placement is ongoing throughout an individuals' tenure at an SSH, with the primary goal, if feasible, that the individual return to their own/prior home. However, these transition plans are fluid and depend on the progress the individual makes toward stabilization.
- Rules: The DDD is in the process of updating rules that govern the I/DD system. The rules and their current status are as follows:
 - 59 IAC 115 (CILA): Posted for JCAR First Notice 02/26/2021.
 - 59 IAC 119 (CDS): Through DDD Regulatory Advisory Board; currently going through internal reviews and approvals.
 - 59 IAC 120 (Waiver): Through DDD Regulatory Advisory Board; currently going through internal reviews and approvals.
 - 59 IAC 117 (Home-Based Services): DDD Regulatory Advisory Board review.
- Assistive Technology: The DDD is working to expand the lessons learned as part of the Assistive Technology Pilot Project. Pilot Projects have been shared with DDD staff and at the annual TEC Provider Conference. The DDD is currently compiling a resource list from the pilot projects. Additionally, in December 2020, DDD filed a waiver amendment for federal CMS approval to add Remote Supports as a new service for individuals in residential/CILA. The DDD is awaiting CMS approval. Finally, the DDD established a

subcommittee of the DD Advisory Committee (DDAC) to expand the use of assistive and enabling technologies.

- Support Stabilization Services: The DDD has expanded the availability of support stabilization services to provide bridge support for individuals transitioning out of SODCs.
- Behavior Services and Supports: The DDD continues to provide increased Behavior Therapy hours of up to 104 annually to individuals under the adult Waiver. The Rates Oversight Committee work included a sub-committee on Behavioral Services and Supports. That sub-committee discussed Behavior Therapy as part of its work, and recommendations were included in the Oversight Committee's and Guidehouse's final reports. In FY21, the DDD released an Information Bulletin outlining expectations for Behavior Services provision and an accompanying webinar.
- Waiver Employment and Developmental Training/Community Day Services: The Rates Oversight Committee work included a subcommittee on Employment and Developmental Training/CDS. Recommendations were included in the Oversight Committee's and Guidehouse's final report. The DDD is including the recommendation on implementing the new rate methodology as part of its rates work.
- Quality Management: The quality improvement system for the Waiver is described in Appendix H of the Waiver. Performance measures are outlined throughout the Waiver itself. The Bureau of Quality Management (BQM) regularly completes on-site reviews of service delivery for individuals served in the Adult DD Waiver. While the waiver quality reviews are not specific to *Ligas* Class Members, many *Ligas* Class Members go through the review process each year by virtue of being in the waiver program. BQM cites any deficiencies noted, requires corrective action plans to address those deficiencies and follows-up on the plans to ensure they were appropriately implemented. Defendants will share *Ligas* Class Member reviews with the Court Monitor and Class Counsel within 60 days of completion of the FY21 reviews. The DDD revised the BQM tool during FY21, with plans for future revisions.

Housing Options for Class Members

The IDHS believes that persons with disabilities can live fully integrated within their community of choice with appropriate services and supports within affordable supportive housing options, whether scattered site or within small single site supportive housing buildings. This not only complies with federal CMS Home and Community-Based Services regulations defining home and Community-Based as well as the Olmstead integration mandate but is also cost effective and meets the desires of persons with disabilities.

As such, in addition to the typical community settings of HBS and CILA, DDD has been collaborating with the IDHS Statewide Housing Coordinator and the Illinois Housing Development Authority to make supportive housing options available to eligible *Ligas* Class Members. Class Members are eligible for Statewide Referral Network (SRN) and Section 811 Project-Based Rental Assistance (PBRA) units (depending on income), which are affordable studio, one- and two-bedroom units available across the state. These units are individually controlled, with the tenant or their guardian having an individually controlled lease and rights of

tenancy. In FY21, the DDD provided training on supportive housing, one for ISCs and one for individuals and providers.

In FY22, the DDD will continue to provide guidance and communication to providers and ISC agencies to support individuals wishing to reside in supportive housing. The DDD will work with IDHS housing staff and the Illinois Housing Development Authority (IHDA) to include people with I/DD in statewide housing strategic discussions. In addition, the DDD will continue to work with the Illinois Council on Developmental Disabilities to identify ways to expand access to a diverse set of housing options. ICDD has added the DDD Deputy Director of the Ligas Consent Decree to their housing funding committee.

