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MURRAY COURT VALIDATES ICF/DD CHOICE!

As Winston Churchill once said, "If this is a [victory], it is very well disguised." And so it goes for the State of Illinois in its attempt to close the Murray Developmental Center.

On Monday, federal Judge Marvin Aspen ruled – on a preliminary basis only – that the State is not prohibited from continuing with its efforts to close Murray, notwithstanding that the vast majority of its 200 plus residents and families who call it “home” want it to remain open. Murray is one of seven remaining state operated developmental centers (“SODC”), which the State wants to close in its efforts to move more people to community integrated living arrangements (“CILAs”). CILAs are “regular” homes with four to eight people.

But in doing so, Judge Aspen relied on assurances from Illinois officials that the guardians of the Murray residents have *free choice to move to any type of residential facility – not just CILAs – including private ICF/DDs*. Private ICF/DDs are typically larger facilities (generally with 16 beds or more) and are operated by licensed nursing home administrators.

Specifically, Judge Aspen ruled:

- Murray families may opt out of the State’s assessment process (ACCT) at any time.
- Murray residents may choose – and the State will honor – their choice of moving to a private ICF/DD (or to another SODC), if such facilities have available openings.
- The State should clarify how assessment services will be provided to those residents for whom a CILA placement is *not* desired.

Judge Aspen made clear that the ICF/DD choice must be honored and not impeded, and that guardian wishes must be respected under federal law. Moreover, the Murray lawsuit is not over, as this was just a preliminary ruling.

IAIP President Larry Manson – who runs both CILAs and ICF/DDs – said: “Judge Aspen’s ruling is actually a very pro-choice ruling in that it requires the state to honor all living choices. The decision serves as a Bill of Rights for the Murray parents as this case moves forward.”

Formed in 2014, IAIP supports and advocates for residents and families to choose an ICF/DD as their “home,” as such choice is protected by law. ICF/DDs are one of many viable choices. For further information: Larry Manson, IAIP President, at 847-644-4878, larrym@phidd.org.