

## 2011 UCEDD TA Institute

### Critical Issues in Disability Breakout: Olmstead

Facilitator: Bob Bacon

#### Q: What's going on in your center in relation to Olmstead?

Bacon (IA): "Everything's Olmstead related!"

- When it comes to Olmstead it truly is cost effective, just as Nancy Thaler showed on her slides. The AG in the state saying "let's avoid a lawsuit" is very good!

Rizzolo (IL): DOJ looked into it/evaluated

- No state Olmstead plan
- State DD director is leaving and doesn't have any plan in place

Bacon (NY): The word/phrase "Olmstead" doesn't come up

- The DD directors is fresh and new, so the hope is that even though providers have a stronghold, things can shift to a different model of service. Now they're looking at the data, pushing that to adopt innovative options
- Focus in the short term is really on abuse

Lollar (OR): New hire is really looking like an opportunity to look more into Olmstead/innovative practices. Before, the old blood stifled.

Bacon (NY): New DD director was a LEND trainee, now is older, but has been innovative with parents. However, things are still not an organized effort.

Spitalnik (NJ): 5 generations of Olmstead plans, but they've been state run

- Now they have used Lakin's data to compare NJ to nation for advocating.
- In NJ VOR is prominent
- Multiple lawsuits and with DD network trying to get settlements
- Use statewide trainings with providers to build support
- Starting to shift and transition to move college of direct support
- 'money follows the person' in NJ is dominated by aging community
- Institutions are seen as "nice places to live" still
- Another challenge, big provider advocated for closing a few facilitates (but it is like their rhetoric is one things and actions are another)
- UCEDD keeps inserting their role which sometimes doesn't seem to align with university
- How to be available when called upon to implement settlements (a mission role, not partisan)

Bacon (IA): State has a responsibility to have true options, choices don't help when there aren't options

Lollar (OR): closed last institution

Orelove (VA): people in VA think themselves different than other states, which is false

- Barkoff (DOJ) yesterday was a highlight of the TA institute
- Need 2-3 approaches at once:
  1. Formed a group to educate the legislature. The directors of the ARC and P&A filed a law suit after this. VA has a long history of institutionalization.
  2. State group working around housing issues. Meet with federal reserve bank
  3. Forming behind the scenes self-advocacy group (501-C3)
  4. Also, have MFP and are working on that
- The word "Olmstead" has no real meaning

Rotholz (SC): Have you talked about prevention strategies? Are there analysis of economic cost?

- Really saw the Barkoff presentation as a good start to conversation in SC

Bacon (IA): "effectively working plan"

- Medicaid 2001 plan
  - They don't expect immediate expectations but you need to show good faith effort
  - It's possible that there is not an Olmstead state plan
  - Obamas' been pushing more than other administrations
  - Took Iowa until 2003 to identify barriers to community living
  - They now have a commission of advisors, the lead went across state to encourage executive order
  - Barkoff was correct that this is an interagency (collaborative) initiative
  - (Bob passed card out with website)
  - Even with new republican governor there is still effort due to fear of lawsuit
- "raging incremental-ism" for implementation

Spitalnik (NJ) - there are still political and budget implications

Lollar (OR) - there's a DD coalition and is very active around budget issues. They keep themselves from seniors and Disabilities, which is unfortunate because they should be part of the Olmstead actions.

Walker (MS) - MS spent a lot of time and energy to bring a group together to create state Olmstead plan the mental health groups really dominated and it remains like this.

- Mental health wasn't part of the lawsuit.
- Programmatic aspect was really left out
- Reality is we should have advocated more possibly
- In settlement it went to independent living centers