Defendants will keep the Monitor and Class Counsel regularly updated on its progress in developing housing for Class Members including in the 6-month report. As stated above, the DDD is looking to partner with the IDHS housing lead on training and to ensure that people with I/DD are fully included in the statewide housing strategy.

Section V. Community-Based Services/Placement for Individuals Residing in ICFs/DD

Paragraph 17. ...within six (6) years after Approval of the Decree, all Class Members residing in ICFs-DD as of the date of Approval of the Decree (regardless of when in this timeframe the Class Member affirmatively requested placement in a Community-Based Setting) will transition to Community-Based Settings consistent with their Transition Service Plan, if, at the time of transition, the Class Member requests placement in a Community-Based Setting...

As of June 30, 2017, all known ICF/DD Class Members who indicated a desire to move, were to have been moved to a Community-Based Setting. As of April 1, 2021, there were 1558 Class Members residing in ICF/DDs on or prior to June 15, 2011. Of these, 1465 Class Members residing in ICF/DDs have received award letters for Waiver services provided by specific providers, and 1464 have moved to their community-based Waiver setting.

In addition to the 1465 Class Members who determined the services they wanted and received award letters to get those services, as of April 1, 2021, there were 79 Class Members in ICF/DDs who have not yet received award letters because they have not accepted a specific service package, including 10 who are currently on Hold. Of those remaining 69 Class Members actively seeking services, 55 are individuals under the guardianship of the Office of State Guardian. DDD will review the data on all 79 Class Members and report their current status in the 6-month report their The Monitor will review the data on the OSG wards who are on Hold and share her findings with DDD and Class Counsel. In addition, the DDD will work with the Guardianship and Advocacy Commission to host a training in September 2021 for OSG representatives, specifically about opportunities for people who would like to explore the possibility of moving out of ICF/DDs.

The previous process of the DDD monitoring ICF/DD transitions through monthly contact and an internal database ceased in 2017. The DDD now monitors all Class Members (ICF, PUNS, etc.) including individuals transitioning from ICFs to community-based settings or services, through an internal database. Updates are provided to the DDD staff monthly through the ISC agencies.

In addition to the activities by State staff, the PAS/ISSA monitor the individual's successful adjustment to the new services by completing four weekly visits with the Class Member during the first month and quarterly visits thereafter. In the event the ISSA identifies problems, it shall take steps to resolve issues locally and refer matters as needed to the DDD per the Problem Resolution Protocol within the ISSA Guidelines. It may also request more hours for additional visits per the Guidelines.

Individuals who Decline Community-Based Services to Remain in ICF/DD

Any individual residing in an ICF/DD as of June 15, 2011 who did not join the class by June 15, 2017, is no longer automatically eligible for *Ligas*-based services but may choose to seek Community-Based Services through enrollment on the PUNS database.

Section VI. Transition Planning

Paragraph 11. The Transition Service Plan shall describe the services the Class Member requires in a Community-Based Setting or through Community-Based Services; where and how such services can be developed and obtained; the supports and services the Class Member will need during his or her transition to a Community-Based Setting; and a timetable for completing that transition.

Paragraph 12. The Transition Service Plan shall be developed by a Qualified Professional in conjunction with the Class Member and, where one has been appointed, the Class Member's legal guardian, and, where appropriate, the Class Member's family members, friends and support staff who are familiar with the Class Member.

Paragraph 13. The process for developing a Transition Service Plan shall focus on the Class member's personal vision, preferences, strengths and needs in home, community and work environments and shall reflect the value of supporting the Class Member with relationships, productive work, participation in community life, and personal decision-making.

Paragraph 14. All services and supports in the Transition Service Plan must be integrated into the community to the maximum extent possible, consistent with the choices of the Class Member and the Class Member's legal guardian.

Paragraph 15. The Transition Service Plan shall not be limited by the current availability of services, provided, however, that nothing in this paragraph obligates

Defendants to provide the types of services beyond those included in the Waiver and/or the State Plan.

The *Ligas* Transition Service Plan was replaced by the Person-Centered Planning process which includes the completion of a Discovery Tool, Personal Plan Tool, and Implementation Strategy Tool as of January 1, 2018. IDHS created the above-referenced tools as well as guidelines/procedures for the Person-Centered Planning process¹⁰. This new process was part of the Life Choices Initiative and meets the requirements of the Federal Medicaid requirements for person-centered planning.

