

STATE OF WEST VIRGINIA

**EXECUTIVE DEPARTMENT
CHARLESTON**

EXECUTIVE ORDER NO: 17-00

By the Governor

WHEREAS, the state has made significant efforts to ensure that individuals who have been institutionalized in State owned and operated behavioral health and developmental disability facilities may receive their care and treatment in the least restrictive setting appropriate; and

WHEREAS, it is incumbent upon the State to continue this endeavor to provide effective community based treatments to all appropriate individuals with disabilities who reside in similar institutional facilities; and

WHEREAS, the United States Supreme Court in Olmstead v. L.C. held that under the Americans with Disabilities Act it is discrimination to allow individuals to remain in institutions when they desire a non-institutional community-based placement and their health care provider determines it would be beneficial; and

WHEREAS, it is necessary for all pertinent executive branch departments and offices to coordinate their efforts with other involved individuals and agency representatives to accomplish this endeavor.

NOW, THEREFORE, I, CECIL H. UNDERWOOD, GOVERNOR of the State of West Virginia, pursuant to the authority vested in me by the Constitution and the laws of West Virginia, do hereby **ORDER** and **DIRECT** that:

1. A broad-based Olmstead Task Force be created to develop and recommend for adoption and implementation a coordinated plan no later than June 30, 2001, to:
 - A. identify all individuals with disabilities currently institutionalized or at risk of institutionalization who desire and would benefit from an appropriate community-placement setting;
 - B. identify needed services and the costs to provide these community placements;
 - C. develop a procedure to prevent the unnecessary admittance of an individual with disabilities to an institution;
 - D. determine and recommend the best procedure to identify, investigate, and resolve complaints from individuals with disabilities regarding community integration;
 - E. recommend to the Governor changes to budgets, funding plans and regulations and other methods to properly finance these services and programs; and
 - F. recommend to the Governor an Implementation Plan to facilitate the timely transfer of those institutionalized who desire and can benefit by returning to an appropriate community setting.
2. The Governor will appoint members of the Olmstead Task Force who represent a broad diversity of experience, knowledge, and skills. The West Virginia Americans with Disabilities Act Coordinator will serve as Chairperson.
3. The following executive department and offices shall serve and provide technical staff support: the Office of the Secretary of the Department Health and Human Resources and its Bureau of Medical Services; Office of Facility Licensure and Certification; Bureau for Children and Families; Bureau for Behavioral Health and Health Facilities; Division of Rehabilitation Services; and the Bureau for Senior Services.

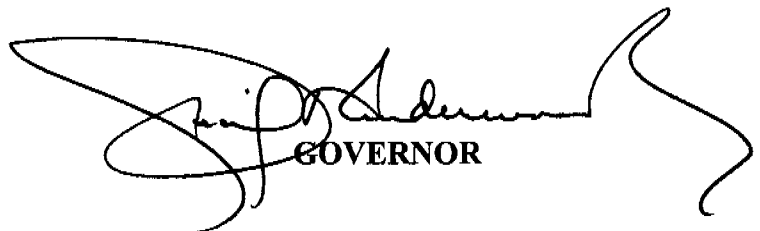
4. The Governor will appoint two members of the West Virginia Senate, which are nominated by the President, and two members of the West Virginia House of Delegates, which are nominated by the Speaker.
5. Individuals with disabilities, their representatives, advocacy groups, and health care providers will be appointed to the task force. In addition, representatives of the federal Department of Housing and Urban Development will be appointed with their consent.
6. Travel and related expenses incurred by task force members will be provided through the Office of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed hereto.



BY THE GOVERNOR

DONE at the Capitol, in the City of Charleston, State of West Virginia, on this the Twenty-Seventh day of September, in the year of our Lord, Two Thousand, and in the One Hundred Thirty-Eighth year of the State.


GOVERNOR


SECRETARY OF STATE