



SNR DENTON 



Colbert v. Quinn Fact Sheet

Overview

In *Olmstead v. L.C.* (1999), the Supreme Court held that unnecessary institutionalization of people with disabilities is discrimination under the Americans with Disabilities Act (ADA). People with disabilities are entitled to receive services in the most integrated setting appropriate to their needs.

Colbert v. Quinn is an ADA lawsuit filed in 2007 by people with disabilities (plaintiffs) who reside in Cook County nursing facilities and who want to receive community services. The Judge certified the case as a class action, so the case could move forward on behalf of the approximately 20,000 Medicaid-eligible people living in Cook County nursing facilities. The parties reached an agreement and filed a proposed consent decree with the court. The Judge will set a schedule for comments on the agreement and will address those comments in a Fairness Hearing. If the Judge enters the consent decree, the historic agreement would reflect a momentous change in state policy for serving people with physical disabilities and mental illness who reside in nursing facilities.

If approved by the judge, the consent decree will:

- In accordance with *Olmstead*, provide class members with the opportunity to receive services in the least restrictive environment that is appropriate to their needs.
- In the first 30 months, provide housing assistance that will permit more than 1,000 class members currently living in nursing facilities to move into housing in the community who otherwise would not be able to do so.
- Assure that people who desire to remain in nursing facilities will be able to do so.
- Require the State to develop a plan to transition other nursing facility residents into less restrictive and less costly community-based settings.
- Develop community-based services and housing for class members moving out of nursing facilities.
- Require the appointment of an Independent Monitor with expertise in the development and provision of community-based services to persons with mental illness and physical disabilities.

Questions?

If you have questions about the proposed agreement or how to file comments with the Judge please contact Patti Werner at 312/640-2148 or at pwerner@accessliving.org