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2010 MA Data -Progress Since the 1999 Olmstead Decision - How Is Your State Doing?

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In 1999, the U.S. Supreme Court Olmstead decision held that “unjustified isolation is properly regarded as discrimination based on disability.” The Court wrote that “institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life.” In the decision, the Court noted that a State’s efforts should “not be controlled by the State’s endeavors to keep its institutions fully populated.”

Okay. So how much progress has been made in your state between the 1999 Olmstead decision and FY 2010 (the last year for which we have data) regarding people in nursing homes?

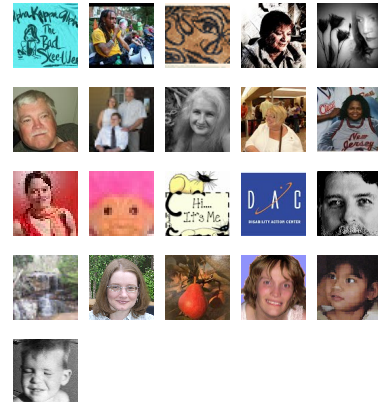
Here is what we found using Medicaid’s long-term care expenditures in both 1999 and 2010 for the nursing facility institution versus the comparable Medicaid LTC community services. This comparison looks at how States allocate MA expenditures for persons with disabilities and the aging communities. The higher the percentage expended on nursing homes, the less on the community.

FY 1999 - Olmstead decision - the benchmark:

Nationally, in 1999, 80.4% of the relevant Medicaid’s long-term care institutional expenditures went to nursing facilities and 19.6% went to community-based services:

1. 13 states spent more than 90% of their Medicaid LTC expenditures institutionally on nursing facilities (D.C, HI, IL, IN, LA, MS, NH, ND, PA, RI, SD, TN, and UT) and therefore less than 10% in the community;
2. Only 4 states spent less than 70% of their MA LTC on nursing facilities (AR, NC, OR, WA), and therefore spent more than 30% in the community. .

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3. The median state expenditure to nursing facilities was 84.7%. Median means half the states spent more and half less on nursing facilities.

FY 2010 - Eleven years later - how much progress has been made:

1. Nationally, 64.3% of Medicaid's long-term care institutional expenditures went to nursing facilities. That's a "drop" of 16.1 percentage points from 1999 to 2010.

2. Viewed from the Olmstead community-based perspective, in 2010 nationally only 35.7% of States long-term care expenditures went to the community – even though States had large numbers of persons in nursing homes who have stated they want to live in the community. Remember that in 1999, it was 19.6%

3. First the worst states in 2010:

5 states were still spending more than 80% of their LTC on nursing facilities (ND, DE, AL, MD and MS), even though the national average was reduced to 64.3% in 2010; and

4. And now, the best states in 2010:

7 states spent less than 60% of their Medicaid LTC on nursing homes (the national average was 71.4%)(AK, CA, ID, NC, OR, TX and WA), therefore spent more than 40% in the community;

5. The best states, i.e., those that spent more than 50% of their LTC MA expenditures in the community, in order are: NM, WA, MN, OR, AK, CA;

6. States that made the most progress since 1999 are

12 states (only includes non-managed care States) had a "drop" of more than 15 percentage points from 1999 to 2010 in institutional/nursing facility expenditures. (AK, CA, CO, DC, ID, IL, LA, MO, OK, PA, VG, WA) and therefor spent the savings in community. This reflects change – not where the State started in 1999.

7. So what's up with the rest of the States:

Two States - Delaware and Kentucky - actually increased their NH institutional expenditures from 1999 to 2010. Quite unbelievable.

8. Four states had a "drop" of less than 5 percentage points from 1999 to 2010.(AL, AR, NJ, SC). No bragging rights in these states.

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9. Ten states had a “drop” of more than 5 but less than 10 percentage points in the eleven year period. (CT, GA, KA, MD, NH, ND, OK, SD, WV). Still hard to believe so little in 31 years.

How do we explain such minimal changes over eleven years. What would the racial movement for equality and women’s movement have done if their movements had made so little progress – especially when we know there are about 25% of the people in nursing homes who want to reside in the community?

