



## Jonathan Rosenfeld's Nursing Homes Abuse Blog

# "Historic" Settlement Awards Illinois Medicaid Recipients the Right to Home-Based Care

By **Jonathan Rosenfeld** on September 15, 2011

A landmark verdict from an Illinois district court could mean life-changing differences for residents with disabilities.

The decision, handed down on August 30th, grants [Medicaid](#) recipients the right to receive home-based care - versus only having the option of residing in a nursing home.

“This is a historic day for people with disabilities, not just for Illinois, but around the country,” said Marca Bristo, president of Chicago-based [Access Living](#), an advocacy group for those with disabilities.

I have to agree with Ms. Bristo, and definitely see this as a huge step forward for helping people with disabilities become more self-sufficient and independent. Too often I see people who could be at least partially independent, stuck in unhealthy situations at nursing homes that don't fit their needs.

In the lawsuit, which was called Colbert vs. Quinn, Judge Joan Lefkow heard the story of Lenil Colbert, a Chicago man who became partially paralyzed at the age of 32. Colbert claimed that he was forced into a nursing home by the state, even when he could function in a semi-independent way.

“In the nursing home, I wasn’t able to make my own choice about how I lived,” said Colbert. “I had when they told me. I couldn’t leave to visit my family without permission.”

Lefkow decided that not giving Medicaid recipients the choice to receive home-based care violated the [Americans with Disabilities Act of 1990](#). According to court documents, the act states that “Illinois is required to administer services in the most integrated appropriate setting.”

Over the next 2/12 years, the state will provide \$10,000,000 to more than 1,100 Cook County nursing home residents with disabilities. The money will both go toward covering housing costs, and the hiring of personal care assistants.