

## AAHD Continues to Support the Promise of Olmstead



Today marks the 27th anniversary of the Supreme Court case *Olmstead v. L.C.* This case was a landmark in that it established the right of people with disabilities to live independently and not be segregated to institutional living. *Olmstead* was a critical civil rights decision for the disability community. Based on the Americans with Disabilities Act, it held that people with disabilities have a right to receive supports and services in their communities whenever it's decided that: 1) a treatment team agrees that community living is possible, 2) the person wants to live in the community, and 3) community-based services constitute a reasonable accommodation. It established that unjust segregation of people with disabilities in institutions constituted discrimination under the ADA.

Unfortunately, the Department of Justice took actions last week which would undermine the decision in *Olmstead*. The Office of Legal Counsel (OLC) within DOJ released a memo which misinterprets the *Olmstead* decision. In the memo, OLC takes the position that the ADA and other disability laws do not require states to provide care in the least restrictive setting. This is in direct contradiction to what the Supreme Court said when it decided *Olmstead* in 1999.

At a time when our federal government is cutting Medicaid, this memo signals a retreat from federal enforcement to affirmatively further community living through Home and Community-Based Services (HCBS). The DOJ is signaling that they will not uphold years of court precedent to protect disabled people from discriminatory and harmful

institutionalization and will allow states to enact even further cuts to their HCBS programs. This shift in federal priorities will harm the independence and health of people with disabilities. This is just the most recent in a **series of attacks** undermining civil rights and supports for the disability community.

AAHD stands together with many other disability organizations in supporting the promise that was given to the disability community in the *Olmstead* decision. In response to the OLC memo, AAHD Executive Director Karl Cooper said the following: "The decision in *Olmstead* promised those of us in the disability community the opportunity to live fully in the community with our families and friends and not have to choose an institutional setting just to receive the care we need. The memo released by DOJ last week represents a huge step back in our fight for fulfilling the American dream of life, liberty and the pursuit of happiness. As we approach the 250th anniversary of our nation's founding, it is deeply disturbing that the disability community is still not able to fully realize the freedoms promised by our country's founding vision."

**AAHD will continue to fight for the rights of people with disabilities to live freely in their community and the promise that was made in the *Olmstead* decision.** Several other disability organizations have released statements regarding the DOJ memo and they can be found on our **website**.



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