

HISTORY NOTE: New timeline provides details on Olmstead Plan progress

by [*Access Press Staff*](#) // August 8th, 2018

Minnesota's Olmstead Plan is back in the news, with a recent court decision in the case of Bradley Jensen, et al, versus the Minnesota Department of Human Services and a study of staffing issues. It was the Jensen case, centered on allegations of mistreatment at a now-closed state facility, that jump-started work on the state's Olmstead Plan.

The Minnesota Governor's Council on Developmental Disabilities recently published a detailed chronology of Minnesota's work toward an Olmstead Plan. The 65-page document is available on the council website. It provides a wealth of information about the federal court decision that led to the state's plans, and links to related documents.

It has been almost 20 years since the U.S. Supreme Court issued its landmark ruling in *Olmstead versus L.C. Tommy Olmstead*, then the commissioner of the Georgia Department of Human Resources, was lead defendant in a case that initially involved a woman with disabilities, L.C., and a second woman. The plaintiffs sued the state of Georgia, challenging their confinement in segregated environments. The case went all the way to the nation's highest court. The ruling came a decade after passage of the federal Americans with Disabilities Act (ADA).

The women were institutionalized even though health professionals had determined they were ready to move into a community-based program. The Supreme Court held that the ADA's integration mandate required public entities to provide community-based services to persons with disabilities when such services were appropriate; when the affected individuals didn't oppose community-based treatment, and when community-based services could be reasonably accommodated, taking into account the resources available to the state and the needs of others who were receiving disability services from the public entity. This was a sweeping integration mandate, requiring public entities to modify policies, procedures and practices to be non-discriminatory.

A key part of *Olmstead versus L.C.* indicated that states could meet a "reasonable modifications standard" if they had comprehensive, effective plans for placing people with disabilities in less restrictive settings, and a waiting list that moved at a reasonable pace not controlled by endeavors to keep state institutions fully populated.

In response many states developed Olmstead Plans to start transitioning people with disabilities into more integrated settings, to help people live, work and play in their home communities. Formal Olmstead Plans were not required, but the United States. The federal Department of Justice in the mid-2000s began focusing on states for potential action, if there wasn't compliance with Olmstead. This was done after a period of offering guidance.

In Minnesota, work on an Olmstead Plan was part of a 2011 settlement in the Jensen case. The agreement required the development and implementation of a Minnesota Olmstead Plan, and

required the elimination of unnecessary segregation of persons with disabilities, reductions in restraints and seclusions, and the adoption of a positive support rule to ensure that persons with disabilities received services in the most integrated setting appropriate to their needs.

The online link includes detailed progress on the plan since then. Read about it at www.mn.gov/mnddc/

Access Press is interested in reader submissions for the monthly History Note column, to complement the articles written by Luther Granquist and other contributors. Submissions must center on events, people and places in the history of Minnesota's disability community. We are interested in history that focuses on all types of disability topics, so long as the history has a tie to Minnesota. We are especially interested in stories from Greater Minnesota. Please submit ideas prior to submitting full stories, as we may have covered the topic before. Contact us at access@accesspress.org or 651-644-2133 if you have questions. The History Note is a monthly column sponsored by the Minnesota Governor's Council on Developmental Disabilities.