

## WHY DOES RHODE ISLAND NEED AN *OLMSTEAD* PLAN?

### Background

*Olmstead v. L.C.* (1999) is a U.S Supreme Court decision arising from a case brought against the Georgia State Commissioner of Human Resources (Tommy Olmstead) on behalf of two women with developmental disabilities who were each diagnosed with a mental illness.

Despite their readiness for discharge into a community setting from the psychiatric unit of Georgia Regional Hospital, these two individuals were not successfully discharged. Litigation ensued, and the Supreme Court ruled that the women had the right to receive care in the most integrated setting appropriate and their unnecessary institutionalization was discriminatory and violated Title II of the *Americans with Disabilities Act* (ADA.)

### What *Olmstead* Requires

Public entities are required to provide community-based services to persons with disabilities when:

- a) Such services are appropriate;
- b) The affected persons do not oppose community-based treatment; and
- c) Community-based services can be reasonably accommodated, taking into account the resources available to the entity and the needs of others who are receiving disability services from the entity.

### What is an *Olmstead* Plan?

The *Olmstead* ruling suggested that states demonstrate compliance with the ADA by producing formal plans for increasing community integration [see, *Olmstead v. L.C.*, 527 U.S 581 (1999), at 605].

### Requirements and Best Practices for *Olmstead* Plans

“A comprehensive, effectively working plan must do more than provide vague assurance of future integrated options or describe the entity’s general history of increased funding for community services and decreased institutional populations. Instead, it must reflect an analysis of the extent to which the public entity is providing services in the most integrated setting and must contain **concrete and reliable commitments** to expand integrated opportunities. The plan must have **specific and reasonable timeframes** and **measurable goals** for which the public entity may be held accountable, and there must be **funding to support the plan**, which may come from reallocating existing service dollars... To be effective, the plan must have **demonstrated success** in actually moving individuals to integrated settings in accordance with the plan.” From: Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the *Americans with Disabilities Act* and *Olmstead v. L.C.*

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