

**MEMORIALIZATION OF CORRECTIVE ACTIONS THROUGH EXPEDITED
COMPLAINT RESOLUTION PROCESS
BETWEEN
THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR CIVIL RIGHTS
AND
THE ILLINOIS DEPARTMENT OF HUMAN SERVICES
COMPLAINT # 23-544222**

I. INTRODUCTION AND BACKGROUND

- A. The purpose of this Memorialization of Corrective Actions is to set forth the corrective actions that the Illinois Department of Human Services (IDHS) has put in place to resolve a complaint filed with the United States Department of Health and Human Services (HHS), Office for Civil Rights (OCR) through OCR's Expedited Complaint Resolution process (ECR). This Memorialization also sets forth the additional actions that IDHS will take and establishes a monitoring period to ensure that the corrective actions to resolve this complaint remain in place, are adequate, and expand statewide.
- B. On September 5, 2023, Equip for Equality (Complainant), filed a complaint (the complaint) on behalf of [REDACTED], a young woman with cerebral palsy and behavioral health support needs, alleging that IDHS discriminated against her on the basis of disability by failing to provide her with an adequate placement and sufficient services in the community, resulting in her institutionalization at a 173-bed State Operated Developmental Center (SODC) [REDACTED]. Complainant alleged that [REDACTED], who spent her life in her community before being institutionalized, wants to return to be a contributing member of her community.
- C. Pursuant to Section 504 of the Rehabilitation Act of 1973, 29 United States Code (U.S.C.) § 794, and its implementing regulations at 45 Code of Federal Regulations (C.F.R.) Section 84.76(b) (Section 504); Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116 and its implementing regulations at 45 C.F.R. Section 92.207(b)(6) (Section 1557); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 et seq., as implemented by 28 C.F.R. Section 35.130(d) (Title II of the ADA), covered entities are obligated to provide services in the most integrated setting appropriate to the needs of an individual with disabilities.
- D. As a recipient of Federal financial assistance from HHS, IDHS is a covered entity and is obliged to comply with Section 504 and Section 1557, and as a State entity, IDHS is required to comply with Title II of the ADA.
- E. On November 15, 2023, OCR notified IDHS of the complaint and OCR's authority under Section 504, Section 1557, and Title II of the ADA to investigate the complaint. OCR offered IDHS the opportunity to participate in the ECR process, which IDHS accepted.

- F. While negotiating a resolution to the complaint, OCR convened several ECR meetings from February 2024 through August 2025 to provide technical assistance to IDHS and facilitate a resolution of the complaint to effectuate [REDACTED] right to live in the most integrated setting appropriate to her needs. Participants in the ECR meetings included IDHS, Complainant, [REDACTED], and OCR.
- G. During the ECR process, IDHS took the following affirmative steps to provide [REDACTED] the opportunity to reside in the most integrated setting in her community:
 - a. Enhanced its efforts to secure community service providers by personalizing the solicitation process to focus on [REDACTED] individual strengths and needs.
 - b. Worked with [REDACTED] and her transition team to identify potential placements until they found a placement that met her comprehensive individualized needs and she felt comfortable, safe, and well-supported to live a meaningful life in her community.
 - c. Improved its process for facilitating community placements for individuals in SODCs.
 - d. Educated providers by dispelling myths that individuals who are discharged from SODCs require a higher level of services.
 - e. Arranged for a successful transition of [REDACTED] to a community home under an Illinois Community Integrated Living Arrangement on August 7, 2025.
- H. The combination of IDHS's actions and commitment to take additional actions will ensure that [REDACTED] is able to continue to live in a satisfactory community placement with services to meet the totality of her needs.
- I. IDHS has worked cooperatively with OCR, Complainant, and [REDACTED] throughout this matter and is continuing to ensure her needs are met.
- J. The Parties voluntarily agree to resolve the complaint by memorializing the corrective actions IDHS has taken, the additional actions IDHS commits to take, and a monitoring period of one year from the date of this agreement during which OCR will monitor the provision of services [REDACTED] receives through the Illinois Adults with Developmental Disabilities Waiver to ensure that she continues to receive adequate services necessary for her to remain in the most integrated setting in her community.
- K. This Memorialization of Corrective Actions is not an admission of liability by IDHS regarding the allegations in the complaint.

