

West Virginia Olmstead Office

The Olmstead Office was established on August 13, 2003, and has the following responsibilities: develop, implement and monitor West Virginia's Olmstead activities in compliance with Title II of the ADA; provide support to the Olmstead Council in carrying out their duties; manage grant funding to carry out Olmstead-related projects; facilitate the implementation of the Transition and Diversion Program; and provide information, referral and assistance to West Virginia citizens about Olmstead-related issues and needs.

The Olmstead Office provides West Virginia citizens with information, referral, and assistance services concerning Olmstead-related issues. For example: West Virginia activities, national initiatives, available community-based supports and providers, and available advocacy services.

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Olmstead Building Inclusive Communities for West Virginia Citizens



The **mission** of the Olmstead Council is to develop and monitor the implementation of a plan that will promote equal opportunities for people with disabilities to live, learn, work and participate in the community of their choice through West Virginia's compliance with Title II of the Americans with Disabilities Act.

The **vision** of the Olmstead Council is that all West Virginians with disabilities live, learn, work and participate in the community of their choice.

What is the Olmstead Decision?

Olmstead v. L.C. (1999) is a landmark United States Supreme Court decision upholding the civil rights of people with disabilities to receive community-based services and supports. The case was filed on behalf of two women who had a developmental disability and co-occurring mental illness and were residents of a Georgia state-operated psychiatric hospital. Both women wanted to leave the hospital to receive support in the community. The hospital's treatment professionals agreed that the needs of both women could be met in community-based settings.

A lawsuit was filed on behalf of both women, and others similarly situated, against the state of Georgia. The lawsuit alleged that the state's failure to provide community-based supports was a form of discrimination prohibited by the Americans with Disabilities Act (ADA).

On June 22, 1999, the U.S. Supreme Court agreed that unjustified isolation and institutionalization is a form of discrimination prohibited by the ADA and Title II of the ADA. The ADA is a civil rights law enacted to "provide a clear and comprehensive prohibition of discrimination on the basis of disability." Title II of the ADA established the requirements for public entities, including state governments and health care services, which are funded and administered by state agencies.

Title II Mandate

Title II of the Americans with Disabilities Act forbids the needless segregation of people with disabilities in institutions and other congregate settings, as the U.S. Supreme Court affirmed in the Olmstead case. Under Title II, state and local governments must "administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified

individuals with disabilities." Integration is fundamental to the purposes of the ADA; segregation relegates people with disabilities to second-class status.

West Virginia Olmstead Plan

On October 12, 2005, Governor Joe Manchin III signed Executive Order 11-05 formally approving and directing the implementation of the Olmstead Plan. The Executive Order issued the following directives: the implementation of West Virginia's Olmstead Plan within the budgetary constraints of the State; the cooperation and collaboration between all affected agencies and public entities with the Olmstead Office; and the submission of an annual report by the Olmstead Office to the Governor. The Olmstead Plan has ten key components: informed choice; identification; transition; diversion; reasonable pace; eliminating institutional bias; self-direction; rights protection; quality; and community-based services.

West Virginia Olmstead Council

The purpose of the Council is to carry out its responsibilities specified in the *West Virginia Olmstead Plan: Building Inclusive Communities* as approved by Governor Manchin on October 12, 2005 through Executive Order 11-05.

The Council specific responsibilities are:

1. Advise the Olmstead Coordinator in fulfilling the position's responsibilities;
2. Review the activities of the Olmstead Coordinator;
3. Provide recommendations for the long-term care institutional and community-based support systems;
4. Issue position papers for the identification and resolution of systemic issues; and
5. Monitor, revise, and update the *Olmstead Plan* and any subsequent work plans.