

NEW BEGINNINGS IN COMMUNITY LIVING

Newsletter of the Community Living Education Project • Rutgers School of Public Health
Educating individuals, families and professionals about possibilities in community living

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The SCOTUS Olmstead Decision

By Ann Martinelli

The decision in June of 1999 by the United States Supreme Court, most often referred to as “Olmstead,” is considered the most important civil rights decision for people with intellectual and developmental disabilities and mental health disabilities.

Throughout their early lives, Lois Curtis and Elaine Wilson were voluntarily admitted to psychiatric facilities in Georgia to receive treatment; both women also live with developmental disabilities. When their treatment team determined both women were well enough to benefit from and live in a community setting, they remained at the psychiatric hospital because, according to the state of Georgia, there was inadequate funding available.

The ACLU of Georgia filed suit in May of 1995 for the two women, under Title II provisions of the Americans with Disabilities Act (ADA). The lawsuit continued through the courts until it reached the United States Supreme Court. “Olmstead” was named after Tommy Olmstead, who was commissioner of the Georgia Department of Human Resources in 1999.

On June 22, 1999, the late Justice Ruth Bader Ginsburg delivered the [decision](#), which mandated that states must provide community living opportunities to people:



Lois Curtis, presents President Barack Obama with a self-portrait in the Oval Office on June 20, 2011. Pictured from left: Janet Hill and Jessica Long, from the Georgia Department of Labor, and Lee Sanders, of Briggs and Associates. (Official White House Photo by Pete Souza)
Image Source: https://en.wikipedia.org/wiki/Olmstead_v._L.C.

- when treatment professionals determine that community placement is appropriate;
- when the individual does not oppose being served in the community; and
- when the placement is a reasonable accommodation when balanced with the needs of others with mental disabilities.

In addition, states were directed to create a plan to move people from segregated settings into communities. One such example of these plans is [New Jersey’s Path to Progress](#), which was released in 2007 and created yearly goals for the state to move people from developmental centers to community settings. The Community Living Education Project (CLEP) has been part of the Path to Progress since its implementation and continues to support individuals and families who would like to explore choices in community living.

Elaine Wilson passed away in 2004. She lived a life that she chose since moving from the psychiatric facility she resided in during the court case.

Today, [Lois Curtis](#) is an accomplished artist and disability rights activist who speaks, by invitation, locally and nationally. She also met with then-President Obama in 2011 and presented him with one of her paintings to commemorate the 12th anniversary of The Olmstead Decision.

Since the 1999 decision, other lawsuits filed throughout the country have sharpened the impact of the Olmstead case.

Although the initial case was about a psychiatric institution, it soon became clear that the Supreme Court’s decision would also rule if applied to all Medicaid funded facilities, including institutions for people with intellectual and developmental disabilities and nursing homes.

Since 2009, its influence became more prominent when the United States Justice Department made enforcement of the Olmstead decision a priority. In addition, 10th circuit courts ruled that people who are at risk of becoming institutionalized have rights under the Olmstead decision.

The courts cited that it would be senseless if people with disabilities “were required to segregate themselves by entering an institution before they could challenge an alleged discriminatory law or policy that threatens to force them into segregated isolation.” Finally, in 2014 in Rhode Island, Olmstead was also cited in a [settlement](#) regarding sheltered workshops.

For more information about the Olmstead decision, please see the resources below.

Resources:
[Key Components of Olmstead Decision](#)
[Olmstead Overview](#)



Photo Credit: www.olmsteadva.com

Living in the Moment: The Feeling of Summer

By Antoinette S. Johnson

Can you sense summer in the air? The warmth of the sun, the nighttime breeze, the smell of barbecue, the ocean air, suntan lotion, sunscreen, the smell of a freshly chlorinated pool, the beautiful and colorful flowers – yes, summer is almost here. After one of the most daunting experiences of our lifetimes, I don’t want to miss the beauty that summer provides as it so eloquently ushers itself into existence. I want to experience each moment of happiness by being thankful/grateful for what we have come through. How fortunate we will all be for the ability to utilize our senses and experience summer the way we should. We are not entirely out of the pandemic, but we certainly aren’t where we were a year ago. I appreciate where we currently are – to put it plainly, we have come a long way. The pandemic has definitely been hard to endure and painful. We are deeply sorry for the losses that occurred over this period of time. As we reflect and move into summer, our hope is that the feeling of summer provides you with peace, joy, love, and continued endurance.