- The process begins with the Discovery Process, which is designed to gather information about a person's preferences, interests, abilities, preferred environments, activities, and supports needed. The ISC agencies are responsible for facilitating and documenting information resulting from the Discovery process.
- Once the Discovery Process is completed, a Personal Plan is created. The Personal Plan is the single, comprehensive personal vision for a person's life. This document focuses on the individual's strengths, preferences, needs and desires. The ISC agencies are responsible for developing the Personal Plan in conjunction with the individual, guardian, family, and providers.
- The final step is creation of the Implementation Strategy, in which information identified in the Personal Plan is addressed. An Implementation Strategy details the supports and services that will be provided on a day-to-day basis to help the person achieve outcomes laid out in the Personal Plan. Provider agencies that are providing services to the person, are responsible for developing the Implementation Strategy with the individual/family/guardian.
- Due to COVID and contract related delays, IDHS was not able to complete the Person-Centered Planning (PCP) process review in FY21. As such, in FY22, IDHS will begin this process with UIC. In April, IDHS finalized a two year intergovernmental agreement with UIC to focus on areas in response to the Monitor's reports: (i) the entire Person-Centered Planning process, and (ii) identification of gaps in community service capacity, especially for people with high behavioral or high medical support needs, accessibility requirements, or communication needs, among others. UIC has designated Dr. Caitlin Crabb to work with the DDD on these two projects:
 - Person-Centered Planning (PCP): Outline the PCP process from discovery and building the Personal Plan, to implementation and evaluation of the Plan, to identify areas where improvement is needed and to recommend and create materials, trainings, and other tools to improve the process. The goal for the PCP efforts is to improve the process for individuals receiving services, improve consistency around the state and ensure that plans and services reflect a person's wants.

¹⁰ The link to the tools and guidelines/procedures for the Person-Centered Planning process is: <http://www.dhs.state.il.us/page.aspx?item=96986>.

- Capacity: In order to address the Monitor’s concerns regarding capacity development and the time it takes to access services, with UIC’s help, DDD will begin to identify key gaps in services capacity in the community that impact the ability of people to access the services they want. Through surveying and data collection, DDD will begin tracking current capacity and growth and identifying and expanding capacity targeting those key gaps. The DDD plans to create a resource list of providers who have self-identified as serving people with specific support needs and share this with ISCs to allow more streamline linkage of services to individuals with those specific needs. DDD will encourage expansion of these services and work to track expansion in capacity over time.

UIC will also help to support continued DDD and provider trainings in FY22, and in providing additional materials to the DDD website. In FY23, UIC will implement the recommendations that are identified in the PCP project, report on transportation and accessible housing opportunities, and continue provider training. DDD will provide regular updates to the Monitor and Class Counsel on the progress and deliverables of this initiative.

Section VII. Waiting List for Community Services and Placement

Paragraph 22(d). Within two (2) years after Approval of the Decree, Defendants shall provide, in accordance with the Class Members’ Transition Service Plans, appropriate Community-Based Services and/or placement in Community-Based Settings for at least 1,000 Waiting List Class Members who are selected from the Waiting List...with these Class Members served in order of priority. In each of the third, fourth, fifth and sixth years following Approval of the Decree, Defendants shall serve at least 500 additional Waiting List Class Members who are selected from the Waiting List, again in order of priority.

Paragraph 23. All Class Members who are on the Waiting List after the end of the sixth year following Approval of the Decree shall receive appropriate Community-Based Services and/or placement in a Community-Based Setting, such that they move off the Waiting List at a reasonable pace...

Over the first six years of the Decree, the DDD was to serve 3,000 individuals under the Medicaid Waiver from the waiting list. DDD met and exceeded the requirement to serve 3,000 waiting list Class Members within this first six years.

Reasonable Pace

As part of the FY20 Implementation Plan, the parties agreed on a schedule for individuals to receive services from the PUNS list at a “reasonable pace.” This multi-year plan has an end goal such that by FY2025, the maximum wait time for the PUNS list will be 60 months (5 years)(measured as of the date of enrollment or the individual’s 18th birthday if they were enrolled prior to age 18).

