

Building Community for People with Disabilities Experiencing Homelessness

HOUSING = JUSTICE

18th Annual Training Institute & Conference

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The Women of Olmstead:
Lois Curtis and Elaine Wilson (and their lawyer Sue
Jamieson) with acknowledgement to the late Justice
Ruth Bader Ginsburg



What is Olmstead? What is the community integration mandate?

- According to a 1999 U.S. Supreme Court decision (Olmstead v. L.C.), it is discrimination in violation of the ADA to require a person to be segregated or institutionalized to receive services when they could be receiving services in a less restrictive setting.
- In its decision, the Court emphasized the intent of Congress that the ADA be used to secure community living opportunities for persons with disabilities. The Court also noted that institutional services must continue to be available for those persons who require that level of care.

Does this mandate guarantee everyone who is in an institution gets discharged?

- The Court ruled that states could consider the availability of resources, as well as the diverse needs of persons with disabilities, in meeting this requirement. The decision does not mandate hospital closures or immediate deinstitutionalization.
- Instead, it requires that states must consider the needs of all persons with disabilities. States were expected to discharge people from institutional settings at a reasonable pace; states should not attribute their failure to do so solely due to a lack of resources.

Impact of COVID-19

- Congregate care settings place disabled people at higher risk of contracting COVID-19.
- Mathematica, in its recent report examining the state's COVID-19 response as it related to long term care facilities and assisted living facilities, recognized that integrating people with disabilities in the community could help mitigate the spread of COVID-19

Mathematica recommendations

- *Short-term recommendation to mitigate a second wave of COVID-19*

SR22: The Connecticut Department of Social Services (CT DSS) and contracted access agencies should work with hospitals to facilitate discharge of older adults and people with disabilities with COVID-19 to home and community-based settings, rather than nursing homes, with appropriate home health and other supports and care coordination.

- *Longer-term recommendations to prevent future outbreaks*

LR19: The state should ensure all LTC residents receive counseling on their options to receive services in the community and support those who want return to the community – The state should ensure continued support to state Medicaid programs (Money Follows the Person, My Community Options, and MyPlaceCT.org) that help people who need long-term services and supports (LTSS) return to or remain in the community, if that is their preference. CT DSS should ensure sufficient resources to deliver adequate HCBS and PPE, including grocery and medical supplies, to beneficiaries' homes and prioritize COVID-19 cases.

Don't you want to have some too?



FOR MORE INFORMATION

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