

IN RECOGNITION OF THE TENTH ANNIVERSARY OF THE OLMSTEAD DECISION SUPPORTING CIVIL RIGHTS FOR PERSONS WITH DISABILITIES

IN RECOGNITION OF THE TENTH ANNIVERSARY OF THE OLMSTEAD DECISION
SUPPORTING CIVIL RIGHTS FOR PERSONS WITH DISABILITIES

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
FRIDAY, JUNE 26, 2009

- Mr. DAVIS of Illinois. Madam Speaker, I want to take this moment to recognize the tenth anniversary of a monumental United States Supreme Court decision that represented a great advance in our contemporary civil rights struggle. On June 22, 1999, the United States Supreme Court asserted the right of individuals with disabilities to reside in their community via a 6-3 ruling. The *Olmstead v. L.C.* decision stated that making services for disabled individuals available only in institutions, thereby forcing them out of their homes, went against the Americans with Disabilities Act. Essentially, the *Olmstead* decision clarified the fact that the Americans with Disabilities Act gives individuals with disabilities the right to choose to receive their care in the community rather than in an institutional setting. Provision of care within one's community via personal care assistants is cost-effective and improves the quality of life of persons with disabilities. Studies show the cost of providing services in the community is much lower than in institutionalized settings, thereby allowing more individuals to receive services for the same cost. In addition, the ability to receive community based services and supports improves the ability of persons with disabilities to lead independent lives, work, and participate in their communities.

- The federal government bears the responsibility of restructuring our current health care system. The inequities that exist in our health care system are profoundly disturbing. It is essential that we take the steps necessary to create an overhaul of the health care system that is both moral and practical. As Reverend Dr. Martin Luther King, Jr., once said: "Of all the forms of inequality injustice, health care is the most shocking and inhumane." In this spirit, I urge concerned citizens to mobilize to help us create a system that best serves those in our society who have limited resources.

- As a policymaker who is adamant about improving health care for persons with disabilities, I believe it is imperative that the health care reform legislation that Congress intends to enact this year take a substantial step forward in requiring that all Medicaid-eligible individuals with disabilities have a choice between receiving care at home or in an institution. The option to receive care in one's community is critical to conforming to the goal of the Americans with

Disabilities Act and with the Olmstead decision.

The Olmstead decision was a great step forward in allowing persons with disabilities the option to receive care in their own community. The tenth anniversary of the Olmstead decision symbolizes the struggle to create more options in our current health care system. We must strive to include the tenets of the Olmstead decision in our health care reform plans. Including provisions that provide choice in location of care to Medicaid-eligible persons with disabilities in comprehensive health care reform legislation would be a wonderful way to mark the tenth anniversary of the Olmstead decision.