Olmstead nv history jan 2023

ADSD Olmstead Study Session 1-4-23.pdf

NEVADAAGING & DISABILITY

SERVICES (ADSD)

OLMSTEAD DECISION

STUDY SESSION

January 4, 2023

STUDY SESSION OBJECTIVES

list of 5 items

•

Establish a shared understanding of what the Olmstead Decision is and its impact on individuals with disabilities

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Define what is considered “integrated settings” based on guidance from the Department of Justice

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Provide a framework for how ADSD implements supports that are aligned with the Olmstead Decision

•

Explain how the 2016 Plan was beyond the scope of ADSD

•

Offer an overview of the current ADSD Olmstead planning process

list end

THE OLMSTEAD DECISION

WHAT ARE WE TALKING ABOUT?

THE OLMSTEAD DECISION

Olmstead v. L.C. is a U.S. Supreme Court case based on Title II of the Americans with Disabilities Act (ADA) of 1990. In Olmstead, the Supreme Court ruled

that states are required to provide services to people with disabilities in the most integrated setting appropriate to their needs. Olmstead applies to

those who are institutionalized, those who are at risk of being institutionalized, and more recently those who are prevented from meaningful participation

in their community because of the services or practices of the state.

HOW DID WE GET HERE?

OLMSTEAD BACKGROUND

The Olmstead case involved two women with mental health diagnoses and intellectual disabilities. Both women spent a significant amount of time in mental

health hospitals. They wished to receive services and supports in the community and a treatment professional determined they did not need to be in a hospital.

The Supreme Court ruled it was discrimination to require the women to live in a mental health hospital when they did not need to live in that type of setting.

WHY IT MATTERS TO NEVADA?

COMMUNITY INTEGRATION

The ADA was passed by a bipartisan Congress in 1990 to prevent and eliminate discrimination against people with disabilities. The ADA forbids state or

local governments or agencies from discriminating against people because of their disability. In Olmstead, the Supreme Court interpreted the ADA to mean

that unnecessary segregation of people with disabilities is discrimination. This has been expanded to apply when a state fails to provide community-based

services or fails to find placements for people in the most integrated setting appropriate to the person’s desires and needs.

To aid in compliance with the ADA, Nevada should create and implement an effective plan to assist people with disabilities to live and work as integrated

members of the community.

WHAT IS CONSIDERED INTEGRATED SETTINGS?

DEPARTMENT OF JUSTICE DEFINITION

The “most integrated setting” is defined as “a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest

extent possible.” Olmstead v. L.C. ex rel. Zimring, 527 U.S. 581, 605–06 (1999); 28 C.F.R. pt. 35 app. A (2010).

Integrated settings are those that provide individuals with disabilities opportunities to live, work, and receive services in the greater community, like

individuals without disabilities. Integrated settings are located inmainstream society; offer access to community activities and opportunities at times,

frequencies and with persons of an individual’s choosing; afford individuals choice in their daily life activities; and,provide individuals with disabilities

the opportunity to interact with non-disabled persons to the fullest extentpossible.

U.S. Department of Justice Civil Rights Division (2011). Statement of the Department of Justice on enforcement of the integration mandate

of Title II of the Americans with Disabilities Act and Olmstead v. L.C.

https://www.ada.gov/olmstead/q&a\_olmstead.htm

THE OLMSTEAD DECISION & ADSD

IMPLEMENTING OLMSTEAD IN NEVADA

The Olmstead decision impacts multiple divisions within the Department of Health and Human Services.

list of 4 items nesting level 2

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Aging and Disability Services Division (ADSD)

•

Division of Child and Family Services (DCFS)

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Division of Healthcare Financing and Policy (DHCFP)

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Division of Public and Behavioral Health (DPBH)

list end nesting level 2

list end nesting level 1

list end

Community integration is also facilitated through programs within the Department of Employment, Training and Rehabilitation and the Nevada Department of

Education.

IMPLEMENTING OLMSTEAD WITHIN ADSDWHO IS SERVED THROUGH ADSD?

The following populations are served by ADSD

list of 3 items nesting level 1

1.

Individuals With Intellectual or Developmental Disabilities

2.

Individuals Who Have a Physical Disability

3.

Older Adults

list end nesting level 1

list end

IMPLEMENTING OLMSTEAD WITHIN ADSDINDIVIDUALS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES

Developmental Services, including those that are on the Home & Community Based Services (HCBS) Waiver for Persons with Intellectual Disabilities:

table with 2 columns and 1 rows

list of 5 items

•Service Coordination

•Supported Living Arrangements

•Jobs and Day Training

•Behavioral Consultation, Training and Intervention

•Counseling Services

list end

list of 5 items

•Nursing Services

•Nutrition Counseling

•Non-Medical Transportation

•Family Support Services

•Family Preservation Program

list end

table end

IMPLEMENTING OLMSTEAD WITHIN ADSDINDIVIDUALS WHO HAVE A PHYSICAL DISABILITY

Home & Community Based Services (HCBS) Waiver for the Physically Disabled includes the following:

table with 2 columns and 1 rows

list of 4 items

•Case Management

•Attendant Care (personal care services)

