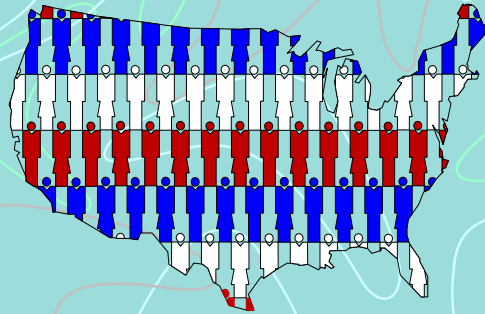
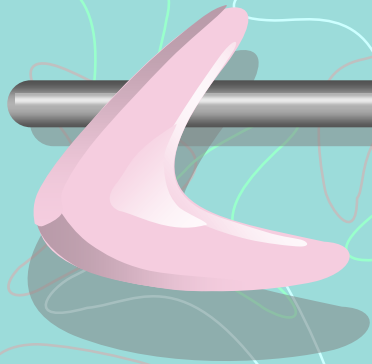


# NEVADA and OLMSTEAD A CONTINUOUS EXAMINATION

April 30, 2015



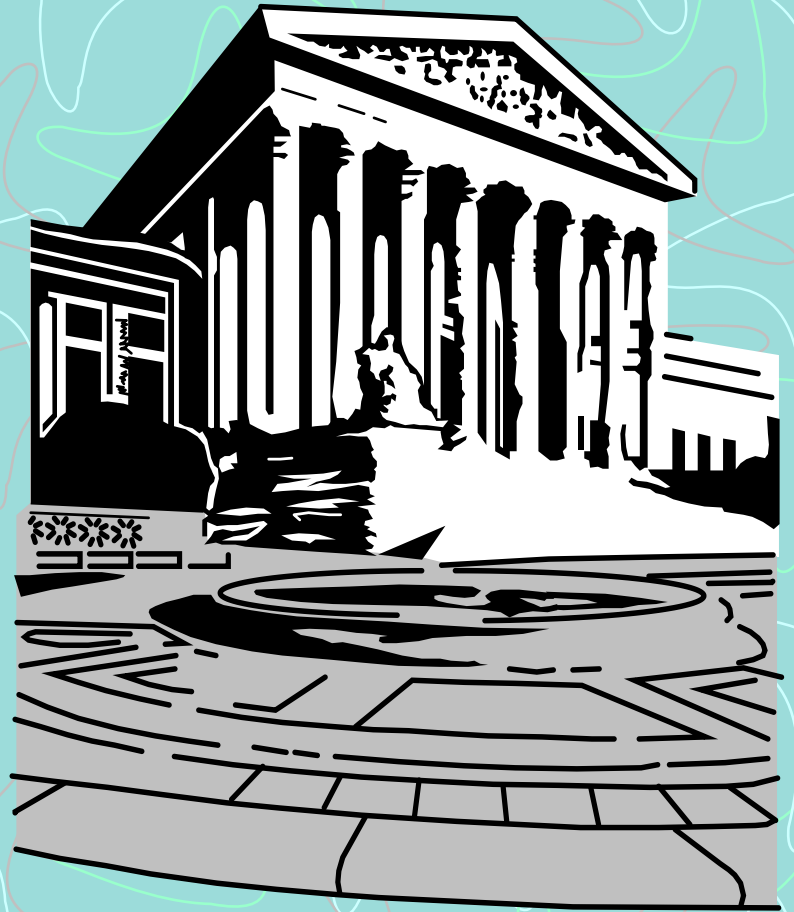
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# *Olmstead v. L.C.*

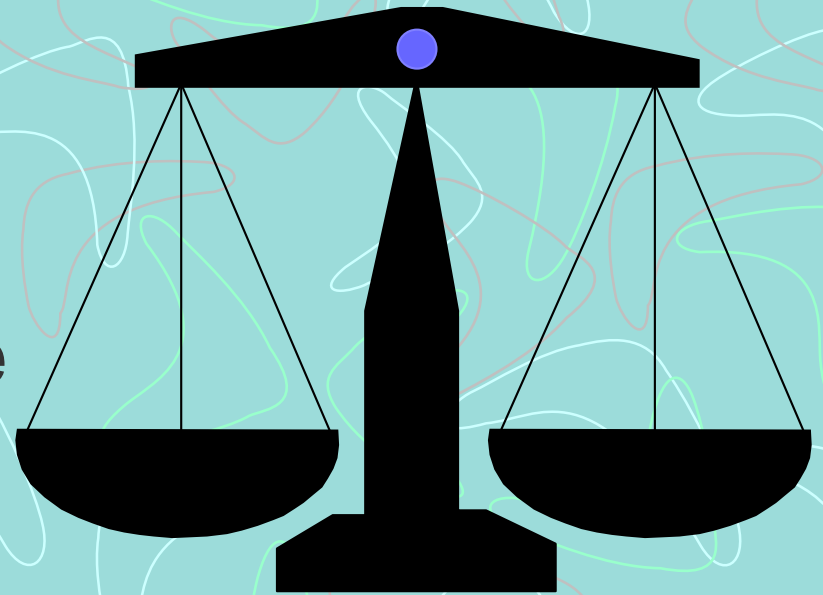
The U.S. Supreme Court decision in *Olmstead v. L.C.* (119 S. Ct. 2176) arose under Federal law—the Americans with Disabilities Act (ADA).






