

Olmstead Plans

What is Olmstead?

Olmstead refers to the U.S. Supreme Court's 1999 landmark ruling in *Olmstead v. L.C.*, which found that segregation of people with disabilities is discrimination under the Americans with Disabilities Act (ADA). The court decided that states have a legal obligation to ensure that individuals with disabilities have the opportunity to live, work, and receive services in the community in the least restrictive setting permitted by their disabilities. They cannot be hidden unnecessarily in institutions like prisons, hospitals, or nursing homes.

Who is included under Olmstead?



- Children and adults with serious persistent mental illness (SPMI)
- Children and adults with intellectual/developmental disabilities (I/DD)
- Children and adults with physical disabilities
- Children and adults needing treatment for substance use disorder (SUD)
- Older adults at risk of unnecessary institutionalization
- Youth at risk of unnecessary institutionalization

A State Olmstead Plan

States adopt Olmstead Plans to address gaps in housing and community services so that all individuals can choose where they want to live, work and receive services. So far, 26 states have created "Olmstead Plans," and 18 states have published alternative strategies. Six states (RI, FL, TN, ID, NM, SD) and Washington, DC have neither. Rhode Island is at risk of being sued for violating the ADA.

Do Plans protect states from being sued?

Yes and no.

The Court ruled that having an effective, comprehensive plan with a waitlist that moves at a reasonable pace demonstrates a state's good faith effort to comply with the ADA. One county in California was sued because waitlists were not moving -- the Plan was not effective.

States get Olmstead Plans by:

1. The U.S. Dept. of Justice files suit for violating the ADA
2. Governor's Executive Order
3. Legislation
4. State Budget Article(s)



Doing nothing is not free



- Over-utilization of Eleanor Slater Hospital
- Emergency Department Visits
- Hospitalization / Residential Treatment
- Homelessness / Shelters
- Incarceration - law enforcement, courts, prison/jail
- Overuse of out-of-state placements



Examples of real-life consequence of RI not having an Olmstead Plan:

- Prior to the pandemic, **63%** of RI's homeless population were people with disabilities. (*Source: RI Homeless Information Management Services*)
- **15%** of inmates have a serious persistent mental illness
- **Between 4% to 10%** of incarcerated adults have intellectual or developmental disabilities (I/DD), in contrast to **1.5%** in the general population. (*Source: Bureau of Justice Statistics*)
- RI has about **10,000** individuals with I/DD, but only **4,000** are on BHDDH's rolls. The remaining **6,000** are not receiving services and are living at home with parents/family members, in prison, or are homeless
- Students educated in segregated schools and classrooms instead of regular schools/classrooms with support services
- Losing one's child(ren) to the system because there were no community-based support services for parents.
- Being stuck in day programs instead of being employed or in school.
- Living in a nursing home when they would prefer to live at home with support services
- Becoming homeless or arrested / incarcerated for behavior related to untreated mental illness or cognitive disability, especially for people of color