RISING TO THE OCCASION:
ADA, Olmstead and State Efforts to Promote Integrated Employment of Individuals with Significant Disabilities
AGENDA

• Welcome: Chris Button & Serena Lowe, ODEP
• Introductory Comments: Ari Ne’eman
• ADA & Olmstead: The Intersect between Civil Rights and the Promotion of Integrated Employment & Community Services
  – Eve Hill, US Department of Justice
• What is Positively Possible: Small State, Big Job
  – Michelle Brophy & Andrew McQuaide, State of Rhode Island
• Olmstead and Employment of People with Psychiatric Disabilities
  – Jennifer Mathis, Bazelon Center for Mental Health Law
• Common Denominators in States: Hurdles, Strategies & Fundamental Systems Change Realities
  – Lisa Mills, Moving to a Different Drum
• Q&A and Discussion
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Webinar Facilitator

Ari Ne’eman
Executive Director, Autistic Self Advocacy Network
Vice-Chair, National Council on Disability
Co-Chair, National LEAD Center Policy Team
ADA & Olmstead: The Intersect between Civil Rights and the Promotion of Integrated Employment & Community Services

Eve Hill
Deputy Assistant Attorney General
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What is Positively Possible: Small State, Big Job

Michelle Brophy
Director of Policy Implementation
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State of Rhode Island

Andrew McQuaide
Consent Decree & Settlement Agreement Coordinator
State of Rhode Island
Olmstead and Employment of People with Psychiatric Disabilities

Jennifer Mathis
Deputy Legal Director & Director of Programs
Bazelon Center for Mental Health Law
Olmstead and Employment of People with Psychiatric Disabilities

20% of people with serious mental illnesses are employed

12% are employed full-time

The vast majority of people with serious mental illnesses spend their days in segregated day treatment programs
Supported Employment

Proven success with people with psychiatric disabilities, including those with most significant disabilities

Several decades of research; positive outcomes

People with psychiatric disabilities want to work

Employment is a critical part of recovery
Supported Employment/IPS

- Identifying people’s skills, interests, career goals
- Helping with individualized job search
- Providing on the job help
- Identifying needed accommodations
- Job development
- Job carving
- Benefits counseling
Individual Placement and Support (IPS)

“No reject” policy: everyone qualifies

Competitive integrated employment

Rapid job placement

Individual preferences are key
Financing through Medicaid

State plan rehabilitation option

1915(i) option (state plan HCBS)

1115 waivers

Managed care waivers
Day Treatment Remains the Default

Rehabilitative services, social and recreational activities

Many day treatment programs are conducted primarily in a segregated setting

Participants often spend most of day with other people with disabilities
Supported Employment is Less Costly

Supported employment typically costs less than day treatment.

Supported employment also reduces hospital and other service costs.
Application of Olmstead

People with psychiatric disabilities want to work

People with psychiatric disabilities are qualified for supported employment services

Supported employment occurs in integrated settings

Supported employment is less costly

Reallocate!
Common Denominators in States: Hurdles, Strategies & Fundamental Systems Change Realities

Lisa Mills
Subject Matter Expert
ODEP’s Employment First State Leadership Mentoring Program
National LEAD Center
Olmstead Employment Resources Rebalancing Initiative
Common Denominators in States

Hurdles, Strategies and Fundamental Systems Change Realities
Divesting of Segregated Services: Common Hurdles Faced by States

• Sheer numbers due to extent of present over-investment

• Limited federal policy options that may not offer sufficient time to ensure truly better outcomes result for those transitioning out of segregated settings
Divesting of Segregated Services: Common Hurdles Faced by States, 2 of 4

- State Legislatures and Administrations not aligned
- Other state programs that reinforce segregation (e.g. State Use)
- Local control
  - Inconsistent buy-in
Divesting of Segregated Services: Common Hurdles Faced by States, 3 of 4

- Lack of capacity and expertise within state agencies to execute and manage scope of change required

- Typical annual integrated employment placements far below what is needed to achieve systems change
Divesting of Segregated Services: Common Hurdles Faced by States, 4 of 4

- Low expectations by so many parties
- Doubt clouds commitment to change and resolute actions that can make change happen.
- Compromises being made before the horse is even out of the gate.
Integrated Employment

- Will expanding participation in integrated employment ever be a top priority?
- Will over-reliance on segregated employment and day services ever be a crisis?
Have We Reached A Tipping Point?

• Nibbling around the edges will not create the change that must happen.

• Employment First is a like a new religion – determination to succeed must be strong and sustained
Strategies States Are Using

• Leadership from the Top
• Legislation
• Governor’s Executive Orders
• Governor’s Task Forces
Strategies States Are Using, 2 of 3

• Tying the policy goal to many other public priorities & initiatives

• Focusing new investments on integrated employment

• Leaving no one out

• Rebalancing investments to ensure systems change
Strategies States Are Using

- The effort needs to be bigger than one or two agencies
- A plan of action with timelines, commitments and accountability
- A comprehensive understanding of what must change
A State Self-Assessment Tool

- Olmstead Plan, Statutes, Rules, Executive Orders, and Litigation
- 6 state agencies and programs
- 5 different disability sub-groups
- Employer incentives and supports

“MOST INTEGRATED EMPLOYMENT AND DAY SERVICE SETTINGS”

State Self-Assessment
To Facilitate Voluntary Compliance with Federal Law, Regulation and Guidance Designed to Prevent the Unnecessary Segregation of Persons with Disabilities by Entities Administering Public Funds
Questions?
A Catalyst for Change, Transforming the American Workforce