

Our Choices, Our Lives,
Our Rights:
Idaho *Olmstead* Training

Ami S. Hyten, J.D.

Topeka Independent Living Resource Center, Inc.

ahyten@tilrc.org; 785.233.4572 v/vri

An Entire Movement Reduced to One Slide

- Federal laws give disabled people civil rights to equal access, or changes that allow us equal access.
- Under ADA Title II “reasonable accommodations” apply to make services available in institutions available OUTSIDE institutions.
- In the landmark *Olmstead v. L.C.* decision (1999), the U.S. Supreme Court held that states have an affirmative obligation to ensure that individuals with disabilities live in the least restrictive, most integrated settings possible.

The Life Behind Olmstead: Lois Curtis



The Road to the Supreme Court

- Map was made by people like you and me
- Paved by people like you and me
- Was not a “sure thing”
- Is not the end of the road

How has Olmstead Helped?

- State systems that support sheltered workshops
- Housing
- Community Transition
- Employment Supports
- Access to prescriptions
- Private enforcement; individual and class actions
- Dept. of Justice enforcement; administrative findings, settlement documents, and court proceedings

Do I Have an Olmstead Issue?

- What is my barrier to getting to or staying in the community?
- If I lived in an institution, how would my experience around this be different?

Will an Olmstead Complaint Address My Issue?

- Who is the “gatekeeper” to this barrier?
- What change(s) from the State would address this barrier?

How Can We Push Olmstead Forward?

- Direct support worker wages
- Service limits in Person Centered Support Plans
- Durable medical equipment
- Access to food/hygiene/household goods
- Home modifications
- Access to internet/technology
- Community-based therapeutic services

How to File an Olmstead Complaint

- You can get help if you need it!
 - Advocate/Support Person
 - Release of Information
- Mail in/Fax Complaint
- Online – Form
- E-mail

Who Takes Olmstead Complaints?

- United States Department of Justice;
<https://civilrights.justice.gov/report/>
- Office of Civil Rights, Dept. of Health and Human Services;
<https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

Department of Justice Process

- Investigation
- Mediation
- Rejection
- Three (3) months
- ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TTY)

Office of Civil Rights, HHS Process

- Jurisdictional Determination
- Investigation
- Corrective Action
- Enforcement Action
- No published timeframe

Coordinated Advocacy

- Individual Complaint
- Multiple Complaints
- All Filed with the Same Office, or All Offices
- Collected under a Single Banner
- Publicity
- Storytelling
- Follow-through

Questions? Discussion?

Resources

Online *Olmstead* complaint: <https://civilrights.justice.gov/report/>

US Department of Justice

950 Pennsylvania Avenue, NW

Civil Rights Division

Disability Rights Section – 1425 NYAV

Washington, D.C. 20530

Fax: (202) 307-1197

If you have questions about filing an ADA complaint, please call:
ADA Information Line: 800-514-0301 (voice) or 800-514-0383 (TTY).

Resources

- Office of Civil Rights, Dept. of Health and Human Services online complaint portal: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>
- Mail to:

Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201

Email: OCRComplaint@hhs.gov

Contact Me

Ami Hyten

ahyten@tilrc.org

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