

Judge David L.

# BAZELON CENTER

for Mental Health Law

## NEWS

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### **Older People with Mental Illnesses Remain Unnecessarily Segregated in Nursing Homes, Institutional Settings**

#### **Community Services Limited for Older Americans, Says New Report**

(Washington, DC) March 10, 2003 – Older Americans with mental illnesses remain unnecessarily segregated in nursing homes and other isolating environments, according to a new report by the Bazelon Center for Mental Health.

The report, [Last in Line: Barriers to Community Integration of Older Adults with Mental Illnesses and Recommendations for Change](#), finds that states have largely ignored older adults in planning for the Supreme Court-mandated expansion of community services for institutionalized people with mental disabilities.

“Many older people with mental illnesses or dementia are still isolated in nursing homes and other institutions, where they may receive no more than custodial care,” said Robert Bernstein, executive director at the Bazelon Center.

Almost 20% of individuals 55 and older experience mental disorders that are not a normal part of aging, according to the Surgeon General’s Report on Mental Health. Yet remarkably few receive mental health services. According to the federal Administration on Aging, older Americans constitute 13% of the US population, but represent only 6% of those receiving community-based mental health services.

In 1999, the Supreme Court ruled in *Olmstead v. LC* that people with disabilities— including mental disabilities—have the right to receive publicly financed services in the most integrated setting possible. Since that ruling, federal and state agencies have begun planning to reduce needless institutionalization and expand community programs. But the rights of older Americans have received little attention in this process, according to the Bazelon Center.

“More than a dozen years after the Americans with Disabilities Act’s passage, many state agencies are still shirking their legal obligation to older Americans with mental disabilities,” said Bernstein. “They’ve opted for convenience over compliance.”

Community care is often less expensive, but the way many services for older people are financed exacerbates the problem, according to the report. For example, the rules that govern Medicaid— a key resource for mental health services—provide incentives to place older people in nursing homes, rather than community settings.

The Bazelon Center analyzed national data and literature on the issue, then focused on five states: Pennsylvania, Alabama, Illinois, Michigan and Nevada. The legal-advocacy group interviewed mental health and aging advocates, service providers, state and local government officials, and consumers. The Bazelon Center also conducted site visits in the five states and reviewed relevant state documents, such as long-term care studies, legislative bills, testimony and geriatric mental health training materials and manuals.

“Our findings offer a snapshot of neglect and disregard of the rights of older Americans with mental illnesses all across the country,” said Bernstein. “The problems we found in these states typify those we’ve seen and heard about elsewhere.”

The report identified numerous barriers to community integration for older people with mental illnesses, including:

- stigma among older adults about the receipt of mental health services;
- lack of knowledge about geriatric mental health issues on the part of primary care physicians, mental health providers and senior service providers;
- lack of coordination between aging and mental health agencies;
- lack of transportation to assist seniors in accessing services;
- a dearth of in-home mental health services;
- inadequacy of Medicaid and Medicare reimbursement schemes to finance community-based mental health

- services for older adults;
- lack of housing;
- lack of political will for reform;
- the limits of screening to prevent unnecessary confinement of individuals with mental illnesses in nursing homes;
- the exclusion of dementia from many state community mental health programs; and
- delays in states' Olmstead planning for community integration.

"While daunting, these barriers are not insurmountable," said Bernstein. "We know the solutions, it's just a question of whether states will muster the political will to tackle the problem."

The report includes general recommendations to address the barriers to community integration identified in virtually every state. An addendum includes recommendations to address specific problems in the five states the Bazelon Center studied in depth.

"This is a call to action for states to not simply plan services for older adults, but also to address the underlying reasons why older people continue to be segregated," concluded Bernstein. "Older adults with mental disabilities have waited far too long for the community integration that is their right."

*Last in Line can be viewed or purchased [here](#). Media can obtain a copy by contacting [leec@bazelon.org](mailto:leec@bazelon.org).*

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**The Bazelon Center for Mental Health Law** is the nation's leading legal advocate for the rights of people with mental disabilities.

**Robert Bernstein, Ph.D.**, is executive director for the Bazelon Center for Mental Health Law and a psychologist who for 19 years was the architect and director of one of the nation's oldest and largest mental health and aging programs.