PUNS selections will be conducted annually. Approximately six months prior to the beginning of each fiscal year, individuals and/or guardians who are anticipated to be in the selected group will be provided notification of their likely upcoming selection to encourage early planning. In addition to the annual PUNS selection, if, six-months post selection, the responses to the selection letters are below the anticipated targets, the DDD will conduct a second PUNS selection to fill the unused targeted capacity.

In Fiscal Years 21 through 25, the DDD agrees to serve a minimum of 630 individuals from the PUNS list each year. However, for this period, individuals selected from the PUNS list who were receiving Home-Based services at the time of selection and who move to CILA services will not be counted toward the 630 minimum. In addition, the DDD agrees to serve an average minimum of 630 individuals from the PUNS list for the years FY20-FY22, such that no fewer than 1,890 individuals will be served for that time period. DDD will update the Monitor and Class Counsel on this via the 6-month data reports.

FY21: Initial Yearly Selection will be based on a maximum wait of 70 months;
FY22: Initial Yearly Selection will be based on a maximum wait of 64 months;
FY23: Initial Yearly Selection will be based on a maximum wait of 63 months;
FY24: Initial Yearly Selection will be based on a maximum wait of 61 months;
FY25: Initial Yearly Selection will be based on a maximum wait of 60 months.

Movement Between Waiver Services

During FY21, the DDD worked with the Parties and Court Monitor on a draft policy to govern requests for a change in waiver services. After the policy was finalized, the DDD issued an Information Bulletin to the field that explained not just the process for transitioning between waiver services, but also the crisis process. As individuals no longer need to enroll on PUNS in order to change services, the next step in this process will be to remove individuals currently receiving Waiver services from the PUNS list. The DDD is in the process of reaching out to these individuals to notify them of their removal from the PUNS list, as well as to provide them with guidance regarding how to navigate the waiver service transition process.

The DDD will include updates regarding the waiver service transition process in the 6-month data reports, including the number of people who request movement between waiver services and the number of people who receive those services per month. If any issues arise with the waiver service transition process, the Defendants also will notify the Parties and Court Monitor.

Section VIII. Community Crises

Paragraph 21(c). Defendants shall ensure that all Class Members who are determined to be in a situation of Crisis, and who request to receive Community-Based Services and/or placement in a Community-Based Setting, receive such services and/or placement in such setting expeditiously.

The ISC agencies continue to submit requests for services from individuals in crisis situations, and the DDD will continue to process these requests, using existing criteria available on the DDD website¹¹. These requests are separate from and not included in service totals for Reasonable Pace or Movement Between Waiver Services. The DDD continues to work to ensure individuals are served expeditiously, viewed as receiving some supports or services within a 24 to 72-hour period after an individual's crisis status is confirmed to ensure the individual's safety.

In FY21, the DDD completed a review of the safety plans process and submitted the review to the Parties. The DDD also issued an Information Bulletin to explain the crisis process as well as the Waiver service transitions process. In FY22, the DDD will continue to review the crisis process and provide updates to the Monitor and Class Counsel via the 6-month data reports.

Section IX. Appeal Process

Paragraph 24. Any Class Member who disputes a decision by Defendants or a Community Service Provider regarding eligibility for, or delivery of, Community-Based Services or placement in a Community-Based Setting shall, pursuant to governing law, have the right to appeal or seek administrative or judicial review of such decisions through Defendants' existing Fair Hearings process (as set forth in 89 Ill. Adm. Code Part 120) or as otherwise provided by law. Class Members also may avail themselves of any informal appeal process that currently exists.

Individuals may appeal any denial, suspension, termination, or reduction of Home and Community-Based Waiver Services. The appeal process, including time frames, is described in Title 59, Chapter 1, Part 120¹². Individuals are informed of this right to appeal through the use of Form IL462-1202, Notice of Individual's Right to Appeal, available on DDD's website¹³. Individuals are also informed of their right to appeal a determination of ineligibility via the DDPAS-10 Form, available on the DDD website¹⁴.

DDD remains in compliance with the appeal requirements of the Decree.

Section X. Resources Necessary for Implementation

Paragraph 5. Annual budgets submitted by Defendants on behalf of their agencies shall request sufficient funds necessary to develop and maintain the services, supports and

¹¹ The link to the crisis criteria is:

<http://www.dhs.state.il.us/OneNetLibrary/27897/documents/DD%20Reports/Community%20Emergency%20Criteria%20-%20Adults.pdf>.