II. ADDITIONAL IDHS COMMITMENTS

- A. IDHS will monitor [REDACTED] placement and services at her new home to ensure that she has adequate services in place, and her individualized person-centered plan is implemented to allow her to live in the most integrated setting appropriate for her needs and receive any needed training and support to secure meaningful, integrated employment.

- B. IDHS will not make any changes to [REDACTED] individualized person-centered plan without first assessing her needs, ensuring the change is needed to effectuate her right to remain in the most integrated setting in her community, consulting with her, and advising OCR.
- C. In building upon the October 31, 2024 Memorialization of Corrective Actions where IDHS agreed to improve its referral process for waiver recipients, IDHS will develop and implement a plan by November 1, 2025 that is approved by OCR to improve the statewide IDHS referral process for individuals in SODCs and at serious risk of being transferred from the community to a SODC to meet IDHS' obligation to serve individuals with disabilities in the most integrated setting appropriate to their needs. The plan will include expanding and attracting more providers who are geographically diverse and a good match for individuals' needs and preferences, using positive-focused referral information in the referral packages that highlight individuals' strengths, interests, goals, and what works well, and increasing face-to-face referrals and follow-up to ensure a successful transition.

III. MECHANISM FOR REPORTING CONCERNS TO ILLINOIS IDHS

- A. IDHS will designate Melissa Reynolds, IDHS Public Service Administrator, as the point of contact to receive and resolve any issues [REDACTED] encounters with the provision of services she receives through the Illinois Adults with Developmental Disabilities Waiver. In the event [REDACTED] is not satisfied with the resolution, she can elevate her concerns to Tonya Piephoff, IDHS Director, Division of Developmental Disabilities, and/or Joy Decker, IDHS Deputy Director, Policy, Strategic Planning, and Licensure.
- B. IDHS will report to Complainant and OCR any actions taken to address any issues [REDACTED] raises.

IV. MONITORING AND REPORTING

- A. IDHS will provide monthly written confirmation by the last day of each month during the monitoring period that the services outlined in this Memorialization of Corrective Actions remain in place for [REDACTED] and any new issues are addressed.
- B. The monthly reports will also set forth the status of developing and implementing the statewide plan to improve the IDHS referral process for individuals in SODCs.
- C. Complainant or [REDACTED] may report to OCR any concerns related to the provision of services under her self-directed plan. A finding of non-compliance may extend the one-year monitoring period.

V. GENERAL TERMS

- A. This Memorialization of Corrective Actions resolves OCR complaint # 23-544222 and is limited to the facts and issues presented in the complaint. It does not replace IDHS’s continuing obligation to comply with Section 504, Section 1557, and Title II of the ADA and all other federal laws and applicable regulations or preclude OCR from taking appropriate action to evaluate IDHS’s compliance with laws OCR enforces.
- B. If at any time OCR believes that IDHS or any of its components has failed to comply in a timely manner with any obligation under this Memorialization of Corrective Actions, OCR may issue IDHS a notice of alleged non-compliance and will provide a reasonable opportunity of no less than seven calendar days to respond unless the urgency of the matter requires speedier action due to an emergency.
- C. This Memorialization of Corrective Actions is a public document that will be available on OCR’s public website and upon request by any individual with appropriate redactions to protect personally identifiable information.

VI. EFFECTIVE DATE AND MONITORING PERIOD

The effective date of this Memorialization of Corrective Actions is October 20, 2025. This Memorialization of Corrective Actions will continue for a monitoring period for one year from the effective date of this Memorialization of Corrective Actions.

For the Illinois Department of Human Services

/s/

Melissa Reynolds
Public Service Administrator

For the United States Department of Health and Human Services, Office for Civil Rights

/s/

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