# Keys to a Successful Olmstead Planning Process

## A Presentation to the North Carolina Olmstead Plan Stakeholder Advisory Committee

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# Topics to be Discussed

- What is Community Integration?
- How have states approached Olmstead planning?
- What are some lessons learned in working with states on Olmstead planning?

- Recommended activities for Olmstead Planning



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# Implementing Olmstead

- In its decision, the Supreme Court stated that if a state had a, "….**comprehensive, effectively working plan** for placing qualified persons with mental disabilities in less restrictive settings, and a waiting list that moved at a reasonable pace not controlled by the state's endeavors to keep its institutions fully populated, the reasonable modification standard [of the ADA] would be met."

- For an *Olmstead* Plan to serve as a reasonable defense against legal action it must include, "…concrete and reliable commitments to expand integrated opportunities….and there must be funding to support the plan."

# Community Integration Defined

"Integrated settings are located in mainstream 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 extent possible. Evidence-based practices that provide scattered-site housing with supportive services are examples of integrated settings."

U.S. Department of Justice. *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.*

# Community Integration Defined

"By contrast, segregated settings often have qualities of an institutional nature. Segregated settings include, but are not limited to: (1) congregate settings populated exclusively or primarily with individuals with disabilities; (2) congregate settings characterized by regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, or limits on individuals' ability to engage freely in community activities and to manage their own activities of daily living; or (3) settings that provide for daytime activities primarily with other individuals with disabilities."

# Perspective

- Institutional

  - State hospitals
  - Nursing Facilities
  - Adult Care Homes
  - Incarceration
  - State Centers
  - Community-based ICFs
  - Sheltered Workshops
  - Day Programs

- At-Risk of Institutionalization

  - Homelessness
  - At home with aging parents
  - Other substandard living conditions
  - Cuts in services

# Olmstead Plan should generally include:

- A description of the state's current system of providing community-based services and supports to people with disabilities;
- An assessment of the strengths and weaknesses of that system; and
- A description of the state's plan and goals for expanding opportunities for providing community-based services and supports to people with disabilities.

# Population Focus

- Behavioral Health
- Intellectual and Developmental Disabilities
- Physical Disabilities
- Traumatic Brain Injury
- Co-occurring or multi-occurring disorders
- Child/Adolescents; Adults; Older Adults

# Approaches to Olmstead and Community Integration

- Proactive planning and implementation
- Reactive planning and implementation
- Planning with some implementation activity
- Litigation/Settlement Agreements
- No Planning

# Critical Areas for System Planning and Implementation

- Role and Focus of Leadership
- Key Relationships To Establish
- Inter-departmental Collaboration and Partnerships
- Assessing Strengths and Risks

# Boundaries

- State responsibility
- Stakeholder roles
- Providers
- Involve Subject Matter Experts
- Managing expectations

**The Box, the Mirror, and the Broken Record**

# State Experiences

- Successful Olmstead planning requires committed leadership, including from the Governor's office, Budget offices and other State agencies, legislature
- Planning and implementation usually require cross agency involvement
- It can be a challenge to get other state agencies to the table
- The legislature must be educated about Olmstead and aware of the planning process
- Community Integration/Olmstead takes resources, new and/or re-allocated

# State Experiences

- Need to prepare internal staff; not all staff are on board
- Developing an inclusive planning process with stakeholders can be hard
- Anticipate and manage resistance
- Talking about Olmstead is not a good defense, nor is a plan that sits on a shelf

# Cautions

- Just because it's in the community doesn't mean it's integrated;
- "Choice" may have different meanings;
- A plan to plan is not a plan;
- Budget cuts and bureaucracy do not trump civil rights;
- Beliefs and opinions regarding whether a person is ready for more independent living or what an integrated setting is may conflict with what the Courts decide

# Takeaways

- An Olmstead Plan is a system change document.
  - Should align existing plans/efforts for Transformation
- Be comprehensive, but realistic.  A plan should be actionable and achievable.
- Have short and long term goals.
  - Track and report on progress.
- Plans must focus on expanding access to integrated settings, not segregated settings.

# Key Olmstead Plan Ingredients

- Populations
- Data
- Housing
- Employment
- Wellness and Integrated Healthcare
- Transportation
- Supports and Services
- Funding
- Policies, Rules and Regulations
- Outcomes
- Training and Workforce Development, including use of Peer workforce

# What Does Your Data Tell You?

- Populations served (e.g., by disability, age, race/ethnicity)
- Where funding is allocated (i.e., segregated vs. integrated settings)
- Where people are served (e.g., hospitals, emergency departments, jails, day programs, employment)
- Where people live (e.g., hospitals, adult homes, homelessness, supportive housing)
- Capacity of services and housing against need
- Reimbursement issues
- Workforce shortages

# Assessing Risk – Resource Allocation

- % of funds for institutional services? For community-based services?
- % of funds for congregate living vs. independent living (housing + services)
- % of funds for facility-based day programming vs. ACT, Supported Employment, Peer Support

# Funding

- Are dollars driving priorities?
- Reallocation and Reinvestment
- Medicaid
- Housing
- Maximizing state and federal resources
- State funds
- Best practices

# Policies and Regulations

- Help push change.
- Important to identify changes needed to existing policies and regulations;
- Important to identify new policies and regulations that are needed.
- May address how the system approaches:
  - Wellness and Recovery
  - The roles of state operated facilities
  - Housing approaches (e.g., Housing First, PSH)
  - Employment

# Quality/Outcomes/Evaluation

- The Olmstead Plan should include an approach to identify and measure outcomes, and drive change based on performance and results.
- What performance measures are you tracking?
  - Are they impactful? - Are there rewards and penalties?
- What outcomes are you tracking?
  - Are there others you should be tracking?
- Benchmarks?

