

TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 2001-21

RELATIVE TO ESTABLISHING A "PLAN DEVELOPMENT COMMITTEE" TO FORMULATE AN EFFECTIVE WORKING PLAN OF PROVIDING COMMUNITY-BASED ALTERNATIVES FOR PEOPLE WITH DISABILITIES IN ACCORDANCE WITH THE SUPREME COURT DECISION IN *OLMSTEAD V. L.C.*, 527 U.S. 581 (1999).

WHEREAS, Guam is committed to providing community-based alternatives for people with disabilities and recognizes that such services advance the best interests of all its citizens; and

WHEREAS, Guam seeks to ensure that our island's community-based programs effectively foster independence and acceptance of people with disabilities; and

WHEREAS, programs such as community-based alternatives and home and community services provide the opportunity for people to live productive lives in their home communities; and

WHEREAS, unjustified isolation or segregation of qualified individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans With Disabilities Act of 1990 (ADA, 42 U.S.C. 12101 et seq.); and

WHEREAS, in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (the "Olmstead decision"), the Supreme Court construed Title II of the ADA to require States to place qualified individuals with disabilities in community settings as appropriate where the following criteria are met: (1) whenever treatment professionals determine that such placement is appropriate; (2) the affected individual does not oppose such placement; and (3) the placement of the individual in such a setting can be reasonably accommodated taking into account the resources available to the State and the needs of others with disabilities; and

WHEREAS, the Department of Integrated Services for Individuals with Disabilities ("DISID") was created and established as the designated agency to provide for a single point of entry to provide, promote and ensure a full continuum of life long programs and services that allow for independence, productivity and inclusion into the community of individuals with disabilities; and

WHEREAS, the Department of Mental Health and Substance Abuse ("DMH&SA") has a declared public policy to provide community-based programs including mental health, alcohol and drug programs, and services for the people of Guam, and to continually strive to improve, enhance, and promote the physical and mental well-being of the people of Guam who experience the life-disrupting effects of mental illness, alcoholism and drug abuse, or those who are at risk to suffer those



effects and those who need such assistance; and to provide such assistance in an efficient and effective manner in order to minimize the community disruption and strengthen the quality of personal, family, and community life (See 10 G.C.A. §86101 et seq.); and

WHEREAS, programs such as home and community-based services and consumer-directed care empower individuals with disabilities by allowing them personal choice and independence; and

WHEREAS, the Administration is committed to helping individuals with disabilities live more independently and ensuring access and the provision of services to individuals with disabilities in accordance with the Americans with Disabilities Act;

NOW, THEREFORE, I, CARL T.C. GUTIERREZ, I Maga'Lahen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. **Establishment of committee.** The "Plan Development Committee" is hereby established. The Committee shall be composed of Fifteen (15) members.
2. **Composition of committee.** The Committee is composed of the following:
 - a) Four (4) members who are the Directors of DISID, DMH&SA, Department of Public Health and Social Services (DPH&SS), Department of Education (DOE), or their designees;
 - b) One (1) member who is a representative from the Developmental Disabilities Council.
 - c) Three (3) members who are individuals with disabilities and consumers of services, or family members of such individuals.
 - d) Four (4) members who are from non-profit organizations that are directly serving people with disabilities.
 - e) One (1) member selected from the Guam Legislature.
 - f) One (1) member selected by the Judiciary.
 - g) One (1) member designated from the Department of Law.


All members from the Executive Branch or the public shall be appointed by the Governor; members from other branches of government shall be invited to join.

3. **Structure of Committee.** The Director of DISID, or designee, and the Director of DMH&SS, or designee, shall co-chair the Committee. The Committee shall meet as determined by its members, but at least once a month.
3. **Activities of Committee.** The Committee shall engage in the following activities:



- a) Identify the current number of and current level of funding for home and community-based services and consumer-directed care programs for individuals with disabilities in Guam.
- b) Develop a tool or mechanism for assessing the effectiveness of these services and programs in addressing the needs of individuals with disabilities.
- c) Identify the number of individuals with disabilities in Guam who are institutionalized.
- d) Identify the number of waiting lists for home and community-based services or consumer-directed care programs and evaluate the pace at which the individual's move from these lists.
- e) Examine whether existing programs and services provide individuals with disabilities who may be eligible for community-based treatment with information regarding this option.
- f) Recommend any modifications or changes that may be needed to improve existing home and community-based services and consumer-directed care programs.
- g) Recommend any potential means of expanding home and community-based services or consumer-directed care programs.
- h) Develop a process for transitioning individuals with disabilities who are institutionalized and who are eligible for community-based treatment settings and who choose to live in community-based treatment settings.
- i) Engage in any additional activities deemed necessary to accomplish the specified objective. All affected agencies and other public entities shall cooperate fully with the Committee's research, analysis, and production of the plan. The plan and its reports shall be made available electronically and in a format that provides special accommodations to individuals with disabilities.
- j) Submit a written progress report to the Governor by September 30, 2001 and submit a working plan to the Governor by December 31, 2001.

SIGNED AND PROMULGATED at Hagåtña, Guam this 25th day of July, 2001.



CARL T. C. GUTIERREZ
I Maga'Lahen Guåhan
Governor of Guam