

OLMSTEAD POSITION PAPER

September 9, 2003

Statement of Fact

The Governor of West Virginia directed the establishment of an Olmstead Coordinator to oversee the development, implementation and monitoring of West Virginia's Olmstead activities. The Secretary of the Department of Health & Human Resources designated the duties of the Olmstead Coordinator to be located within the Office of the Ombudsman for Behavioral Health.

The establishment of the Olmstead Coordinator is in response to the United States Supreme Court decision of *Olmstead v. L.C.*, 1195, Ct.2176 (1999). This Supreme Court decision was based on Title II of the Americans with Disabilities Act (ADA). The Olmstead decision mandates all States administer services, programs and activities in the most integrated setting. The Olmstead decision covers all persons of any age who have a disability covered by the ADA.

Proposed Olmstead Activities

The Olmstead Coordinator will assemble two (2) groups to assist with the development of West Virginia's Olmstead Plan. Both groups will be representative of all disability groups. Furthermore, both groups will have a majority of their membership representative of persons with disabilities and advocates for people with disabilities.

The Olmstead Advisory Council (OAC) will be charged with being the steering committee for the development of the Olmstead Plan. The OAC will further be charged with the on-going monitoring of the State Plan and its implementation. This will be the group that continues to work on Olmstead activities once the Olmstead Plan has been developed and approved.

The second group will be the Olmstead Study Group (OSG). This group will assist in the research and writing activities for the development of the Olmstead Plan. This group will be formed only for the duration of the development process of the Olmstead Plan for West Virginia.

The Olmstead Coordinator will issue an application to nominate members for both groups. The purpose of this task is to elicit public input across all disability groups in the establishment of both the Olmstead Advisory Council and the Olmstead Study Group.

Proposed Timelines

Establishment and first meeting of the Olmstead Advisory Council	November 7, 2003
Establishment and first meeting of the Olmstead Study Group	December 5, 2003
Draft Olmstead Plan available for public comment	June 2004
Proposed Olmstead Plan sent to the Secretary & Governor for approval	October 2004