# Training and Workforce Development

- The Plan must address the workforce

  - Identify specific roles/positions needed and strategies to resolve shortages

- New skills must be taught.

  - Recovery-focused

  - Person Centered Planning

  - Knowledge of best practices/models that support integration

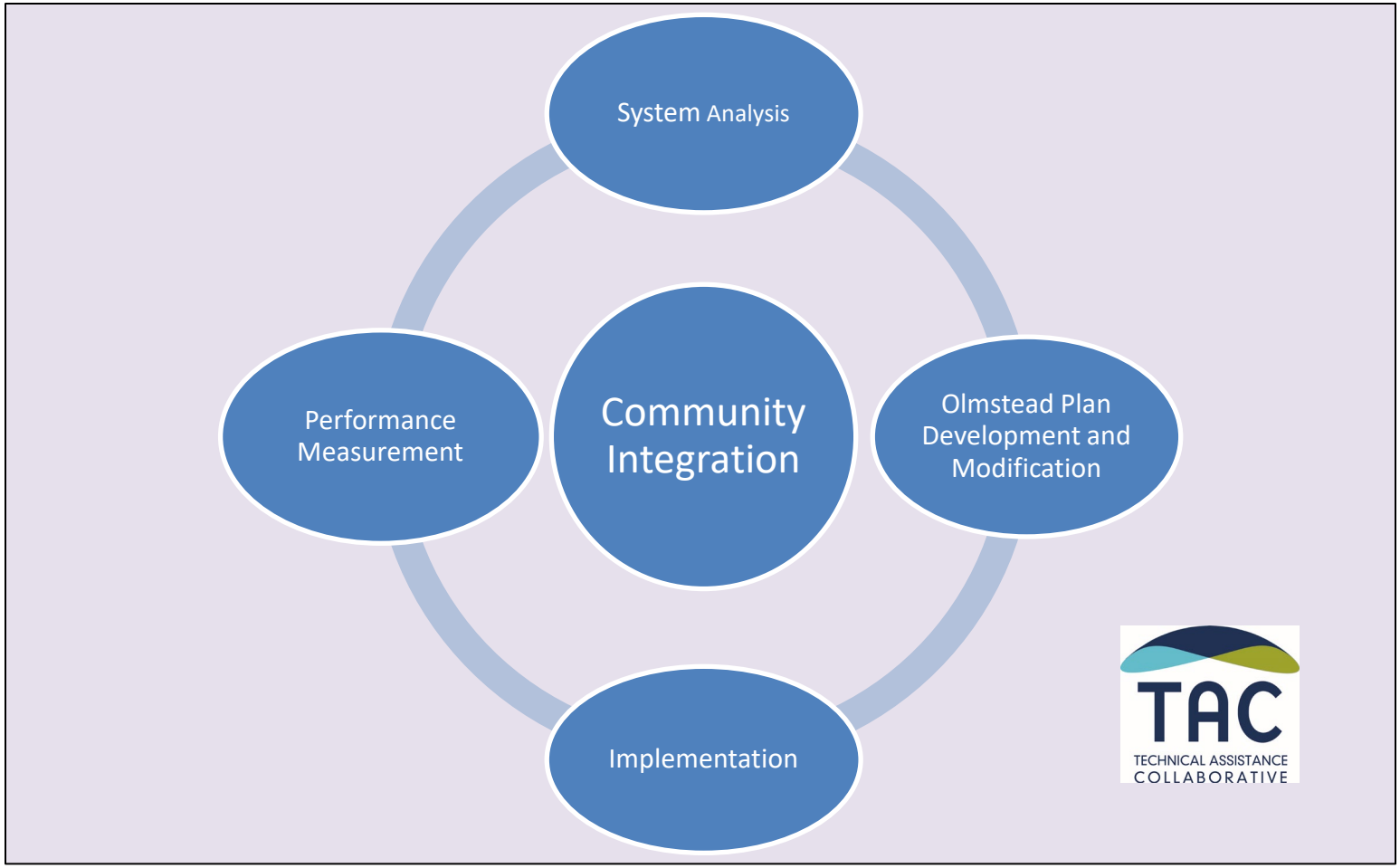
# Opportunities

- Build off of existing strengths.
- How does the current system already support the mandate for community integration?
- What Key Relationships Already Exist?
- Cross Agency Collaborations?
- How can Consumers help?
- How can resources be maximized or re-purposed?

# Partnerships

- Medicaid
- LMEs/MCOs
- Employment/Labor
- Transportation
- Welfare
- Housing
- Primary care/Health
- Persons with Lived Experience
- Family Members
- Public Health
- Federal, state, county, local,
- Executive, Judicial, Legislative branches
- Academia
- Corrections/Criminal Justice
- Protection & Advocacy

# Cycle of Olmstead Planning






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# Examples of Stakeholder Input

- Olmstead Advisory Council or sub-committees
- Existing Statewide and Regional
- Stakeholder Meetings
- Listening Sessions
- On-line Input and Feedback
- Legislative involvement



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# Discussion



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