•Homemaker Services

•Personal Emergency Response System

list end

list of 5 items

•Chore Services

•Assisted Living

•Specialized Medical Equipment

•Environmental Adaptations

•Home Delivered Meals

list end

table end

IMPLEMENTING OLMSTEAD WITHIN ADSDINDIVIDUALS WHO ARE OLDER ADULTS

Home & Community Based Services (HCBS) Waiver for the Frail Elderly includes the following:

table with 2 columns and 1 rows

list of 3 items

•Case Management

•Adult Companion

•Personal Emergency Response System

list end

list of 3 items

•Chore Services

•Respite

•Augmented Personal Care (Group Home)

list end

table end

The following additional services are offered to Older Adults:

list of 4 items

•

Community Service Options Program for the Elderly

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Senior Support Services

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Senior Nutrition Services (home/congregate)

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National Family Caregiver

list end

IMPLEMENTING OLMSTEAD WITHIN ADSDOTHER SERVICES AND SUPPORTS

The following additional services are offered based on funding and other eligibility requirements:

list of 6 items nesting level 1

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State Pharmacy Assistance Program (SPAP) -Disability Rx

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Independent Living Program

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Personal Assistance Services

•

Assistive Technology for Independent Living Program

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Aging and Disability Resource Centers -ADRC

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Communication Access Services (CAS)

list end nesting level 1

list end

IMPLEMENTING OLMSTEAD WITHIN ADSDPOPULATION TO BE SERVED

The population to be served by ADSD in accordance with the Olmstead Decision:

Individuals who are eligible for services under the Americans with Disabilities Act (ADA) that 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.

THE 2016 OLMSTEAD PLAN

2016 OLMSTEAD PLANPROGRESS MADE SINCE 2016 PLAN WAS ADOPTED

list of 4 items

•

Olmstead continues to be at the core of all budget building activities –focus on waitlist management

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Nevada Care Connection –help individuals make informed choices, navigate

services and programs, and streamline access

list of 1 items nesting level 1

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Goal: prevent or delay institutionalization

list end nesting level 1

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Money Follows the Person –enhanced support for transition from facility-

based care

list of 1 items nesting level 1

•

A 5 yearextension is now available

list end nesting level 1

•

Balancing Incentives Program (BIP) –5 yearproject to help rebalance Medicaid spending on community-based services over institutional services.

list end

2016 OLMSTEAD PLAN2016 PLAN WAS, IN MANY WAYS, BEYOND THE SCOPE OF ADSD

list of 4 items

•

Required cross-coordination between divisions/departments without specifying the lead entity for efforts

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Required implementation/compliance by other divisions/departments in which ADSD has no authority

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Established goals/objectives that required funding that was not available through the legislature or budget process

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Required accountability activities and data sharing efforts that the system is not structured to support

list end

2022 OLMSTEAD PLANLESSONS LEARNED THAT WILL BE APPLIED TO CURRENT PLAN

list of 3 items

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2022 ADSD Olmstead Plan will identify actionable goals and objectives that are within the authority of ADSD to implement

•

2022 Plan will establish an accountability framework that will measure progress on an annual basis

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2022 Plan will include a goal to work towards a unified plan across other state divisions and departments

list end

OVERVIEW OF PROJECT APPROACH,

TIMING & DELIVERABLES

PRIMARY OBJECTIVES OF THE ADSD OLMSTEAD

PLANNING PROJECT

list of 3 items

1.

Understand Current Reality

list of 1 items nesting level 1

•

Establish a clear understanding of the ADSD’s existing system for providing community-based services and supports for people with disabilities across the

lifespan

list end nesting level 1

2.

Plan for the Future

list of 1 items nesting level 1

•

Develop a realistic plan which describes what ADSD needs to do moving forward to increase access, maximize community choice, and imbed person-centeredness

in all service delivery structures

list end nesting level 1

3.

Position ADSD for Success

list of 1 items nesting level 1

•

Establish a framework to measure progress in meeting ADSD Olmstead plan goals and objectives

list end nesting level 1

list end

PROJECT APPROACH

Phase 1: Get Organized (November –January)

list of 3 items nesting level 1

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Gather Initial Data

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Establish Core Team & Steering Committee, Finalize Approach

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ADSD Olmstead Study Session

list end nesting level 1

list end

Phase 2: Assessment of Current System & Needs (January –March)

list of 3 items nesting level 1

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Conduct Key Persons Outreach & Consumer Workshops

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Analyze Assets and Gaps in Current System

•

Identify Critical Issues to Be Addressed

list end nesting level 1

list end

PROJECT APPROACH

Phase 3: Strategic Plan Development (April –October)

list of 4 items nesting level 1

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Develop Goals and Objectives

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Establish Accountability Framework

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Draft Strategic Plan & Solicit Community Feedback

•

Finalize ADSD’s Olmstead Plan for Community Integration

list end nesting level 1

list end

STAYING ENGAGED IN THE PROCESS

COMMUNITY ENGAGEMENT AND TRANSPARENCY IN EFFORTS

list of 1 items

•

8 Workshops will be conducted to receive input from community members

list end

2 in Las Vegas ●2 in Washoe County ●4 in rural areas of the State

list of 1 items

•

Webpagewill offer provide documentation of steering committee activities

list end

https://socialent.com/resources/adsd-olmstead-planning-process/

list of 1 items

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Steering Committee members will be provided with monthly status reports on progress of planning efforts

list end

THANK YOU

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