

Americans with Disabilities Act and Olmstead Resources

July 2009 marks the tenth anniversary of the landmark decision of the U.S. Supreme Court in *Olmstead v. L.C.* This decision has increased community participation and independence of people with disabilities and older Americans who are moving out of nursing homes and other institutions and back into the community.

Lois Curtis and Elaine Wilson, two women with disabilities who lived in Georgia nursing homes, asked state officials to allow them to move into their own homes in the community. After the State refused, Atlanta Legal Aid attorney, Susan Jamieson, filed a lawsuit on

their behalf. After appeals, the case was heard by the U. S. Supreme Court. In July 1999, the Supreme Court ruled that Title II of the Americans with Disabilities Act prohibits the unnecessary institutionalization of persons with disabilities. In the words of the Supreme Court, services to persons with disabilities must be provided “in the most integrated setting possible.” The Court ruled that there should be community options for Curtis and Wilson.

The following resources provide a historical context and an update on current implementation and activities that are underway to expand home and community options and make community living more accessible for individuals with disabilities.

Olmstead Resource List

Supreme Court Decision: Olmstead v. L.C.

<http://supct.law.cornell.edu/supct/html/98-536.ZS.html>

Third Circuit Case: Frederick L. v.

Department of Public Welfare of Com. of Pennsylvania

<http://caselaw.lp.findlaw.com/data2/circs/3rd/023721p.pdf> (PDF file)

Executive Order 13217: Community-Based Alternatives for Individuals with Disabilities (June 18, 2001)

<http://www.hud.gov/offices/fheo/disabilities/eorder13217.cfm>

<http://www.presidency.ucsb.edu/ws/index.php?pid=61498#axzz1NCCurcO4>

Atlanta Legal Aid Society Olmstead v. LC and EW Landmark Case Summary and Impact

www.atlantalegalaid.org/impact.htm

Parent Advocacy Coalition for Educational Rights (PACER) Olmstead Fact Sheet

www.pacer.org/tatra/legislation/olmstead.asp

UCP Report: Case for Inclusion 2011

<http://medicaid.ucp.org/>

This report ranks all 50 States and the District of Columbia on how well they are providing community-based supports to Americans with intellectual and developmental disabilities being served by Medicaid.

National Center for Personal Assistance Services Report: Home and Community-Based Services: Introduction to Olmstead Lawsuits and Olmstead Plans

www.pascenter.org/olmstead/index.php

This report from the National Center for Personal Assistance Services provides state-by-state information on two of the major issues that have arisen from the 1999 Olmstead

Supreme Court: the formal strategies, or Olmstead Plans that states developed in response to the Olmstead Ruling and a summary of community integration lawsuits related to Olmstead. The primary aim is to present a summary of information that is accessible to the public, consumers, advocates, researchers and professionals.

Olmstead Plans Lawsuits

www.pascenter.org/state_based_stats/olmstead_home.php?title=Olmstead+Plans+Lawsuits

Centers for Medicare and Medicaid Services New Freedom Initiative

<http://www.cms.gov/>

The initiative is a nationwide effort to remove barriers to community living for people of all ages with disabilities and long-term illnesses. It supports states' efforts to meet the goals of the Olmstead v. L.C. Supreme Court decision

Home and Community-Based Services:

Introduction to Olmstead Lawsuits and Olmstead Plans

<http://www.pascenter.org/olmstead/>

State of Georgia Olmstead Settlement Agreement (*signed July 1, 2008*)

More than 2,500 individuals with disabilities institutionalized in Georgia's eight public psychiatric hospitals and mental retardation facilities will have the opportunity to live in their home communities with appropriate supports tailored to meet their individualized needs as a result of a statewide settlement agreement entered between the State of Georgia and OCR. The agreement resolves statewide complaints filed with OCR by four state advocacy groups alleging that, in violation of the Americans with Disabilities Act, Georgia failed to treat qualified individuals with developmental disabilities and mental health disabilities in the most integrated setting appropriate to their needs. The State of Georgia agreed to shift the

emphasis of its Medicaid program away from long-term institutional care to a system that offers qualified individuals with intellectual and developmental disabilities and mental illness consumer choice in the community. Georgia will engage in a comprehensive planning process, with consumer input, to update its State Olmstead Plan in order to provide adequate community services to address the needs of all Georgians with disabilities who are currently living in institutions or at risk of institutionalization. Georgia's implementation of the agreement will rely, in part, on a \$44 million dollar Money Follows the Person Rebalancing Demonstration Grant awarded to Georgia by the HHS Centers for Medicare & Medicaid Services. In addition, experts from HHS' Substance Abuse and Mental Health Services Administration will work with Georgia officials to develop the state's community mental health infrastructure to carry out the requirements of the agreement.

[Read the Settlement Agreement](#)

(<http://www.hhs.gov/ocr/GAOLmsteadagreement.html>)

[Read the Summary of the Settlement Agreement](#)

(<http://www.hhs.gov/ocr/civilrights/activities/examples/Disability/fdcfra.pdf>)

[Read the HHS Press Release](#)

(<http://www.hhs.gov/news/press/2008pres/07/20080702a.html>)

***Your One-Stop Resource for Information
about the
Americans with Disabilities Act***

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