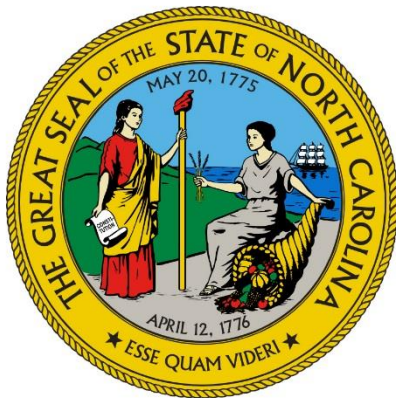


**North Carolina Department of Health and Human  
Services**



**From ADA to Olmstead to  
Innovations Waiver: Where Are We  
Now?**

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NC Department of Health and Human Services (NCDHHS)**

**Meet the Need Webinar**

**July 18, 2023**

# What is the *Olmstead* Decision?

- ***Olmstead v. L.C.* is a United States Supreme Court case/decision. It is about the right to community inclusion for people with disabilities.**
- **Most important civil rights decision for people with disabilities in our country's history.**
- **All states must come into line (“comply”) with the Court's decision in *Olmstead*.**

# The Heroes that Made It Happen



Sue Jamieson, Elaine Wilson, and Lois Curtis (she's L.C.!!)

# ADA: the Law that Gave Us *Olmstead*

1990 - Americans with Disabilities Act (ADA) became a law. It has what is called the “integration mandate.”

- People with disabilities have a **right** to get services in the **most integrated setting** that will meet their needs.

ADA has its own rules/regulations. Those regulations explain more about the integration mandate:

- An “integrated setting” lets people with disabilities be with people without disabilities “**to the fullest extent possible...**”
- What does that mean? People with disabilities have a **right to live in the community with everyone else.**

# The US Supreme Court Weighs In

- In 1999, the Supreme Court told the country much more about the integration mandate and what everyone would have to do.
- What the Court said in *Olmstead* changes the way that we think about where and how people with disabilities live their lives.
- It changes the way that states like go about supporting people to have “everyday lives.”
- *Olmstead* is the law of the land.

There are nine years between the ADA and the *Olmstead* case. The Court decided people needed better directions about the integration mandate. So, it weighed in.

## What Did the Court Say in *Olmstead v. L.C.*?

US Supreme Court said that the “unjustified segregation” (separation) of people with disabilities in institutions was “unlawful discrimination” under the ADA.

“Unlawful discrimination” under the ADA - This means it is against the law to treat someone less well than others because of a disability.

*Olmstead* says is against the law to require people to go to institutions or other large, segregated places just because they need services.

# More on What the Court Said in *Olmstead*

State agencies and their partners **must** provide **community-based services** to people with disabilities when:

- (1) such services are “appropriate”;
- (2) the person isn’t *against* getting services in the community (people/families/guardians get to make the choice that is right for the person);
- (3) and offering community-based services doesn’t make it too hard for the state to run a system of services for people with disabilities.

State agencies and partners include NCDHHS, Local Management Entities/Managed Care Organizations (LME/MCOs), and providers.

# Justice Ruth Bader Ginsburg Wrote for the US Supreme Court in *Olmstead*

**RBG wrote: If a state got sued in an *Olmstead* case, it could potentially defend itself if . . .**

- the state had “**a comprehensive, effectively working plan**” and a **waiting list** that “moved at a reasonable pace.”

**NC’s *Olmstead* Plan is our state lining up its service delivery system with the US Supreme Court case.**

**Where to find the Plan:**

**<https://www.ncdhhs.gov/508-compliant-north-carolina-olmstead-plan/download?attachment>**



# Who is NC's Olmstead Plan About?

- People with **disabilities** who live in **facilities**, (for example, developmental centers, psychiatric hospitals, skilled nursing facilities, and adult care homes).
- People in **other segregated settings**, for example, “sheltered workshops”/segregated day programs or Psychiatric Rehabilitation Treatment Facilities.
- People **at serious risk** of institutionalization or segregation.
- It covers **all disabilities** and people of **all ages** – both adults and children.

