


# Meet the Need: The Promise and the Journey

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# The Promise: the Rehabilitation Act Of 1973, the ADA and the Olmstead Decision

**The Promise to open doors by enacting laws and confirming a person's right to a life in the community because:**

*“confinement in an institution severely diminishes the everyday life activities of individuals”*

*“ institutional placement ...perpetuates unwarranted assumptions that persons so isolated are incapable of or unworthy of participating in community life”*

## **The Journey:**

---Doors opened for some people following these changes, but not all at once and not without hard fought battles that continue today.

---Today's battles may be different than those so widespread before 1990 but doors are still not open for all.



# Key points in the 1954 Rehabilitation Act and Olmstead

- The Olmstead decision focuses on STATE responsibilities; important for three reasons: state policy dictates expenditures, how federal funds are allocated and program priorities;
- 504: A person can not be excluded from participation in, be denied benefits of or subject to discrimination in any program or activity funded with federal assistance, distributed by state and local government or any other instrumentality of a state or local government...;



Creative Housing, Columbus, Ohio

# The Journey: Actions and Reactions

- Since the passage of the ADA, 504 and *Olmstead*, the Federal Government, states, instrumentalities :
  - *have followed the lead of families, disability rights legal organizations/activists, philanthropy, researchers, progressive educators and provider groups;*
  - *have take more progressive steps. transform systems, change regulations, payment priorities and services;*
  - *The step most successful in spurring change was President Obama's Executive Order in 2009 directing federal agencies to take action to implement Olmstead;*
  - *Sadly, legal actions are still necessary and in process across the country.*

# The Journey: Actions and Reactions

- But it hasn't been a straight line; each change comes with a struggle:
  - *against special interest groups opposed to change;*
  - *claim of government overreach (by state and local government mostly);*
  - *competing priorities;*
  - *under funding: for community-based options: housing, services, employment supports;*
  - *lack of support for integration and community inclusion opportunities;*
  - *lack of/or mis-information;*
  - *only seeing a person's disability, not their ability and will; and*
  - *the negative impact of long-term institutionalization, loneliness and fear.*

# NC's Olmstead Settlement Agreement: TCL

- NC entered into a voluntary Settlement Agreement with the US Dept. of Justice in 2012 following the U.S. investigation and findings that the State:
  - was steering thousands of adults with serious mental illness into of adult care homes and ahd been for decades;
  - discharging individuals from State Psychiatric Hospitals into unstable housing;
  - Not providing a pathway for individuals to return to the community or be diverted from the adult care homes; and
  - not creating an integrated community recovery-based system of services, peer support, supported housing and supported employment.
- The agreement called for the state to develop where necessary and provide:
  - supported housing for 3,000 individuals in the target population as defined in the Agreement; 2,000 of which are required to be individuals moving from Adult Care Homes;
  - In-reach, transition and discharge from Adult Care Homes and State Psychiatric Hospitals and diversion through pre-screening for individuals referred to Adult Care Homes
  - community based, recovery-based services with a person-centered plan at the level of intensity and frequency required for individuals to live successfully in the community with tenant rights and tenancy support; and
  - supported employment with fidelity to an evidenced based model.
  - The State is also required to develop and implement a QA/PI system to ensure requirements are met.

# NC's Olmstead Settlement Agreement: TCL

- Where are we ten years after entering the Agreement:
- The State has met compliance on two major requirements:
- On April 30<sup>th</sup> 2023, 3,327 individuals were residing in supported housing; there is a caveat to that achievement, only 1,205 individuals had moved from Adult Care Homes falling short of the 2,000-person requirement;
- The State has reduced the # of people moving into Adult Care Homes from an average of over 900 a year down to less than 75 persons in FY 2022 and through April in FY 2023;
- The State has created a viable rental assistance program that could be utilized for individuals across all disability groups.



East Haven Apts. Swannanoa, NC

[https://www.youtube.com/watch?list=PLswfY1UGrgUmja9qA9O50ZnOtZHSa2JrC&v=pdfiPfsa\\_04](https://www.youtube.com/watch?list=PLswfY1UGrgUmja9qA9O50ZnOtZHSa2JrC&v=pdfiPfsa_04)

# NC's Olmstead Settlement Agreement: TCL

- Challenges:
- Providing Individualized Placement and Support-Supported Employment (IPS-SE) and ACT Employment support as required in the Settlement Agreement and as demonstrated as a best practice across multiple states. Less than 20% of individuals who want to pursue employment and/or education are referred;
- Services are not consistently provided with the required evidenced based recovery model and with the required tenancy support. Where services meet these requirements, individuals are successfully living in their own home in the community.
- Systems changes, workforce issues and COVID have created delays and new challenges.



# Progress: Hope, Vision

- The State is providing funding for more bridge housing and crisis residences; enabling individuals to help make their transition successful;
- The State's new Complex Care Initiative is showing promising results;
- New peer led "bridger" services and peers providing community inclusion support is enabling more individuals to pursue their personal life goals;
- LME/MCOs will be taking on more responsibility for working with property managers and peers to
- New housing options on the horizon.



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