

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

FOR IMMEDIATE RELEASE

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GOVERNOR APPROVES DEVELOPMENT OF OLMSTEAD PLAN

Legislature passes bill to require plan to serve people with disabilities in most integrated settings

Lincoln, May 21, 2019 – On May 14th the Legislature voted to pass LB 570 which requires the state Department of Health and Human Services (DHHS) to develop an “Olmstead Plan” to insure that services are provided to Nebraskans with disabilities in the “most integrated” community-based settings. This includes people who experience intellectual / developmental disabilities and / or mental illness. The bill was signed into law by the Governor on May 17, 2019.

The bill sets out a completion date of December 15, 2019 for the plan and requires DHHS to hire an independent consultant to assist with its continued analysis and revision. The bill would also include State funding to support the process.

The Olmstead Plan is intended to address the United States Supreme Court ruling from 1999 that held that the unjustified segregation of persons with disabilities constitutes segregation, and that public entities must provide community-based services to persons with disabilities when:

1. Such services are appropriate;
2. The affected persons do not oppose community-based treatment; and
3. Community-based services can be reasonably accommodated, taking into account the resources available and the needs of others who are receiving disability services.

States without Olmstead Plans are vulnerable to lawsuits from the private entities or the federal government. However, more than the plan itself is needed to protect the State from legal action. The plan must also be implemented and shown to be effective by demonstrating that individuals have been successfully moved into integrated settings. As a result, LB570 requires that progress on the plan’s implementation must be reported to the Legislature every three years beginning December 15, 2021.

Advocates, including Disability Rights Nebraska and Nebraska’s Developmental Disability Network*, worked with State Senator Lynne Walz (Fremont) to craft LB570. The Nebraska Council on Developmental Disabilities provided funding to implement the early phase of developing the plan, in the absence of a funding commitment from the State.

“We are extremely pleased that the Legislature and Governor recognize the importance of having a good Olmstead plan in place for Nebraska,” said Disability Rights’ Senior Staff Attorney Dianne DeLair. “This provides the opportunity for Nebraskans to be actively engaged in the development of an Olmstead plan that is right for Nebraska. By having a good plan in place, along with making a good faith effort to implement the plan, we may be able to avoid protracted and costly litigation in order to ensure that all Nebraskans with disabilities are able to fully exercise their right to choose to live in the most integrated community settings.”

An overview of the Olmstead decision and additional resources can be found at https://www.disabilityrightsnebraska.org/what_we_do/olmstead-decision/olmstead-plan-bill-passed.html

About Disability Rights Nebraska:

Disability Rights Nebraska is an independent nonprofit organization that uses a combination of legal advocacy, public policy advocacy, citizen advocacy, self-advocacy and advocacy education to protect vulnerable Nebraskans with disabilities, especially those who learn, live or work in isolated, segregated or congregated settings. For more information: www.disabilityrightsnebraska.org or, in Nebraska, 1-800-422-6691.

***About the Nebraska Developmental Disabilities Network:**

The Nebraska Developmental Disabilities Network is made up of the protection and advocacy system ([Disability Rights Nebraska](#)); the University Center for Excellence in Developmental Disabilities ([Munroe-Meyer Institute at UNO](#)); and the [Nebraska Council on Developmental Disabilities](#). The Network collaborates on issues-focused and self-advocacy training, and on policy issues affecting people with intellectual and developmental disabilities.

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