# Unjustified Segregation

***Olmstead's* central holding is that the ADA prohibits states from unnecessarily segregating persons with disabilities and from failing to serve them in the most integrated setting.**





# **ADA INTEGRATION REGULATION**

**“A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.”**

**28 C.F.R. Pt 35app. A § 35.130 (B)**



# **THE MOST INTEGRATED SETTING:**

**A setting that enables individuals with disabilities to interact with non-disabled persons to the fullest.**

**28 C.F.R. Pt 35app. A § 35.130 (d)**



# Purpose of This Report

- **To Review State Activities over the Past Five Years**
- **Identify Strengths and Areas of Concern**
- **Submit Key Recommendations Toward Substantial Compliance**





# Methodology

- Stakeholder interviews
  - People with disabilities and families
  - State and County Staff
  - Community, Advocacy and Provider Organizations
- Listening Sessions
- Document Review
- Internet Research



# Evaluation Questions

- 1. Is there a statewide effectively working plan to ensure that people with disabilities are being and will be served in the most integrated setting?**
- 2. Are policies and procedures in place or being proposed that promote and facilitate services in the most integrated settings?**
- 3. Is Nevada making reasonable and effective efforts to identify and assess people with disabilities who may be unnecessarily served in segregated settings?**
- 4. For people who are waiting for community living supports and services, are they receiving these services with reasonable promptness?**
- 5. Are there activities or initiatives occurring to adequately expand community supports and services in order to avert unnecessary segregation?**





# A National Look At Olmstead

- **High Emphasis From Obama Administration** – *New initiatives designed for increased interagency communication toward community living support.*
- **DOJ Enforcement** – *DOJ has now intervened or initiated new litigation in many states with emphasis on most integrated setting. No longer limited to residential institutions.*
- **CMS Attention:** *Increased latitude regarding waivers that facilitate self-direction and supported living. New rules now require person-centered thinking and emphasizes most integrated settings.*
- **Continued Funding Opportunities** – *Funds for Money-Follows-The-Person, Balancing Incentive Program and expansion of Section 8 housing vouchers, funds for housing capacity building.*



# What does Olmstead Mean for States?

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- **Many States are Devastated with budget cuts.**
- **Change over fifteen years in:**
  - **Fewer People in Being Admitted to Institutions**
  - **Substantial Growth in community residential supports**
  - **Reduction of census of people in institutions**
- **No state claims to be 100% Olmstead compliant**
- **Most states still have inconsistent understanding of what Olmstead requires**
- **Varying degrees of state legislative support for Olmstead related activities.**




# Overall Findings

- **Nevada remains to be one of the leading states in the country in its commitment to Olmstead.**
- **Nevada started early through plan development which pushed them ahead of most states. Diligence with regard to plan implementation and modification has made a difference.**
- **Strategic plans have expired and replaced with disconnected plans and activities.**
- **Started with relatively small number in institutions and meager resources for community.**



# Strengths

- **People with developmental disabilities are in More Integrated Settings**
  - 70% decrease of people in institutions
  - Fewer than 50 people in remaining state facility
  - More than 700% increase in number of people in community supports
- **Adults with Mental Illness**
  - Low number of people in state hospitals
  - Lower average length of stay in hospitals
  - Continued efforts to reduce long term hospital beds
- **Nursing facilities**
  - Proactive program to identify people and assist them in transition
  - Deflection activities appear to be working
- **Out-of-State Placements Have Decreased**



# **Primary Barriers to Increasing Community Capacity**

- **Available and Accessible Transportation**
- **Affordable and Accessible Housing (statewide)**
- **Employment Supports and Opportunities (statewide)**
- **Community Behavioral Health/Psychiatric Supports (especially in rural)**
- **Growing Waiting Lists that Move Slowly**
- **Insufficient Person-Centered Plan**
- **Skilled Staff and Clinicians (rural)**
- **Community Dental Supports**
- **Available Sign Language Interpreters**
- **Specialized Services to Children and Adults with Autism**
- **Possible Budget Cuts!!!!**





# Recommendations

- **Recommendation #1:** Nevada should develop a 10-year community integration plan for Nevadans with disabilities and those with age-related conditions.
  - With Gubernatorial and Legislative Support
  - Needs Statewide Comprehensive Stakeholder Involvement
  - Should Incorporate Measurable Outcomes
  - Should Include Long-Term Budget Projections
- **Recommendation #2:** Nevada public agencies should establish an internal mechanism to evaluate ongoing compliance with Olmstead and the ADA integration mandate.





## Recommendations (Cont.)

- **Recommendation #3:** Nevada should develop policies and oversight mechanisms for waiting lists prioritization and corresponding reasonable pace standards.
- **Recommendation #4:** Nevada should develop mechanisms to directly engage consumers and families in planning and designing supports.
- **Recommendation #5:** Nevada should conduct a specialized needs assessment in rural and frontier areas in order to identify services gaps in these areas and develop a plan to address these gaps.