¹² The link to Rule 120 is: <http://www.ilga.gov/commission/jcar/admincode/059/05900120sections.html>.

¹³ The link to Form IL462-1202, Notice of Individual's Right to Appeal is: <http://www.dhs.state.il.us/OneNetLibrary/27897/documents/Forms/IL462-1202.pdf>.

¹⁴ The link to the DDPAS-10 Form is: <http://www.dhs.state.il.us/OneNetLibrary/4/documents/PAS/DDPAS100111.pdf>.

structures described in the Decree, consistent with the choices of Individuals with Developmental Disabilities, including Class Members.

Each year of the Consent Decree, the DDD and the IDHS Budget Office will prepare annual proposals for inclusion in the Governor's Introduced Budget for the funds necessary to carry out the provisions of the Decree. These proposals will include items that are currently funded and must be maintained as well as items that require new funding, including additional funding identified in the new rate methodology currently under development and any other funding implicated by policies identified in the Rates Oversight Committee not addressed by the new rates. Further information can be found in the *Ligas* 6 Month Data Report, dated 03/03/2021¹⁵.

Appropriations

The DDD's budgets since FY12 combined the major appropriation line for community-based services and ICF/DD services into one line. This enables the DDD to redirect resources, if appropriate, as individuals and providers make future choices regarding service provision. However, DDD maintains sufficient records to enable the Monitor to determine whether the State is fulfilling its obligations under Paragraph 4 of the Decree, including its obligation to provide funding sufficient to meet the needs of those who choose to live in ICFs/DD and to ensure that such resources are not affected by the State's fulfillment of its obligation to provide Community-Based Services or Settings to those who choose those service options.

Annually, per the deadline established by the Governor's Office of Management and Budget, the DDD will calculate and submit details of needed resources for consideration for inclusion in the Governor's Introduced Budget for the following fiscal year. Each year the needed resources for implementation of the Consent Decree, separate and apart from the maintenance items specified above, will include, at a minimum, funding for:

- Community-Based Services and Community-Based Settings, both new funds for those beginning services and annualized funds for those who began services in the prior year;
- Assessments;
- Special rates for ICFs/DD voluntary closure agreements; and
- Contractual consultants and staff.

The proposed budget for *Ligas* implementation will be annually presented to the Court Monitor, Parties and Intervenors, along with final budget numbers after the conclusion of the legislative session. Budget information is also included in the data reports. The DDD will include an update on FY22 spending towards the FY22 budget for *Ligas* Consent Decree activities in the 6-month data report.

The proposed *Ligas* budget for FY22 is \$330.8M which includes PUNS placements and ICF/DD transitions (both current and prior year placements) and *Ligas* staffing/administration/contract costs. These anticipated costs assume, based on prior years' data, that 80% of new PUNS

¹⁵ The link to the 12/31/2020 Six-Month Report (dated 03/03/2021) is: <https://www.dhs.state.il.us/page.aspx?item=134803>.

placement will choose AHBS and 20% will choose CILA. The anticipated FY22 costs also represent a significant increase from FY21, where estimated *Ligas* costs were \$295M.

The annual budgets for FY18, FY19, FY20, and FY21 all included increases, either to wages or to rates/Cost of Living Adjustments. That wage and rate increase information can be found above, in Section IV, Development of Community Capacity.

Federal Approval of Waiver Capacity

Each year, as new enrollment opportunities are made available for individuals, the DDD works with HFS to submit an amendment increasing the capacity of the adult Waiver¹⁶, as needed.

The current adult Waiver capacity is 23,049.

Section XI. Interagency Agreements

Interagency agreements, necessary to carry out the provisions of the Decree, are in place among the Departments. Specifically, there remain interagency agreements among the Departments of Children and Family Services, Healthcare and Family Services, Human Services, and Public Health that addresses the interactions involving developmental disabilities Medicaid programs. These agreements are available upon request from the DDD.

