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Statement by HHS Secretary Kathleen Sebelius the 10th Anniversary of the U.S. Supreme Court Decision *Olmstead v. L.C.* (CMS Message 2009-06-22) ([GEN](#))

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HHS joins President Obama in commemorating a significant anniversary in the civil rights movement for persons with disabilities. Ten years ago today, the United States Supreme Court issued its landmark decision in *Olmstead v. L.C.* recognizing that “unjustified institutional isolation of persons with disabilities is a form of discrimination” under the Americans with Disabilities Act.

To underscore the importance of the *Olmstead* decision and continue to affirm our commitment to addressing isolation and discrimination against people with disabilities that still exists today, President Obama has designated this as a “Year of Community Living.” I recognize that to put an end to injustice and carry the directive of the *Olmstead* decision into all programs of the Department of Health and Human Services (HHS), we must create new partnerships. And so, today, we invite all of our public and private partners - other federal agencies, states, consumers, advocates, providers and others to join us in embracing the Supreme Court’s vision of equal opportunity and an end to unjustified institutionalization for people with disabilities and chronic illnesses and older Americans.

To begin this “Year of Community Living,” agencies within my department will undertake the task of aggressively addressing barriers that prevent some Americans with disabilities from enjoying a meaningful life as part of their community. I have asked the Administration on Aging (AoA), the Centers for Medicare & Medicaid Services (CMS), the Office for Civil Rights, the Office of the Assistant Secretary for Planning and Evaluation, and the Substance Abuse and Mental Health Services Administration to form a HHS Coordinating Council, which will be led by the Office on Disability. These agencies, with the support of the department, will work together to put in place solutions that address barriers to community living for individuals with disabilities and to give people more control over their lives and the supports they need.

As a first step, CMS will engage the public in making meaningful regulatory reforms to the home and community-based waiver program. An “Advanced Notice of Proposed Rulemaking” was published in the Federal Register today inviting public input on proposed changes to current regulations giving states greater flexibility to serve people based on their individual needs rather than on diagnosis.

In addition, CMS and AoA are making grant funds available to states to strengthen and expand HHS’ Aging and Disability Resource Center Programs (ADRCs). Under this Initiative, I am encouraging collaboration by requiring that ADRCs partner with all state agencies involved in serving populations with disabilities, as well as the Centers for Independent Living. The Centers for Independent Living have an important role to play at the community level in promoting independent living skills throughout ADRCs.

HHS' Community Living Initiative will include partnerships with other federal agencies and the public. As the President announced earlier today, the Department of Housing and Urban Development (HUD) will make 1,000 housing vouchers available for individuals with disabilities transitioning from institutions to the community targeting States operating Money Follows the Person Demonstration programs. HUD will award an additional 3,000 housing vouchers to serve non-elderly people with disabilities and encourage Public Housing Authorities to form working relationships with state Medicaid agencies interested in addressing community living needs of beneficiaries. While this is a good start, this announcement is only the beginning of the collaboration between the HHS and HUD during the "Year of Community Living."

The HHS Office for Civil Rights is enhancing its partnership with the Department of Justice's Civil Rights Division to ensure vigorous enforcement of the Americans with Disabilities Act and the *Olmstead* decision. This partnership will maximize the effectiveness of federal leadership in promoting the civil right of community living and setting forth the Administration's position in federal courts.

To carry out the President's commitment to open government, we are committed to giving Americans opportunities to participate in policymaking to provide the benefit of collective expertise and information. In keeping with this mandate, we will reach out to the public as partners in our Community Living Initiative. Throughout this "Year of Community Living," HHS will hold listening sessions giving stakeholders an opportunity to come together for a common purpose: overcoming barriers to community-based living for people with disabilities and the elderly. These forums will help us craft the agenda to improve federal programs and better support the efforts of state and local government.

We look forward to this new era of partnership, innovation and commitment to the *Olmstead* decision. We are deeply committed to taking bold new steps - during this "Year of Community Living" and into the future.