



## **OLMSTEAD AND HOME AND COMMUNITY BASED SERVICES**

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### ***Olmstead* and HCBS**

#### **The Decision Which Helped Give People with Disabilities Community Options**

On June 22, 1999, the U.S. Supreme Court ruled on *Olmstead v. L.C.*, 527 U.S. 581 (1999), a major step in achieving the goal of the Americans with Disabilities Act (ADA) – to eliminate discrimination against people with disabilities, including the practice of unnecessary segregation.

#### ***Olmstead* Overview**

- *Olmstead* involved two women with intellectual and other disabilities who lived in a state-run psychiatric institution.
- Despite their physician's recommendation that they return to life in the community, the women remained in the institution—the state of Georgia claimed there was no community-based option to support them.
- After suing for the right to home and community-based programs and services, the Court ruled in favor of the *Olmstead* plaintiffs, saying that the ADA requires the state to provide community-based services as an appropriate option.

#### **The Home and Community-Based Services (HCBS) Final Rule**

- *Olmstead* IS the law of the land, BUT many individuals with disabilities remain in segregated settings, including...
  - » large group homes, some day programs, sheltered employment workshops
- **HCBS Final Rule goals:**
  - » **increase community integration by establishing standards for settings that receive Medicaid Waiver funding;**
  - » **require individualized person-centered planning for people opting to use their Medicaid dollars in the community rather than an institution.**

PHOTO: Lois Curtis, one of the plaintiffs in *Olmstead v. L.C.*, presenting one of her paintings to President Obama in 2011. Official White House Photo by Pete Souza, Public domain, via Wikimedia Commons