Additionally, as mentioned above, in FY21, the DDD finalized the MOU with the DRS, as required by the Workforce Innovation and Opportunity Act (WIOA), specific to employment services. The DDD and DRS leadership continue to meet regularly with Supported Employment Leadership Network (SELN) towards goals of creating a seamless experience for people with I/DD receiving employment support from either or both agencies. Specifically, by the end of FY22, DRS, with DDD support, will address the following: (i) written policies that will positively impact people with I/DD, (ii) supports for and expansion of Community Rehabilitation Providers (CRPs), and (iii) increased data collection and reporting on individuals with I/DD who are receiving employment supports.

At this point, the DDD does not anticipate the need for any other new interagency agreements to implement the Decree.

Section XII. Process for Plan Reporting and Modification

Paragraph 28. The Implementation Plan shall be updated and amended annually, or at such earlier intervals as Defendants deem necessary or appropriate...

¹⁶ The link to the Adults with Developmental Disabilities Waiver is:
<http://www.dhs.state.il.us/OneNetLibrary/27896/documents/Reta/AdultDDRene walApproved7117.pdf>.

Paragraph 33. ...Not less than every six (6) months, Defendants shall provide to the Monitor, Plaintiffs, Class Counsel, Intervenors and Intervenors' Counsel and make publicly available, a detailed report containing data and information sufficient to evaluate Defendants' compliance with the Decree and Defendants' progress toward achieving compliance. Prior to the first report, the Parties and the Monitor will agree on the data and information that must be included in such reports...

Pursuant to Paragraph 28 of the Decree, the DDD will review the Implementation Plan on an annual basis. This Implementation Plan contains the recent, agreed-upon revisions for FY22.

Per Paragraph 33 of the Decree, the DDD will report data and information regarding its progress toward compliance with the provisions of the Decree, including data regarding Reasonable Pace and Movement Between Waiver Services. The Parties, Intervenors, and Monitor agreed to a standard format for these data reports, which are now being produced twice per year by February 15th and August 15th. These reports are being posted on the DDD's website¹⁷. The reports will include COVID-19-related data.

Section XIII. Compliance Survey Results

In FY20, a Compliance Survey was conducted on a statistically significant (n=225) number of Class Members who had transitioned into CILA settings. This survey measured compliance in seventeen (17) separate domains. The results of this survey were included in the Monitor's Seventh Annual Report.

The seventeen (17) categories from the *Ligas* Compliance Tool are as follows:

1. Person-Centered Planning/Measuring Outcomes
2. Independent Service Coordination
3. Safety
4. Staff Presence, Conduct, Competence
5. Employment/Day Activities/Community Integration
6. Leisure, Recreation, Social Relationship
7. Personal Funds Management
8. Transportation
9. Health Care
10. Vision, Hearing, Sensory Supports and Services
11. PT/OT/SLP/Communication Supports and Services
12. Adaptive Equipment and Assistive Technology
13. Dining and Dietary Supports and Services
14. Behavioral Supports and Services
15. Mental Health Supports and Services
16. Protection from Harm
17. Rights and Autonomy

¹⁷ The link to previous *Ligas* Data Reports is: <https://www.dhs.state.il.us/page.aspx?item=64489>.

Due to COVID and contract-related delays, some of the action steps the DDD agreed to take in FY21 were not able to be completed. As such, a list of outstanding action steps as it relates to the *Ligas* Compliance Tool is provided below. These steps, with the likely exception of Transportation (which may require until FY23 to complete), will now be completed in FY22. The DDD will provide an update on these efforts in the 6-month data report and end of the year report.

- Person-Centered Planning/Measuring Outcomes (Category #1)
 - Develop a DDD-approved Implementation Strategy template for providers that includes guidance for documentation expectations.
 - Survey ISC agencies and provider agencies on their needs and wants as well as gaps within the PCP process. (Related to Section IV, Development of Community Capacity action steps above)
 - Develop PCP process trainings.
- Independent Service Coordination (Category #2)
 - Develop ISC agency training specific to the PCP process.
- Safety (Category #3)
 - Review safety and environmental concerns focusing on the processes for addressing and resolving health, safety, and environmental concerns between the ISC and provider or reported by the family, guardian, or individual.
- Transportation (Category #8) – FY23
 - Review existing transportation structure and concerns including public transportation.
- Vision, Hearing, Sensory Supports & Services (Category #10)
 - Development of training on the use of adaptive devices, mobility training, and sign language.
- Adaptive Equipment and Assistive Technology (Category #12)
 - Review the existing Discovery Tool's Assistive Technology assessment to determine if more questions/information should be gathered.
- Rights and Autonomy (Category #17)
 - Review the Rights Statement within the ISSA form for any updates or changes.
 - Creation of a portal/receptacle for rights/autonomy resources.

