

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE MEMORIAL 51

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Gail C. Beam

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

.157378.1

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

8 WHEREAS, millions of dollars come into the state to help
9 New Mexicans with disabilities, both young and old, through
10 medicaid and medicare, vocational rehabilitation, housing,
11 education and job training, in-home care and transportation
12 programs; and

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

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

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the human
24 services department, the department of health and the aging and
25 long-term services department be requested to study

.157378.1

underscored material = new
[bracketed material] = delete

1 implementing the "Money Follows the Person - Rebalancing
2 Initiative", which would allow persons who are
3 institutionalized in a nursing home or intermediate care
4 facility for the mentally retarded to choose to live in the
5 community as mandated under the *Olmstead v. Zimring* decision
6 and have the institutional dollars follow that person to the
7 community; and

8 BE IT FURTHER RESOLVED that the human services department,
9 the department of health and the aging and long-term services
10 department report the findings of the study to the interim
11 legislative health and human services committee no later than
12 November 1, 2005; and

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

17 - 3 -
18
19
20
21
22
23
24
25