

Tenth Anniversary of the *Olmstead* Decision A Cause for Celebration?

June 22, 2009 marks the tenth anniversary of the U.S. Supreme Court's landmark *Olmstead* decision. In its 1999 ruling, the high court affirmed the right of individuals with disabilities to live in their community of choice, and rejected the state of Georgia's appeal to enforce the institutionalization of individuals with disabilities. This single decision was a defining moment in the lives of millions of Americans with disabilities and aging individuals. It served to invigorate grassroots efforts to pass the federal Community Choice Act and other actions designed to help preserve independence and prevent unnecessary institutionalization.

Specifically, the 'integration mandate' of the Americans with Disabilities Act requires public agencies to provide services "in the most integrated setting appropriate to the needs of qualified individuals with disabilities." The *Olmstead* decision upheld that mandate, ruling that Georgia's department of human resources could not segregate two women with mental disabilities in a state psychiatric hospital – long after the agency's own treatment professionals had recommended their transfer to community care.

Ten years later, we recognize that California has made progress in providing safe and affordable community-based care for people with disabilities. This is largely a result of innovative programs such as Adult Day Health Care, In-Home Supportive Services, the Multi-Purpose Senior Services Program, and organizations such as Independent Living Centers, which together provide a continuum of community-based services to enable persons with disabilities to live in the community.

The Governor's May 2009 budget revision proposed cuts to In-Home Support Services (IHSS) that would have caused 360,000, or 90%, of current participants to lose services. On June 16, 2009, the Senate Budget Committee rejected this and recommended cuts that would impact 10-15% of participants. Whether 360,000 or 40,000 people are impacted, the consequences of these cuts are devastating to people of all ages with disabilities who rely on in-home services to ensure their independence. There are few substitutes for these services, therefore many individuals could be forced into institutions such as nursing homes or assisted living centers. The obvious impacts of such cuts include jeopardizing the health and well-being of individuals with disabilities, many of whom have serious medical conditions. Another consequence is the compromising of an effective system that was painstakingly created to meet the needs of seniors and persons with disabilities and ensure their basic civil rights.

A less obvious, but very real consequence is the immediate negative impact to the California state budget. If the Multi-Purpose Senior Services Program is eliminated, as was proposed in the Governor's May budget revise, and cuts to IHSS are approved, in Santa Clara County alone, about 400 seniors would move into nursing homes costing the state an additional \$18 million. According to the Office of Statewide Health Planning and Development, the state pays \$59,000 for every Medi-Cal nursing home resident per year. This is approximately four times more costly than the \$15,000 the state pays per year for an Adult Day Health Care participant or the \$12,300 for each In-Home Supportive Services participant. Cuts to the IHSS program also affect the employment and health benefits of the 14,600 personal care providers in Santa Clara County, in

addition to the individuals with disabilities and/or seniors that are unable to work without the benefit of in-home services.

We recognize that the State of California is in desperate straits and it is time for every individual, organization, and business to make sacrifices and compromises to close the budget gap and contribute solutions to the problem. However, the budget cuts under consideration by the State Senate Budget Committee and legislature come at too high a cost for the nearly half a million individuals with disabilities in California that rely on In-Home Supportive Services and other programs for their daily life activities.

The tenth anniversary of the *Olmstead* decision is a time to acknowledge all of the progress that has been made and move towards greater realization of the independence and full civil rights of all people with disabilities. Cutting the essential resources that allow people with disabilities to get out of bed, get dressed, eat breakfast and get on with the daily tasks of living is in direct opposition to the spirit and letter of the Supreme Court *Olmstead* decision.

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