

D 002 04

EXECUTIVE ORDER

PROMOTING COMMUNITY-BASED ALTERNATIVES FOR INDIVIDUALS WITH DISABILITIES

Pursuant to the authority vested in the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order to promote community-based alternatives for individuals with disabilities.

1. Background and Need

On June 22, 1999, the Supreme Court held that Title II of the Americans with Disabilities Act (ADA) requires states, whenever possible, to place qualified individuals with mental disabilities in community settings rather than in institutions. *Olmstead v. L. C.*, 527 U.S. 581 (1999). The Olmstead ruling specified that states should transition individuals whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the state can reasonably accommodate the placement, taking into account the resources available to the state and the needs of others with disabilities. In June 2001, President Bush reinforced the Olmstead decision by signing an Executive Order promoting community-based alternatives, rather than institutions, for individuals with disabilities.

Colorado has long been a national leader in building care systems that focus on increased access to services in the least restrictive environments. We have proven that funds can be efficiently directed toward programs for improved community-based services. We are engaged in a stakeholder process addressing the issues involved with transitioning appropriate persons with disabilities to increasingly integrated services. This Executive Order is intended to encourage and direct changes in our programs and policy that will improve our ability to provide community-based alternatives for individuals with disabilities and will be consistent with the requirements of the Olmstead decision and the President's Executive Order.

2. Directive

The Colorado Department of Human Services and Department of Health Care Policy and Financing shall evaluate the policies, programs, statutes, and regulations of their respective agencies to determine whether any should be revised or modified to improve the availability of community-based services for qualified individuals 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 should ensure the involvement of consumers, advocacy organizations, providers, and relevant agency representatives.

The Departments of Human Services and Health Care Policy and Financing shall provide a status report of their progress on this directive to the Office of State Planning and Budgeting on a semi-annual basis, by June 30 and December 31 of each year.

3. Duration

This Executive Order shall remain in force until December 31, 2006.

GIVEN under my hand and
the Executive Seal of the
State of Colorado, this 15th
day of March 2004.

Bill Owens
Governor