What is “Olmstead” and how does it affect me?

For millions of Americans who have disabilities, the word “Olmstead” symbolizes the opportunity for a life in the community. The term comes from the U.S. Supreme Court’s 1999 decision in *Olmstead v. L.C.*, which will probably stand out in history as the most important legal decision affecting the rights of people with disabilities.

> “The ADA is not reasonably read to impel States to phase out institutions, placing patients in need of close care at risk. . . . Nor is it the ADA’s mission to drive States to move institutionalized patients into an inappropriate setting, such as a homeless shelter.”

*Olmstead v. L.C. (plurality)*

Even though it is the nation’s highest court, it is only once in a great long while that the U.S. Supreme Court has the opportunity to make a decision that directly affects the future of millions of Americans. Some decisions are so important that they become household names, like the 1954 *Brown v. Board of Education* decision. In that case, the court rejected the idea of “separate but equal” schools for racial minorities and ordered the states to integrate their public schools.
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Olmstead is also a case about integration, and some people have referred to it as the Brown v. Board of Education of the disability rights movement. In this landmark decision, the court ruled that, when appropriate, states must provide services to people with disabilities in the community rather than in institutions.

“A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities [meaning] a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.”

28 C.F.R., part 35, section 130 and Appendix A.

The Court based its ruling on a finding that inappropriate institutionalization is a form of discrimination, giving two reasons for its finding. First, institutionalization reinforces stereotypes about people with disabilities. Second, it denies people important life opportunities such as school, work, friendship, and cultural enrichment.

The Court further ruled that all states had to provide services to people with disabilities in integrated settings, within certain limits. First, a person must want community-based services. Second, a person’s treatment team must consider community-based treatment appropriate. Third, the services must be in line with services that the state normally provides to others. Four Justices expressed the opinion that a state could meet its obligation by developing a plan for community placements, with a waiting list that moved at a reasonable pace.

In response to the ruling, most states have developed some sort of plan—often referred to as an “Olmstead plan.” However, many advocates believe that people with psychiatric disabilities must continue to stay involved in state mental health planning to ensure that states are truly providing services in integrated settings.

Unjustified isolation, we hold, is properly regarded as discrimination based on disability . . . First, institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life . . . Second, confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.


The case involved two women, Lois and Elaine, who had psychiatric and developmental disabilities. Both were living in a state-run hospital in Georgia, and although their doctors had told them that they could benefit from living in the community, they also said that the services they needed simply were not available in the community. Therefore, they continued to live in institutions. With the help of local legal aid attorneys, the two women sued the state of Georgia, naming human resources commissioner Tommy Olmstead in the lawsuit.

The case made it all the way to the Supreme Court, who ruled in Lois and Elaine’s favor. Their decision rested on the Americans with Disabilities Act (ADA), a 1990 law that prohibits discrimination against people with disabilities. The U.S. Attorney General’s office, which enforces the ADA and other federal laws, had issued what it called the “integration regulation,” which requires states to provide services in a setting that allows people with disabilities to interact with people who do not have disabilities. The Court ruled that the integration regulation required the state of Georgia to provide Lois and Elaine with services in the community.

By educating state officials about key principles:

- Institutions include not only hospitals, but also nursing homes and care homes that interfere with important life opportunities.
- Community-based services are less expensive than institutional care.
- Success in the community requires safe, affordable housing and appropriate support services.

For more information about services and supports that will work in your community, please contact the UPenn Collaborative on Community Integration at 215-746-6713 or pennrrtc@mail.med.upenn.edu. Learn more at www.upennrrtc.org!