

From *Medical News Today*

Georgia to Offer More Community-Living Alternatives for People with Disabilities

July 23, 2008--More than 2,300 individuals with disabilities currently institutionalized in Georgia's eight public psychiatric hospitals and mental retardation facilities will have the opportunity to live in their communities with appropriate supports tailored to meet their individualized needs as a result of a settlement agreement between the state of Georgia and the HHS Office for Civil Rights (OCR).

Under the settlement, signed Tuesday, Georgia also will involve consumers and advocates in planning how best to provide adequate community services to meet the needs of all Georgians with disabilities who are either living in institutions or at risk of institutionalization without community supports.

"Georgia's commitment to improve its community services through this settlement furthers the President's New Freedom Initiative by supporting independent living and individual choice," HHS Secretary Mike Leavitt said. "This agreement provides persons with disabilities greater opportunities to live within their home communities and have full access to community life."

By enhancing community alternatives to institutionalization under the settlement, Georgia will promote individuals' rights under the United States Supreme Court's 1999 ruling in *Olmstead v. L.C.* that the unnecessary institutionalization of individuals with disabilities constitutes discrimination under the Americans with Disabilities Act (ADA).

"Every Georgian who faces mental illness or developmental disabilities has the right to be treated in a way that not only ensures the best outcome, but allows for the highest quality of life," said Georgia Governor Sonny Perdue. "We've worked hard to make this agreement work, and the state of Georgia is committed to completing this effort."

The agreement settles statewide complaints filed with OCR by the Georgia Advocacy Office, Atlanta Legal Aid Society, Georgia Legal Services Program, and the Disability Law and Policy Center of Georgia. The complaints alleged that, in violation of the ADA, Georgia has failed to treat individuals with developmental disabilities and mental health disabilities in the most integrated setting appropriate to their needs -- the setting that enables persons with disabilities

to interact with people without disabilities to the fullest extent possible. "In this voluntary compliance agreement with the Federal Government, Georgia promises a serious effort to end the illegal segregation of its citizens with disabilities and to provide appropriate community alternatives," said Sue Jamieson, the attorney with the Atlanta Legal Aid Society, who originally filed the *Olmstead* case, which arose in Georgia. "If the agreement results in long overdue residential supports and other needed community

services, it could finally begin to heal the wounds we have all suffered from institutionalizing people who should be our neighbors."

Georgia's implementation of the settlement agreement will rely, in part, on a \$44 million dollar Money Follows the Person Rebalancing Demonstration Grant, which was awarded to the state by the HHS Centers for Medicare & Medicaid Services on June 30, 2008. This grant will allow Georgia to "rebalance" its Medicaid program away from long-term institutional care to one that offers individuals the option to live in the community. Experts from HHS' Substance Abuse and Mental Health Services Administration will also work with Georgia officials to develop its community mental health system to carry out the requirements of the agreement.

"This settlement is a model for states in meeting their ADA obligations to eliminate unlawful institutionalization and provide adequate community alternatives," said OCR Director Winston Wilkinson. "To combat ongoing disability discrimination, the HHS Office for Civil Rights will continue its enforcement efforts, along with promoting voluntary compliance and technical assistance to ensure states comply with the ADA and Olmstead decision."

A copy of the settlement agreement, along with more information about this settlement and OCR's ADA and other civil rights enforcement activities can be found at

<http://www.hhs.gov/ocr>

<http://www.hhs.gov>

<http://www.medicalnewstoday.com/articles/113887.php>