

Olmstead and ADSD

The State of Nevada Aging and Disability Services Division (ADSD) represents Nevada's elders, children, and adults with disabilities or special health care needs. The mission of ADSD is to ensure the provision of effective supports and services to meet the needs of individuals and families, helping them lead independent, meaningful, and dignified lives. One element of achieving this mission is through implementation of its Olmstead Plan.

What is an Olmstead Plan?

Title II of the Americans with Disabilities Act (ADA) of 1990 established a mandate that public entities ensure people with disabilities are offered the opportunity to live in the most integrated settings possible. In the landmark *Olmstead v. L.C.* decision (1999), the U.S. Supreme Court reaffirmed this obligation and encouraged the development of 'Olmstead plans' to establish actionable strategies that would support community integration efforts. According to the U.S. Department of Justice (DOJ) Civil Rights Division, a plan must:

"...do more than provide vague assurances of future integrated options or describe the entity's general history of increased funding for community services and decreased institutional populations. Instead, it must reflect an analysis of the extent to which the public entity is providing services in the most integrated setting and must contain concrete and reliable commitments to expand integrated opportunities. The plan must have specific and reasonable timeframes and measurable goals for which the public entity may be held accountable, and there must be funding to support the plan"

Who is impacted by the Olmstead Plan?

The Olmstead Plan applies to individuals with disabilities who are eligible for services under the Americans with Disabilities Act (ADA). The ADA defines individuals with disabilities as those who have a physical or mental impairment that substantially limits one or more major life activities, or who are regarded as having such an impairment. The ADA applies to a wide range of individuals with disabilities who are served by ADSD, including those with physical disabilities, sensory impairments, cognitive and intellectual disabilities.

Olmstead specifically applies to individuals with disabilities who are unnecessarily institutionalized, or who are at risk of unnecessary institutionalization, and who could live in a more integrated setting with appropriate supports and services.

How is Olmstead Implemented in Nevada?

Olmstead is implemented through various divisions within the Nevada State Department of Health and Human Services to include Aging and Disability Services (ADSD), Division of Child and Family Services (DCFS), and the Division of Public and Behavioral Health (DPBH). Additionally, the Division of Healthcare Financing and Policy (DHCFP) is the funding mechanism that supports services which are offered through these divisions.

ADSD is developing a plan to implement Olmstead specifically to its impacted populations.

Olmstead Resources

- Federal Olmstead Fact Sheet:
<https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/ada.pdf>
- ADSD Olmstead Planning Webpage:
<https://socialent.com/resources/adsd-olmstead-planning-process/>