



## Integration Mandate of the ADA and Olmstead Decision

Does the Americans with Disabilities Act (ADA) give people with psychiatric disabilities the right to potentially live at home or in the community?

Yes. There is a variety of federal and state laws that enable persons to receive services and supports at home and in the community. The Americans with Disabilities Act (ADA) is one such federal law. It requires the state and counties to provide services in the “most integrated setting” appropriate to each person’s needs. This is the ADA’s “integration mandate”.

What is the “most integrated setting”?

This is the place where people with psychiatric disabilities can interact with people who do not have disabilities to the fullest extent possible. An apartment with supportive services is an example of an integrated setting.

What court case led to the protection of this right to live in the community?

The Olmstead case involved two women in Georgia whose disabilities included mental retardation and mental illness. Both lived in state-run institutions, even though their treating professionals had determined that they could be appropriately served in the community. The women sued, arguing

that their continued institutionalization violated the ADA's integration mandate. In 1999, the United State Supreme Court issued its *Olmstead* decision upholding the right of the women to move to the community.

What does the *Olmstead* decision require the state and counties to do?

The U.S. Supreme Court ruled that states must provide services in the community for persons with disabilities who would otherwise be entitled to services in an institution when the following criteria are met:

- The individual's treating professional determines that the person could be appropriately served in the community -- The individual does not object to community services.
- The services can be reasonably provided, taking into account the resources available and the needs of others with disabilities.

For more information, visit the U.S. Department of Justice statement on ADA and *Olmstead* enforcement: [http://www.ada.gov/olmstead/q&a\\_olmstead.htm](http://www.ada.gov/olmstead/q&a_olmstead.htm)

What supportive services are available in the most integrated setting?

California has a System of Care approach to mental health service delivery. Under this approach, there is a person who is responsible for coordinating services for the individual. This person is referred to as a "mental health personal services coordinator". Services are based on the individual's needs and goals and may include

- Housing, including crisis, transitional, and/or permanent
- Peer Support from people with experiences in the system
- Full Service Partnership (FSP), which is a team to support the person 24 hours a day, seven days a week, including crisis support services

## Does the ADA's integration mandate apply to everyone?

People with disabilities, including people with psychiatric disabilities, who are in or at risk of placement in a "segregated setting", may have rights under the ADA and *Olmstead* decision. A segregated setting is one where people are isolated from society. This may be an institution or facility that serves only people with psychiatric disabilities, such as a psychiatric nursing home or a large board and care facility.

## How is the most integrated setting determined?

Mental health professionals who know about the range of supports and services available to enable the individual to live successfully in the community must identify these services and supports, if any. Information on options must be in a form that can be understood. Individuals should always play an active role in their own assessment and should be given the opportunity to visit and test out community living options temporarily before being asked to state a preference.

## What if the individual disagrees with the determination?

The individual can obtain independent evidence to show that a more integrated setting is appropriate. This evidence may come from community-based providers or from any other relevant sources. The individual may also request a second opinion. If an individual is denied community-based services under a particular program, the individual can file an appeal under the rules relating to that program. For example, an individual who is entitled to Medi-Cal can file an appeal and request a fair hearing if the individual's claim for Medi-Cal services is denied.

## Should people with psychiatric disabilities have options?

Yes. In developing its *Olmstead* implementation plan, California has proposed the following principles:

- Self-determination by persons with disabilities about their own lives is a core value, including where they will live.

- Ensure that consumers have information on community programs and services, in a culturally competent and understandable form.
- Support consumer integration and opportunities in all aspects of community life to fully participate in available services and activities.
- Services are consumer-driven, to the maximum extent possible, to allow people of all ages to live in the community in non-institutional settings.

For more information on the California Olmstead Plan, visit:

<http://www.chhs.ca.gov/initiatives/Olmstead/Documents/01Section%20I%20-%20V%20combined.pdf>

## What if more home and community options are needed?

Interested people can work with advocates to expand the availability of housing and supportive services in their communities. The state and counties need to make sure that people have a variety of options to live in the community so that they can avoid living in an institution.

People with disabilities and their representatives must be involved in the design, development and implementation of plans at the state and local level. This includes development of the necessary assessment procedures so that people are served in the most integrated setting. It also requires identification of unmet community services needs and specification of the timeframe and funding for resource development so that these service gaps can be eliminated. Interested persons can get involved with their local county mental health board or commission.

## Are there advocates to assist with home and community options?

Yes. Advocates who may be able to assist with home and community options include, but are not limited to, the following:

- County Patient's Rights Advocates, visit:  
<http://www.disabilityrightsca.org/OPR/pradirectory.pdf>

- Disability Rights California, call 1-800-776-5746 or visit:  
<http://www.disabilityrightsca.org>
- Client Self-Help groups, visit:  
[http://www.californiaclients.org/office/client\\_run.cfm](http://www.californiaclients.org/office/client_run.cfm)
- NAMI California, call 916-567-0163 or visit:  
<http://www.namicalifornia.org/>

We want to hear from you! After reading this fact sheet please take this short survey and give us your feedback.

English version: <http://fs12.formsite.com/disabilityrightsca/form54/index.html>

Spanish version: <http://fs12.formsite.com/disabilityrightsca/form55/index.html>

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