

July 25, 2023



# OLMSTEAD & I/DD IN NORTH CAROLINA

Unmet Needs and Unfulfilled Promises

**Name**  
Title

# U.S. DOJ DEFINITION OF *OLMSTEAD* PLAN

- “An *Olmstead* plan is a public entity’s plan for implementing its obligation to provide individuals with disabilities opportunities to live, work, and be served in integrated settings. A comprehensive, effectively working plan **must do more than provide vague assurances 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.**”

# LACK OF ACCESS TO COMMUNITY SERVICES

*Olmstead* Compliance Requires Access to HCBS

- Most I/DD HCBS services depend on having an Innovations Waiver slot
- Waiting list is over 17,000 – more than the number being served
- Those with an Innovations Waiver slot struggle to find providers

# NC'S LACK OF A TRUE *OLMSTEAD* PLAN

Having a Real “*Olmstead* Plan” Means that It Works to Provide Adequate HCBS

- U.S. DOJ requires that an *Olmstead* 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.”
- In *Samantha R.*, the judge reviewed the state’s 2021-2023 *Olmstead* Plan and determined that DHHS and the state “**have not provided the Court with an actionable plan with specific and measurable goals for compliance**”

# WHERE DO WE GO FROM HERE?

## I/DD Community Engagement Must Drive Change

- Demand an aggressive approach to eliminating the waiting list for services.
- Demand that 1915(i) services are robust and can meet the unmet needs of those waiting for an Innovations Waiver slot.
- Demand that LME/MCOs fulfill their duty to ensure that services are available to those with an Innovations Waiver slot.
- Demand that LME/MCOs engage in in-reach and diversion to ensure that those who want to live in the community can do so.

