



## Know Your Rights under the Americans with Disabilities Act (ADA) to Live in the Community Rather Than in Institutions

According to the U.S. Supreme Court in Olmstead v. L.C.,<sup>1</sup> the Americans with Disabilities Act (ADA)<sup>2</sup> requires state and local governments to provide people with disabilities services in the “most integrated [community] settings appropriate to their needs.” Segregation of people with disabilities in nursing homes and other institutions (e.g., intermediate care facilities, psychiatric hospitals) violates the ADA, especially when the individuals seek to live in the community.

‘Integrated community living’ means living as independently as possible with services and supports provided in housing alongside neighbors who may not have disabilities. People with disabilities have the right to:

- receive information about community-based, integrated services and supports;
- choose whether they prefer to obtain services and supports in an institution or in integrated community settings;
- get help with identifying the community-based options they need and qualify for;
- participate in discharge planning in preparation for their transition to the community;
- access services and supports (e.g., transportation, home health care, behavioral health care, rehabilitation services, medication management, assertive community treatment, adaptive equipment) in the community to promote and maintain independence.

Some of the community-based services available in DC are:

- Attendant services provided in the home by people called personal attendants who do that for a living and are paid by DC Medicaid. Everyone on SSI (= \$674 per month or less) who receives DC Medicaid is entitled to a maximum of 8 hours of attendant-personal care services daily. There is an annual limit for these State Plan services, after which the doctor may order more hours and Medicaid authorizes additional hours.
- Additional attendant services are provided to people with income at 300% of SSI (\$2022 per month) under a program called the Medicaid Waiver for People who are Elderly or Adults (aged 18 and over) with Physical Disabilities (EPD Waiver) managed by DC Department of Health Care Finance. Under the EPD Waiver, you can get up to 16 hours of attendant services daily if you are in need of a ‘nursing home level of care’ which means assistance with at least 2 of the daily tasks (e.g., bathing, dressing, eating).

For more information about your ADA rights to community-based alternatives to institutions, contact the U.S. Department of Justice Office of Civil Rights, 800-514-0301.

If you are in an institution and experience problems getting access to DC community-based alternatives, call University Legal Services, 202-547-0198.

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<sup>1</sup> 527 U.S. 581 (1999).

<sup>2</sup> 42 U.S.C. §12132 et seq.