Continued Compliance Monitoring:

Individual Scorecard Process:

Individual scorecards reflecting the results of the reviews completed for 225 Class Members in FY20 were submitted by the Monitor to BQM on 8/17/20. By September 1, 2020, IDHS contacted directors of each of the ISC agencies which represent the Class Members involved in the reviews to initiate distribution of the scorecards. Directors were asked to identify and provide contact information for a designated staff member to oversee the process of distributing these scorecards. Each designated staff member was responsible for distributing copies of the individuals' scorecards to the CILA provider, Class Member and family/guardian, as well as retaining a copy for the ISC agency's use.

Both ISC agencies and CILA providers were required to develop a Plan of Corrective Action (POCA) to address all measures within an individual scorecard rated below the compliance requirement of 85%. CILA providers were required to submit completed POCA's to the appropriate ISC agency. The ISC agencies then sent all of the POCA's to BQM for submission to the Monitor.

From September 3, 2020 through October 16, 2020, virtual "Office Hours" were held among BQM, the Monitor, the review's Program Manager and agency directors/ appropriate agency staff (for both CILAs and ISC agencies) to discuss development, completion and submission of the scorecards.

POCA's from all ISC agencies and CILA providers were received by the Monitor by mid-February 2021. Each POCA received a rating of either Accepted, Provisionally Accepted (no re-submission required), or Not Accepted (returned for revision). Ratings are included on each of the POCA Feedback Forms that were submitted to BQM by June 5, 2021 for distribution to the ISC agencies and CILA providers. For those rated as Provisionally Accepted, the Monitor is not requiring a written revision but corrective actions will be verified via future review. For POCA's rated Not Accepted, it has been determined that in one or more areas, the plans were not sufficient to remedy the deficits that led to the "not met" ratings in the 2019 compliance review. Corrections with substantive commentary are to be returned to the Program Manager at: ligasmonitor.progranalyst@gmail.com within 30 days of receipt. Approximately 22 % of the POCA's were submitted by ISC agencies and 14% of those submitted by CILA providers were rated Not Accepted and require re-submission.

For verification of corrective actions, the Monitor will select a sample for follow-up reviews which will be completed by two independent reviewers and at least one BQM reviewer. Safety of visitations, based upon COVID-19 restrictions, will help to determine the starting date for these reviews. If there are any negative findings from the follow-up reviews, the Monitor will work with BQM and DDD to communicate with the ISCs or providers involved.

Going forward, the parties and the Monitor will confer on modifications to the 2019 Compliance Measures tool and scorecard. In addition, as the DDD is planning to continue its work on revising the BQM monitoring tool, the Monitor will participate in that effort as well. Continuing Ligas compliance reviews will be completed utilizing both BQM and independent groups, such as a team selected by the Monitor within FY23. After FY23, the parties and Monitor will discuss the process going forward.

DDD Compliance Review

The DDD will track compliance during FY22 through a number of processes. In FY21, the DDD worked on an initial revision of BQM's monitoring tool to include *Ligas* Compliance Tool questions/data points. Based on results of the PCP analysis being completed by UIC in FY22, the DDD will finalize its work on revising the BQM monitoring tool by June 30, 2022. Additionally, the Bureau of Accreditation Licensure and Certification (BALC) will update their tool by June 30, 2022, for use in FY 23.

Section XIV. Acronyms

The following, for reference, is a list of acronyms used throughout this document:

CILA – Community Integrated Living Arrangement
DDD – Division of Developmental Disabilities
IDHS – Illinois Department of Human Services
HBS – Home-Based Support Services
HFS – Illinois Department of Healthcare and Family Services
ICF/DD – Intermediate Care Facility for Persons with Developmental Disabilities
ISC – Independent Service Coordination
ISSA – Individual Service and Support Advocacy
JCAR – Joint Committee on Administrative Rules
PUNS – Prioritization of Urgency of Need for Services
RFP – Request for Proposals
BQM – Bureau of Quality Management
BALC – Bureau of Accreditation, Licensure, and Certification
PCP – Person-Centered Planning
SODC – State-Operated Developmental Center