The Family Corner: Avoid Summer Dangers By Taking Precautions

By Antoinette S. Johnson

Summer is approaching, and we are all looking forward to getting outside and participating in the fun activities that come with summertime. However, it is essential to consider the risks that potentially come with summertime activities too.



Individuals with intellectual/developmental disabilities (I/DD) are vulnerable and susceptible to risks when participating in activities such as spending time at the beach, amusement parks, pools, and other outdoor activities.

When planning activities that include long-term sun exposure, water, and expansive outdoor areas to explore, consider the following risks:

Dehydration - According to [Clinical Advisor](#), dehydration is common for people with intellectual/developmental disabilities. "Patients with IDD are prone to experiencing loss of appetite, nausea and vomiting, poor oral health,

or insufficient mechanical means to chew food, all of which may lead to dehydration. Loss of fluids can occur through excessive sweating, fever, vomiting, or diarrhea." Also, an individual's inability to say that they are thirsty or get water could lead to dehydration. [Dispatch Health](#) states, symptoms of dehydration include: dry mouth, flushed face, confusion, sleepiness, dizziness, dark urine, headaches, tearless crying, low blood pressure, lack of sweating, and rapid heartbeat. Two ways to help thwart dehydration are to provide water to individuals throughout the day and give people fruit and vegetables that contain a high water content.

Overexposure to Sun - Another summer danger is too much sun exposure. It's good to get out into the fresh air and sunlight, but we must be careful not to overdo it. Two concerns regarding the overexposure to the sun are heat exhaustion and skin cancer.

Heat Exhaustion - Heat exhaustion and heat stroke are the top injuries people suffer during the summer months. As stated by [The Arc](#), signs of heat exhaustion can include headache, dizziness, nausea, vomiting, red clammy skin, not sweating when it's hot, and seizures.

If you believe that a person is experiencing heat exhaustion, have them stop what they are doing and sit in a cool place. Drink water and fluids that contain electrolytes such as Gatorade to help balance the body. According to [The Active Times](#), if a person's body temperature goes above 104 degrees, seek immediate medical assistance. Check out The Active Times for more [tips on beating the heat](#) in the summer.

Skin Cancer - Many skin cancers are curable when treated early. If left untreated, cancer can spread to other organs. When changes in the skin are noticed and appear abnormal, it is important to see the doctor. According to [WebMD](#), here are some tips to avoid skin cancer:

- Apply sunscreen with a sun protection factor (SPF) of 30 or greater (for UVB protection) and zinc oxide (for UVA protection). Apply SPF 20 minutes before sun exposure, every two hours after that, and more if you are sweating or swimming.
- Select clothing, cosmetic products, and contact lenses that offer UV protection.
- Wear sunglasses with total UV protection and a wide-brimmed hat to shade your face and neck.

FAMILY CORNER Continued on Next Page

- Avoid direct sun exposure as much as possible between 10:00 a.m. and 2:00 p.m., which are peak UV radiation hours.
- Perform skin exams at least monthly to become familiar with existing growths and notice any changes or new growths.
- Eighty percent of a person's lifetime sun exposure is acquired before age 18. As a parent, foster skin cancer prevention habits in your child.

Drowning - Summer fun includes water activities such as swimming in a pool or going to the beach. However, be mindful that drowning can occur if precautions are not taken. According to the [CDC](#), drowning is the fifth leading cause of death from unintentional injury. According to [AngelSense](#), individuals with autism are intrigued by water because of the senses activated when near water. "The sensory experience is magnetic," as stated by Angel Sense. [The Arc](#) also states, "...any time individuals with intellectual and developmental disabilities (I/DD) are around water, extra precaution should be taken." That said, be mindful of individuals who may wander/elope, to be sure they are safe from dangers bodies of water can cause.

For more information about ways to keep safe from certain dangerous situations that occur during the summer, please review other resources listed below.

Other resources for summer dangers:

[Heat Sickness](#)

[Sun Safety](#)

[Water Safety](#)



Upcoming Webinar

The Community Living Education Project's next webinar, [Understanding Advocacy Through the New Jersey Council on Developmental Disabilities](#) is scheduled

for **Thursday, June 3** from **12 pm to 1 pm**. Please join the Community Living Education Project as they welcome Ms. Mercedes Witowsky, executive director of the NJ Council on Developmental Disabilities (NJCDD), for this important presentation! Our previous webinar topics on behavioral support, hygiene, traveling safely, resiliency and supporting loved ones during difficult times, can be found on the [CLEP YouTube Channel](#), or you can go to the [CLEP webinar page](#).



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