

Understanding Olmstead



What is the Olmstead Decision?

The Olmstead Decision was handed down in response to a case filed by Georgia Attorney General Olmstead, and relating to two Georgia women who had been institutionalized as the result of mental illness. It was handed down by the US Supreme Court in June 1999, to answer this question:

Does the Americans with Disabilities Act (ADA) require states to provide treatment in the community for people with disabilities?

How are Olmstead and the ADA related?

The ADA is the most significant civil rights legislation since the Civil Rights Act of 1964. Signed into law in 1990 by President George H.W. Bush, it is, in his words, “A comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”

Interpreting the ADA, the Supreme Court ruled in its Olmstead Decision that discrimination on the basis of disability is illegal.

Discrimination can occur when:

- People with disabilities can't get needed services unless they live in an institution
- A state's disability services don't offer consumers real choices

People with disabilities and people who are elderly have the right to services provided in the most integrated setting appropriate to their needs. Community placement must be an option when:

- Treatment professionals determine community placement is appropriate
- The person wants to leave the institution, or is not opposed to leaving
- The placement can be accommodated, considering state resources and the needs of other people with disabilities.

How has the federal government responded to the Olmstead Decision?

Presidential Executive Order

In 2001, President G.W. Bush, as a part of his New Freedom Initiative, issued Executive Order 1327, “Community-based Alternatives for Individuals with Disabilities.” In it, he says:

The United States is committed to community-based alternatives for individuals with disabilities and recognizes that such services advance the best interests of the United States.

The order directs key federal agencies to ensure compliance with the Olmstead Decision. They are called on to evaluate and revise their policies, programs, statutes, and regulations.

Federal Centers for Medicare and Medicaid Services (CMS) call upon states to develop “effectively working plans” to:

- Move people from institutions to community-based services
- Ensure that people on waiting lists to leave institutions for community-based services move to these services at a reasonable pace.

What is Iowa doing to respond to the Olmstead Decision?



Department of Human Services

In early 2000, Governor Vilsack named the Department of Human Services (DHS) as Iowa's lead agency for responding to Olmstead. He called on DHS to:

- Report on Iowa's current service system
- Develop an "effectively working plan" for Iowa

In response, DHS gathered public input from across the state. Using this input, they worked with a steering committee to create an "effectively working plan." Governor Vilsack approved this plan in July 2001.

Real Choices Systems Change grant

In 2001, DHS received a federal Real Choices Systems Change grant. The steering committee became Iowa's Olmstead Real Choices Consumer Task Force. It includes people with disabilities, family members, advocates, state agency representatives, service providers, and other key players. DHS contracted with the Center for Disabilities and Development for assistance in carrying out the grant's objectives.

Governor's Executive Order 27

In February 2003, Governor Vilsack issued Executive Order 27, calling on Iowa state agencies to:

- "Move purposefully to swiftly implement the Olmstead Decision"
- Coordinate a comprehensive effort by state agencies to "reshape the structure and nature of community-based services"

Iowa Real Choices Consumer Task Force Priorities

- I. Overcome institutional bias.
- II. Implement a personal assistance program.
- III. Make optimal use of federal funding.
- V. Fund people, not programs.
- VI. Develop and implement crisis services.
- VII. Seek federal funding for housing.
- VIII. Provide clear, accurate information about services.

For more information

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