Why are the disability and older American advocates in the “worst states” not outraged that eleven years after Olmstead their states are doing so badly? Why are there no “Occupy” movements in those states focused on the lack of civil rights of unnecessarily institutionalized people? What are the advocates doing in these “worst states?” Where is the next generation of advocates?

What about the 14 states where the “improvement” was so small - less than 10 percentage points? Aren’t there disability and older American advocates in those states who are upset with the extremely slow Olmstead progress? What should we tell the brothers and sisters unnecessarily institutionalized about their civil rights?

Steve Gold, The Disability Odyssey continues

Back issues of other Information Bulletins are available online at <http://www.stevegoldada.com> with a searchable Archive at this site divided into different subjects. To contact Steve Gold directly, write to stevegoldada1@gmail.com or call 215-627-7100.

The following data does NOT include managed care data for AZ, FL, MA, MN, NM, TN, TX, VT, and WI. We have reviewed that data but it’s available only for 2008 and 2009. Also, HI and RI 2010 data does not include managed care programs that provide long-term services and supports.

FY1999 vs FY 2010: Decrease or Increase

Alabama	88.2 % vs 83.7%	-4.5
Alaska	74.8% vs 40.9%	-33.9
Arizona	88.5% vs 90.4%	MC ???
Arkansas.....	68.7 vs 68.5	-0.2
California.....	81.6 vs 45.4	-36.2
Colorado.....	73.7 vs 55.9	-17.8
Connecticut.....	83.8 vs 74.6	-9.2
Delaware.....	85.5 vs 86.0	+1.5
D. C.....	91.4 vs 52.4	-39.0
Florida.....	88.3 vs 78.7%	MC ???
Georgia.....	84.7 vs 74.8	-9.6

Hawaii.....	90.9 vs 79.7 MC -??
Idaho.....	78.4 vs 50.6 -27.8
Illinois.....	92.8 vs 73.8 -19.0
Indiana.....	92.5 vs 80.0 -12.5
Iowa.....	85.1 vs 72.0 -13.1
Kansas.....	69.3 vs 61.0 -8.3
Kentucky.....	79.1 vs 82.5 +3.4
Louisiana.....	91.7 vs 69.5 -22.2
Maine.....	80.5 vs 74.8 -5.7
Maryland.....	87.4 vs 79.5 -7.9
Massachus.....	84.6 vs 62.5MC -???
Michigan.....	86.5 vs 71.6 -14.9
Minnesota.....	80.2 vs 40.2MN -??
Mississippi.....	94.7 vs 82.5 -12.2
Missouri.....	81.7 vs 65.4 -16.3
Montana.....	75.6 vs 61.9 -13.7
Nebraska.....	85.5 vs 73.1 -12.4
Nevada.....	81.9 vs 67.1 -14.8
New Hampshire.....	91.1 vs 81.4 -9.7
New Jersey.....	79.8 vs 76.0 -3.8
New Mexico.....	88.7 vs 13.5MC -???
New York	70.3 vs 57.3 -13.0
North Carolina.....	67.7vs 56.9 -10.8
North Dakota.....	95.5 vs 87.9 -7.6
Ohio.....	88.5 vs 76.1 -12.4
Oklahoma.....	86.5 vs 68.1 -18.4
Oregon.....	55.3 vs 44.8 -8.5
Pennsylvania.....	96.9 vs 79.5 -17.4
Rhode Island.....	92.7 vs 99.3MC -???
South Carolina.....	79.8 vs 74.8 -5.0
South Dakota.....	94.7 vs 84.9 -9.8
Tennessee.....	99.2 vs 73.4 MC ???
Texas.....	74.6 vs 53.9MC -???
Utah.....	92.5 vs 80.2 -12.3
Vermont.....	82.5 vs 92.4MC ???
Virginia.....	82.6 vs 61.6 -21.0
Washington	62.5 vs 38.9 -17.1
West Virginia.....	77.0 vs 85.5 +8.5
Wisconsin	72.2 vs 73.0MC -???
Wyoming	83.3 vs 72.4 -10.9
National	80.4 vs 64.3 -16.7

Special thanks, again, to Thompson Reuters and CMS for compiling and making this data available.

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