

## *Olmstead v. L.C. / E. W.*

Olmstead v LC and EW, 119 SCt 2176 (1999)

OLMSTEAD VS. L. C. / E. W. REQUIRES THAT STATES ADMINISTER THEIR SERVICES, PROGRAMS AND ACTIVITIES, “IN THE MOST INTEGRATED SETTING APPROPRIATE TO THE NEEDS OF THE QUALIFIED INDIVIDUALS WITH DISABILITIES”

# Beach Center on Disability

Making a Sustainable Difference in Quality of Life



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## TIPS

- Identify your state Olmstead plan by visiting <http://www.ncsl.org/programs/health/forum/olmsreport.htm>
- “Discrimination exists when a public agency or program refuses to adopt reasonable modifications that would achieve integration more fully (Rosenbaum, 2005, p. 9).
- Housing, employment, transportation and social interactions are all affected by the Olmstead decision.
- Parents can start employment sub-committees within each state’s Olmstead taskforce
- There are extensive grant opportunities funded through Olmstead that may provide additional funding from competitive employment.
- The assessment process was considered a key factor in deciding the appropriate placement for individuals with disabilities.
- Complaints about Olmstead compliance continue to be made in the legal system.

## KEY FINDINGS

- In June 1999, the U.S. Supreme Court ruled that states are required to administer their services, programs and activities, “In the most integrated setting appropriate to the needs of qualified individuals with disabilities”
  - ◆ An integrated setting is considered one in which individuals with disabilities may interact freely with those without disabilities to the full extent they are capable.
  - ◆ Failure to support individuals in the most integrated setting may constitute discrimination based on disability.



Sue Jamison (lead council), Elaine Wilson and Lois Curtis from the Olmstead vs. L.C. case.

- Lois Clark (L.C.) and Elaine Wilson (E.W.) were two women with intellectual disabilities combined with, in Lois' case with schizophrenia and Elaine's case personality disorder.
  - ◆ Both women were voluntarily admitted to the psychiatric facility at Georgia Regional Hospital in Atlanta.
  - ◆ Problems arose, when the doctors concluded that they could be treated in community-based programs but remained institutionalized
- L. C. alleged that the State violated Title II of the Americans with Disabilities Act (ADA) -“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. § 35.130(d).
  - ◆ This is considered the *integration mandate*.
  - ◆ The Olmstead decision applies to all individuals identified under ADA
- According to McWhorter (2005) there are four primary implications of the Olmstead decision
  - ◆ Services must be provided in the most integrated setting.
  - ◆ Community treatment is preferred over institutionalization
  - ◆ Must be fiscally and programmatically feasible for the state to provide the community placement
  - ◆ Community-based placements are required by states, unless the individual is opposed to the notion of community integration.
- The Olmstead decision encourages states to comply with the integration mandate outlined in the ADA.
- States comply with the Olmstead decision by developing a comprehensive plan for placing individuals with disabilities in less restrictive settings and developing waiting lists that progress effectively and are intended to systematically reduce reliance on institutions.
  - ◆ In 2001, a NAPA review of 36 state Olmstead *plans* found that only 10 states make any significant recommendations related to employment.

- The Olmstead decision redefined employment outcomes as those in which an individual with a disability works in an integrated setting.

## Available Resources

A Summary of the case can be found at <http://supct.law.cornell.edu/supct/html/98-536.75.html>. There are a series of video clips involving an interview with Sue Jamison available at [http://www.youtube.com/results?search\\_query=Olmstead+vs.+LC%2FEW&search\\_type=](http://www.youtube.com/results?search_query=Olmstead+vs.+LC%2FEW&search_type=)

Audio recordings of an interview with L. C. can be found at [http://www.ilru.org/html/publications/olmstead/IL\\_NET/self-Study\\_1.htm](http://www.ilru.org/html/publications/olmstead/IL_NET/self-Study_1.htm)

## Related Publications

Americans with Disabilities Act, 42 U.S.C. §12201 et seq.

McWhorter, K. (2005) The Olmstead decision: State responses and its implications for public health and law. Presented at Emory University.

*Olmstead v L.C. by Zimring*, 119 S. Ct. 2176 (1999).

Rosenbaum, S. (2001). *Olmstead v. L. C.: Implications for Family Caregivers*. Retrieved April 10, 2008 from [http://www.caregiver.org/caregiver/jsp/content/pdfs/op\\_2001\\_10\\_policybrief\\_6.pdf](http://www.caregiver.org/caregiver/jsp/content/pdfs/op_2001_10_policybrief_6.pdf)

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