

A MEMORIAL

REQUESTING THE HUMAN SERVICES DEPARTMENT, THE DEPARTMENT OF HEALTH AND THE AGING AND LONG-TERM SERVICES DEPARTMENT TO STUDY IMPLEMENTING THE "MONEY FOLLOWS THE PERSON" INITIATIVE.

WHEREAS, more than twenty percent of the population of New Mexico is comprised of persons with disabilities, including young and middle-aged people, seniors, disabled veterans, parents, husbands, wives, children and people of all races and ethnic backgrounds; and

WHEREAS, people with disabilities prefer to live in their own homes and communities so as to be near friends and relatives, to work, to go to church and to enjoy recreational and social stimulation from libraries, schools, theaters, community centers, museums and the many other wonderful attractions in New Mexico; and

WHEREAS, the supreme court of the United States has promoted community living through its *Olmsted vs. Zimring* decision, concluding that under Title II of the Americans with Disabilities Act, states are required to place persons with mental disabilities in community settings rather than in institutions when the state's treatment professionals have determined that community placement is appropriate; and

WHEREAS, millions of dollars come into the state to help New Mexicans with disabilities, both young and old, through

medicaid and medicare, vocational rehabilitation, housing, education and job training, in-home care and transportation programs; and

WHEREAS, the federal "Money Follows the Person - Rebalancing Initiative" proposes a five-year demonstration project in which the federal government will fully reimburse states for one year of medicaid home and community-based services for individuals who move from institutions into home- and community-based care; and

WHEREAS, when "money follows the person" in the long-term support system, services, support and financing move with the person to the most appropriate and preferred setting;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the human services department, the department of health and the aging and long-term services department be requested to study implementing the "Money Follows the Person - Rebalancing Initiative", which would allow persons who are institutionalized in a nursing home or intermediate care facility for the mentally retarded to choose to live in the community as mandated under the *Olmstead vs. Zimring* decision and have the institutional dollars follow that person to the community; and

BE IT FURTHER RESOLVED that the human services department, the department of health and the aging and long-

term services department report the findings of the study to the interim legislative health and human services committee no later than November 1, 2005; and

BE IT FURTHER RESOLVED that copies of this memorial be distributed to the human services department, the department of health, the aging and long-term services department and the interim legislative health and human services committee.