

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER
NUMBER SEVENTY-NINE

TO: HEADS OF ALL STATE DEPARTMENTS, AGENCIES, AUTHORITIES AND
GOVERNMENTAL UNITS OF THE STATE OF DELAWARE

RE: RELATING TO COMMUNITY-BASED ALTERNATIVES FOR
INDIVIDUALS WITH DISABILITIES

WHEREAS, the State of Delaware is committed to providing community-based alternatives for people with disabilities and recognizes that such services advance the best interests of all Delawareans;

WHEREAS, Delaware seeks to ensure that Delaware's community-based programs effectively foster independence and acceptance of people with disabilities;

WHEREAS, programs such as home and community-based services provide the opportunity for people with disabilities, where appropriate, to live productive lives in their communities;

WHEREAS, the United States Supreme Court in Olmstead v. Zimring, 527 U.S. 581 (1999), suggests that states develop comprehensive plans for increasing access to residential services for people with disabilities;

WHEREAS, the Association for the Rights of Citizens with Mental Retardation in Delaware is a strong advocate for increasing access to community-based services for people with mental retardation;

WHEREAS, the leadership of the Association for the Rights of Citizens with Mental Retardation in Delaware has agreed that a top priority of its organization is to increase the availability of residential placements for people with mental retardation and, to that end, commits its resources toward locating, developing and siting these facilities;

WHEREAS, as Governor, I have supported increasing funds to expand community-based services for people with mental retardation and, working with the General Assembly, funding for such programs has increased by more than \$9,358,000.00, an 86.2 percent increase since taking office;

WHEREAS, Delaware must build upon its success and undertake a broader review of our programs for people with disabilities to ensure that the services offered are in the most appropriate setting;

WHEREAS, my recommended budget for Fiscal Year 2001 includes an additional 11.3 percent increase for community-based services for people with mental retardation -- if approved by the General Assembly, this would raise the total increase in funding for such programs during this Administration to 111 percent;

WHEREAS, my Administration is committed to placing 24 Stockley residents and 40 persons from the community critical waiting list in residential placements in Fiscal Year 2001;

WHEREAS, in an effort to address this issue over the long-term, my recommended budget for Fiscal Year 2001 includes \$250,000 for the development of a comprehensive plan to increase community-based alternatives for people with mental retardation; and

WHEREAS, the Alliance for the Mentally Ill in Delaware is a strong advocate for increasing access to community-based services, where appropriate, for people with mental illness and quality institutional treatment when necessary;

WHEREAS, the leadership the Alliance for the Mentally Ill in Delaware has agreed that a top priority of its organization will continue to be increasing the availability of residential placements for people with mental illness and, to that end, commits its resources toward locating, developing and siting these facilities;

WHEREAS, the Delaware Psychiatric Center currently houses people with mental illness that may be treated successfully in community-based housing and the availability of additional community-based options will also serve to enhance the quality of care at the Delaware Psychiatric Center;

WHEREAS, recognizing the need for increased community based options, my Administration, the Alliance for the Mentally Ill in Delaware and other advocates for persons with mental illness are developing a two year plan to provide additional community-based placements where appropriate and will seek appropriate modifications to my recommended Fiscal Year 2001 budget to implement the plan;

WHEREAS, we must build upon these efforts and undertake a broader review of our programs for people with mental illness to ensure that the services offered are in the most appropriate setting; and

WHEREAS, in an effort to address this issue over the long-term, I will seek funding in the Fiscal Year 2001 Budget for the development of a comprehensive 5-year plan to increase community-based alternatives for people with mental illness.

NOW, THEREFORE, I, Thomas R. Carper, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare the following:

1. Subject to an appropriation by the General Assembly, DHSS shall submit a written plan reporting its findings to the Governor no later than November 1, 2000, including specific recommendations on how Delaware can improve its programs for people with mental retardation by legislative or administrative action. The review shall examine these issues in light of the recent United States Supreme Court decision in Olmstead v. Zimring. Included in the plan, shall be recommendations on a 5-year timetable for providing increased community-based opportunities, where appropriate, for people with mental retardation currently residing at the Stockley Center, as well as people with mental retardation residing in the community who need alternative services. The 5-year timetable shall also consider the feasibility and capacity of locating, siting, developing and funding residential placements and the relative priority to be given in allocating such placement alternatives.
2. Subject to an appropriation by the General Assembly, DHSS shall submit a written plan reporting its findings to the Governor no later than March 1, 2001, including specific recommendations on how Delaware can improve its programs for people with mental illness by legislative or administrative action. The review shall examine these issues in light of the recent United States Supreme Court decision in Olmstead v. Zimring. The plan shall include recommendations on the appropriate role of the Delaware Psychiatric Center in Delaware's community mental health system. The plan shall also provide be recommendations on a 5-year timetable for providing increased community-based opportunities, where appropriate, for people with mental illness currently residing at the Delaware Psychiatric Center, as well as people with mental illness residing in the community who need alternative services. The 5-year timetable shall consider the feasibility and capacity of locating, siting, developing and funding residential placements and the relative priority to be given in allocating such placement alternatives.
3. Subject to an appropriation by the General Assembly, the Delaware Department of Health and Social Services (DHSS) shall also conduct a comprehensive review of all services and support systems available to all people with disabilities in Delaware. This review shall analyze the availability, application, and efficacy of existing community-based alternatives for people with disabilities. The review shall focus on identifying affected populations, improving the flow of information about supports in the community, and removing barriers that impede opportunities for community placement. The review shall examine these issues in light of the recent United States Supreme Court decision in

Olmstead v. Zimring. DHSS shall submit a comprehensive written plan (including, but not limited to, the recommendations pursuant to paragraphs 1 and 2 of this order) to the Governor no later than May 1, 2001. The plan shall include specific recommendations on how Delaware can improve its programs for people with disabilities by legislative or administrative action.

4. DHSS shall ensure the involvement of consumers, advocates, providers and relevant agency representatives in the above referenced reviews.
5. All affected agencies and other public entities shall cooperate fully with DHSS's research, analysis and production of the report.
6. As opportunities for system improvements are identified, DHSS shall use its statutory authority to affect appropriate changes.

Approved this 17th day of May 2000.


Governor

Attest:


Secretary of State