# NC's Olmstead Plan

- A **blueprint** for offering people opportunities to live, work and receive services in the community in **integrated, inclusive settings**. (It's a plan to help people get out of institutions or avoid going there in the first place.)
- A **lens** for the work every professional does every day.
- The Plan sets out **priorities** for what to do first **and strategies/action steps** for providing services in the most integrated setting.
- The Plan will have **measurable goals**
  - and **outcomes** that reflect what matters to the people we serve.

# What is the OPSA?

- The Olmstead Plan Stakeholder Advisory (OPSA) is a diverse group of people who advise the State on how make the Court's decision a reality in NC.
- OPSA is policymakers, legislators, **people with lived experience**, and professional organizations/agencies/associations.
- OPSA meets quarterly and is **open to the public**.
- Its Community Co-Chairs are Betsy MacMichael and Bryan Dooley.

# What's Happened So Far: 2020 - 2023

- NCDHHS hired the **Technical Assistance Collaborative (TAC)**
  - “The TAC Report” –looked closely at NC’s disability service system
  - Conducted 15 listening sessions; NCDHHS staff interviews; an online survey (July ‘21); and gathered public comment on the draft of the Plan (Oct. – Nov. ‘21)
  - 2021 TAC Report: <https://www.ncdhhs.gov/508-compliant-north-carolina-olmstead-assessment-report/download?attachment>
- NCDHHS hosted the first **Olmstead Plan Stakeholder Advisory** (July ‘20) and brought in national experts to advise the State.
- NCDHHS, working with TAC, put what it heard into a Plan for Calendar Year 2022 – 2023.

# What Else Has Happened?

**NCDHHS formed an Olmstead Staff Work Group**

**Hired **Mathematica** to help us gather **data** and pick the **measures** that would tell us how the State was progressing in its implementation of the Plan.**

**We get ideas and input from many people – often in meetings like this.**

**OPSA continues to advise the State.**

# A Comprehensive Plan

## NC's Olmstead Plan includes 11 Priorities.

- Some are: strengthening choice; addressing the direct support professional crisis; keeping people out of institutions; addressing gaps in services; advancing alternatives to full guardianship; increasing competitive integrated employment; reducing disparities in access to services; increasing input from people w/ lived experience; reducing transportation burdens; using data for improving quality

**We update the Plan and put reports on the NCDHHS Olmstead website every three months.**

**We are getting ready to write the 2024 – 2025 Plan.**

# Some Things About the Plan

- Includes **Transition to Community Living (TCL)**
  - TCL is an example of “*Olmstead* in action” for one Olmstead group: people with Serious Mental Illness and Serious/Persistent Mental Illness.
- Builds on **Money Follows the Person (MFP)**.
- Connects to the NCDHHS **Strategic Housing Plan**.
- Includes Standard Plans and will include the **Tailored Plans**.
- Embraces **Diversity, Equity and Inclusion**.

MFP is a federally funded program that help states expand the use of Home and Community Based Services and reduce the use of institutional services for people who choose to transition out of institutions.

# Olmstead Plan Vision Statement

**North Carolina champions the right  
of all people with disabilities  
to choose  
to live life fully included  
in the community.**



# Be Part of the Olmstead Plan Implementation Process

- ✓ Meetings are open to the public – join us online
  - ❖ Olmstead Community List Serve – contact [Vickie.Callair@dhhs.nc.gov](mailto:Vickie.Callair@dhhs.nc.gov)
- ✓ Time for public comment at the end of each meeting – tell us what you think.
- ✓ Minutes of the OPSA and its work will be posted online: <https://www.ncdhhs.gov/about/departments/initiatives/nc-olmstead>

# The Bottom Line

The Olmstead Plan requires a huge **change of thinking** in the way that professionals do their work.

It **gives community inclusion a big boost.**

It is new language that we will all speak, **a lens for seeing a world where everybody belongs.**

**But it will take all of us advocating and working together.**

# Where Can You Find Out More About the Olmstead Plan?

**On the NCDHHS Olmstead website:**

<https://www.ncdhhs.gov/about/departments-initiatives/nc-olmstead>

# Contact Information

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