STATE OF COLORADO

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Bill Ritter, Jr.
Governor

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EXECUTIVE ORDER

Directing the Development of a Strategic Plan to Promote Community-Based Alternatives for the Disabled Citizens of Colorado

Pursuant to the authority vested in the Governor of the State of Colorado, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order directing the development of a strategic plan to promote the placement of qualified individuals with disabilities in community-based treatment programs and facilities.

I. Background and Purpose

On June 22, 1999, the United States Supreme Court handed down its landmark decision *Olmstead v. L.C.*, 527 U.S. 581 (1999) which required the states under certain circumstances to place individuals with disabilities in community-based treatment programs. The decision interpreted Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101 *et. seq.*) as forbidding the segregation of disabled individuals in institutions without proper justification.

The State of Colorado rejects the institutionalization of individuals with disabilities when such institutionalization is not justified and has continued to serve as a national leader in providing service programs that expand and improve community-based alternatives for the disabled. Yet, 10 years after the Court's disposition in *Olmstead*, barriers still exist that impede the ability of the disabled to live and receive treatment in less restrictive environments.

This Executive Order directs the development of a strategic plan that will promote the policies laid out in *Olmstead* by guarding against unjustifiable isolation and enhancing Colorado's ability to provide community-based treatment programs and facilities for the disabled.

II. Mission and Scope

This Executive Order directs the Long-Term Care Advisory Committee or its delegatees within the Department of Health Care Policy and Financing to review relevant state policies and bring together key stakeholders in order to develop a long-term strategy for improving access to community-based treatment programs and facilities for qualified individuals with disabilities.

III. Directives

A. The State of Colorado shall comply in full with the holding, legal interpretations, and policies set forth in *Olmstead v. L.C.*, 527 U.S. 581 (1990) such that any state entity will respect the ability of individuals with disabilities to live and seek treatment in community-based settings.

B. The State of Colorado recognizes that confining disabled individuals to isolation without proper cause is a form of discrimination. In order to preserve the quality of life for individuals afflicted with disabilities, the state shall promote and advance the availability of autonomous and independent community-based treatment programs and facilities.

C. The Long-Term Care Advisory Committee (hereafter the "Committee") shall develop a strategic plan to promote the placement of qualified disabled individuals in less restrictive, community-based treatment programs and facilities.

D. The Committee must review the policies that are relevant to the purposes of this Executive Order within the following agencies: the Department of Human Services, the Department of Health Care Policy and Financing, the Colorado Department of Public Health and Environment, the Department of Transportation, and the Department of Local Affairs.

E. When conducting the review, the Committee shall ensure the involvement and input of relevant stakeholders, including but not limited to, consumers and families, providers, agency representatives, and organizations representing individuals with disabilities.

F. Upon completion of the review, the Committee shall establish a plan focusing on identifying and removing barriers that impede the opportunities of individuals with disabilities to live and seek treatment in community-based settings.

G. In formulating such a plan, the Committee shall develop a long-term strategy that outlines policy and program recommendations aimed at addressing barriers to the improvement and expansion of community-based alternatives. The long-term strategy shall address, at a minimum, the following: (1) a statewide vision and roadmap; (2) guiding principles; (3) building community-based capacity, including accessible and affordable housing; (4) optimizing health, functioning and self-sufficiency; and (5) rate reform to appropriately encourage capacity-building.

H. The Committee shall complete both its review and the subsequent plan by July 1, 2010 and deliver it to the Office of the Governor as well as each of the executive directors of the aforementioned agencies.

I. The Committee shall be free to solicit, accept, and expend gifts, grants, and donations for the purpose of defraying the associated costs of conducting the plan development.

IV. Duration

This Executive Order shall remain in force until modified or rescinded by future Executive Order of the Governor.

GIVEN under my hand and the Executive Seal of the State of Colorado this 22nd day of June, 2009.

Bill Ritter, Jr.
Governor