



LIGAS v. EAGLESON FACT

SHEET

Background on the lawsuit

Ligas v. Eagleson (originally *Ligas v. Maram*) is a lawsuit filed in 2005 by nine adults with developmental disabilities (Plaintiffs) who resided in large private State-funded facilities (ICF-DDs) or who were likely to be placed in such facilities if they did not get community services. Plaintiffs wanted to receive community services, but their requests had been denied by the State of Illinois. In 2006, a judge certified the case as a class action. (Note that people living in State-operated developmental centers are not part of the class action.) Prior to trial, the parties reached an agreement, but at a Fairness Hearing in July 2009, the judge found that the class definition was too broad as it included people who did not desire to live in the community. Accordingly, the judge did not approve the agreement and de-certified the class. In January 2011, the Plaintiffs, the State, and the Intervenors (representing those who wished to remain in ICF-DDs) reached a new agreement that all could support. The judge held a Fairness Hearing on June 15, 2011 and approved the proposed Consent Decree. This historic agreement reflects momentous change in state policy for serving people with developmental disabilities. **Approximately 10,000 class members have received community services under the Consent Decree through December 2020.**

What has the Consent Decree achieved?

- Over the initial 6 year period of the Decree (6/11-6/17), any of the approximately 6,000 ICF-DD residents who wanted community services received an independent evaluation and the opportunity move to the community with appropriate services.
- All ICF-DD residents happy with their current placement were not part of the class and were not required to move. The Consent Decree requires that resources necessary to meet the needs of those who chose to continue to reside in ICF-DDs are available.
- Over the initial 6 year period (6/11-6/17), over 3,000 people with developmental disabilities who were living at home without services were given community services.
- People in Crisis were to be served expeditiously and not count as part of the 3,000 people picked for community services. No cap on the number of people served through Crisis.

Is the *Ligas* Consent Decree over?

No. Only the first phase of the Consent Decree has been completed. During the first 6 years, the State met its quantitative obligation to provide at least 3,000 people on the PUNS waiting list with community-based services. The State also served people in Crisis. The State provided community-based placements to nearly all of those living in ICF-DDs who made a record of wanting to leave and who had been residing in an ICF-DD on or before June 15, 2011. (Note that some ICF-DD residents are still waiting for placements.)

What is left with the Consent Decree?

The State agreed that, after 6 years, it must provide community services to class members at a "reasonable pace" over a 3 year period. The State is currently in the second year of the 3 year requirement.

Reasonable pace means:

- the State will serve a minimum of 630 new people from the PUNS list each year;
- the State will serve people in Crisis expeditiously and without a cap, and the people in Crisis will not count towards the 630 new people;
- the State will allow moving within the waiver (from CILA to home-based and vice-versa) and not count people moving within the waiver towards the 630 minimum;
- people in ICF-DDs can become Class Members and get on the PUNS list.

Is the State in Compliance with the Qualitative Aspects of the Consent Decree?

No. The Consent Decree requires an Independent Monitor determine annually whether the State is in Compliance. The current Monitor is Ronnie Cohn (who can be reached at ligas.monitor@gmail.com) and she has found the State out of compliance with the Consent Decree since 2017. Attorneys for Plaintiffs and Intervenors filed a Motion for Enforcement asking the Judge to find the State out of compliance because Class Members and people who chose to stay in the ICF-DDs were not getting what they were entitled to under the Consent Decree. In 2017, the Judge agreed and found the State out of compliance. The Judge ordered the State to submit a plan to bring the State into compliance. The State submitted a Compliance Plan, and in 2018, the Judge found the State's Plan inadequate and ordered the State to review its rates structure. The State convened Stakeholders, hired a Consultant and in December 2020, issued a Report with recommendations to revise its rates structure. The State will begin implementing the recommendations starting July 1, 2021.

When will the Consent Decree End?

Once the State feels it has met all of the requirements of the Decree, including moving people off the waiting list at a reasonable pace for 3 years, the State can request that the Consent Decree end. To do so, the Judge would have to find that the State is in "substantial compliance" with all of the quantitative and the qualitative requirements of the Consent Decree. Plaintiffs, Intervenors and the Independent Monitor will be able to weigh in on whether the State is in "substantial compliance" and then the Judge will decide.

Can people still join the Class?

