



The Colbert Consent Decree Fact Sheet

Colbert Consent Decree

- The Colbert lawsuit was filed for Medicaid- eligible adult residents of Cook County Nursing Homes with disabilities on August 22, 2007. On December 21, 2011, a Consent Decree was approved. On November 8, 2012, an Implementation Plan was filed with the Court that required the State to help people living in Cook County Nursing Homes move to the community. Colbert Class Members were defined as individuals who live in Cook County Nursing Homes; receive Medicaid or are eligible to receive Medicaid.
- The Illinois Department on Aging (IDoA) leads the implementation of the Decree in partnership with the Illinois Department of Healthcare and Family Services (HFS), Illinois Department of Human Services (DHS), Illinois Department of Public Health (IDPH), and the Illinois Housing Development Authority (IHDA) as of January 21, 2014.

Outreach and Education

- Outreach and education is conducted by the Chicago Department of Family and Support Services (Aging and Disability Resource Network) for Nursing Homes in the City of Chicago and AgeOptions (Aging and Disability Resource Center) for Nursing Homes in the Cook County suburbs. Both will schedule and visit small individual and group presentations. They will have outreach materials for residents, answer questions and complete applications for interested Nursing Home residents.

Referrals

- Anyone can make a referral including Nursing Home residents, family members and friends, Ombudsmen and IDoA Senior Help Line Staff. Referral applications are also available at Nursing Homes, or online at <https://mfp.hfs.illinois.gov/mfppreferral.aspx>. Nursing Home residents may also call IDoA at 1-800-252-8966 to request a copy of the Colbert application or to request assistance to complete the Colbert application on-line on behalf of the resident.

Evaluation, Care Coordination

- Referrals are received and processed by HFS. Once the application is processed, it is sent to a Managed Care Organization (MCO). MCOs respond to referrals by initiating contact with residents in their Nursing Homes. Each resident is assigned to a team of MCO social service and health care professionals called Care Coordination staff.
- Care Coordination staff are responsible for conducting an initial screening/evaluation, completing a Service Plan of Care (with the primary goal of moving a resident out of the Nursing Home and into a community setting), and providing one year of post-transition services. MCOs are also responsible for identifying resources and initiating referrals for services that keep the resident safe and stable in their community home.
- An MCO evaluation begins with a signed Informed Consent. Following the evaluation a multi-disciplinary staffing is held which the resident and other involved persons may attend. During the staffing, one of two decisions is made:

- A determination that the resident is unable to move, in which case, the rationale for the decision is shared with the resident, additional services or resource needs may be identified, and the resident will receive the “Your Right to Appeal” document which informs him/her of the right for a re-evaluation within 120 days of a written request to the MCO.
 - A determination that the resident is able to move, in which case, additional interviews for a Social History and a Plan of Care are conducted.
- Nursing Home residents are active participants in the development and implementation of their Plan of Care. Service Plans of Care include necessary services, 24 hour back-up plans, lists and dosages of medication and access to emergency alert services, when necessary.
 - Post-transition services are provided in the Class Members’ place of residence and by telephone. Care Coordination staff also monitor the delivery of other service providers to ensure the safety and well-being of the Class Member.

Housing Resources

- In accordance with the Plan of Care, referrals are made to a housing specialist agency or a community mental health center (CMHC) for housing location services. These agencies will: 1) identify affordable housing for the Class Member, 2) ensure the Class Member visits the apartment and wants to live there, and 3) coordinate rental applications, rental deposits, furnishings, bridge subsidies and other housing related services and costs.
- Financial assistance is available to Colbert Class Members through transition funds. The funds cover security deposits, application fees, utilities, furniture, food and other necessary moving related and household items. Housing location specialists and CMHC staff are responsible for securing and reconciling transition funds.
- Bridge rental subsidies are also available to Colbert Class Members. Class Members pay 30% of their income for rent, and a subsidy pays the rest. Class Members, with the assistance of the housing specialist agency or the CMHC, are responsible for completing a Bridge subsidy application.
- The State of Illinois has identified a number of Federal and State funded properties, senior buildings, supportive living facilities (SLF) and landlords who are willing to participate in the Colbert Consent Decree.