Yes. People with developmental disabilities who want to receive services under the Consent Decree should make a record with the State confirming their desire for community services. To join the class, people should contact their ISC agency or Mike Vespa at Mike.Vespa@Illinois.gov or 217-785-6171. People who are 18 and older and are on the PUNS list are already Class Members, but need to be clear whether they are actively seeking services or just in planning. **The time for selection off the PUNS list does not begin until a designation has been made of actively seeking services.**

Questions?

If you have questions about the Consent Decree, services under the Decree, or any other *Ligas* issue, please contact Laura Miller at 312-895-7316 or laura@equipforequality.org

Documents related to the case can be found at:

www.equipforequality.org/issues/community-integration/documents-from-efes-class-actions/

DDD Acronyms

| Acronym or Abbreviation | Full Wording |
|-------------------------|---|
| ABLE | Adult Basic Literacy Examination |
| ADA | American Disabilities Act |
| BALC | Bureau of Accreditation, Licensure and Certification |
| BCABA | Board Certified Associate Behavior Analyst |
| BCBA | Board Certified Behavior Analyst |
| CABA | Certified Associate Behavior Analyst |
| CBA | Certified Behavior Analyst |
| CE | Continuing Education |
| CGH | Child Group Home |
| CILA | Community Integrated Living Arrangement |
| CANTS | Child Abuse & Neglect Tracking System |
| CASAS | Comprehensive Adult Student Assessment System |
| CBTA | Competency-Based Training Assessment |
| CNA | Certified Nursing Assistant |
| CRS | Community Reporting System (or ROCS) |
| CRV | Central Repository Vault |
| CSA | Community Service Agreement |
| DASA | Division of Alcohol and Substance Abuse |
| dba or DBA | Doing Business As |
| DCFS | Department of Children & Family Services |
| DD | Developmental Disability |
| DDD | Division of Developmental Disabilities |
| DHS | Department of Human Services |
| DHSCRS | Department of Human Services Community Reporting System |
| DMH | Division of Mental Health |
| DoA | Department on Aging |
| DSP | Direct Support Person |
| DT | Day Training |
| EIN | Employer Identification Number |
| FEIN | Federal Employer Identification Number |
| FTP | File Tape Protocol |
| GED | Graduate Equivalent Diploma |
| HAN | IDPH Health Alert Network (HAN) Web Portal |
| HBS | Home-Based Services |

| Acronym or Abbreviation | Full Wording |
|-------------------------|--|
| HCBS | Home and Community-Based Services |
| HCD | Human Capital Development |
| HFS | Department of Healthcare & Family Services |
| HIPAA | Health Insurance Portability & Accountability Act |
| ICDD | Illinois Council on Developmental Disabilities |
| ICFDD | Intermediate Care Facility for Developmental Disabilities |
| ICFMR | Intermediate Care Facility for Mental Retardation |
| IDPH | Illinois Department of Public Health |
| IDFPR | Illinois Department of Financial & Professional Regulation |
| IOC | Illinois Office of the Comptroller |
| IRS | Internal Revenue Service |
| ISC | Independent Service Coordination |
| ISSA | Individual Service and Support Advocacy |
| LL | Limited Liability |
| LLC | Limited Liability Corporation |
| LPN | Licensed Practical Nurse |
| MIS | Management Information Services |
| Mobius | Mobius Management Reporting Systems, Inc. |
| RF | Region Facilitator |
| NPI | National Provider Identification |
| OJT | On-the-Job Training |
| OT | Occupational Therapy |
| PAS | Pre-Admission Screening |
| POS | Purchase of Service |
| PSW | Personal Support Worker |
| PT | Physical Therapy |
| PUNS | Prioritization of Urgency of Needs for Services |
| QIDP | Qualified Intellectual Disabilities Professional (formerly QMRP and QSP) |
| RIN | Recipient Identification Number |
| RN | Registered Nurse |
| ROCS | Reporting of Community Services |
| SAC | Statewide Advisory Council |
| SEP | Supported Employment Program |
| SLA | Supported Living Arrangement |
| SODC | State-Operated Developmental Center |
| SSA | Social Security Administration |

| Acronym or Abbreviation | Full Wording |
|-------------------------|--------------------------------|
| SSI | Supplemental Security Income |
| SSN | Social Security Number |
| TABE | Test of Adult Basic Education |
| TIN | Taxpayer Identification Number |