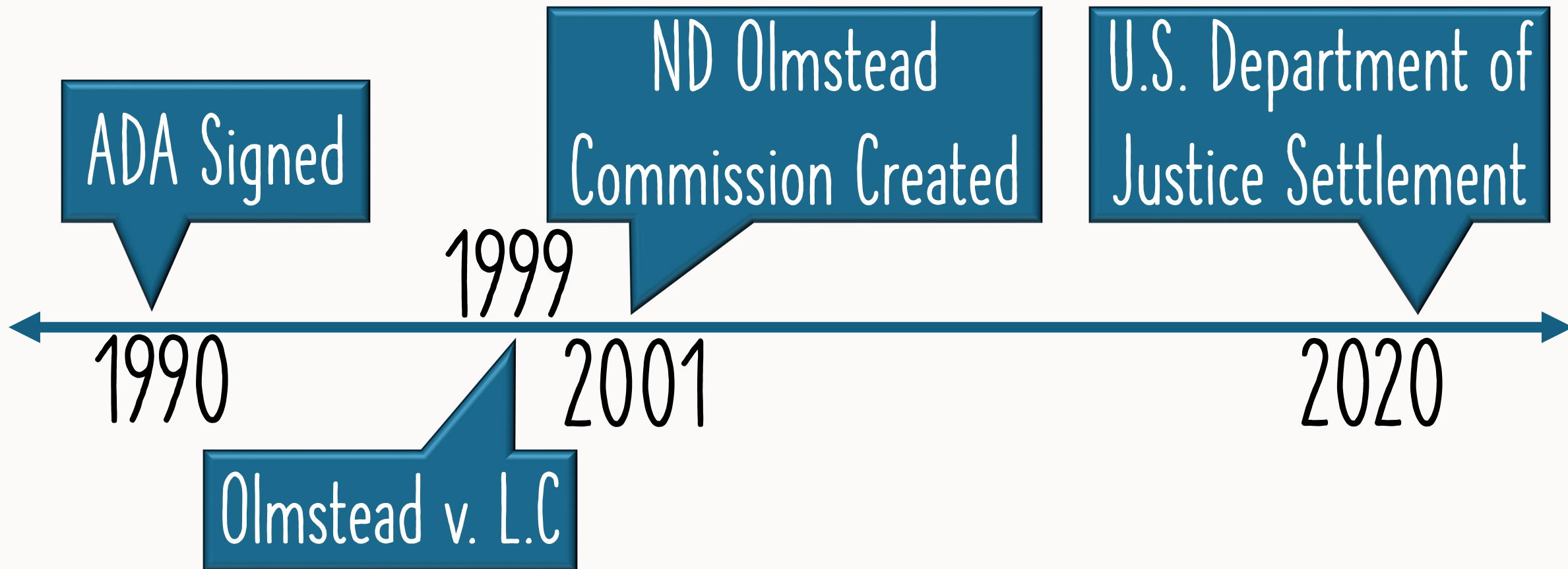




Stephanie Bouche

ND Olmstead Commission Coordinator



Title II of the Americans with Disabilities Act (ADA) established a mandate to public entities to ensure that people with disabilities live in the most integrated settings possible. The Olmstead decision affirmed this civil right.



# AMERICANS WITH DISABILITIES ACT (ADA)

The ADA is a federal civil rights law that prohibits discrimination against people with disabilities in everyday activities. It guarantees that people with disabilities have the same opportunities as everyone else to enjoy employment opportunities, purchase goods and services, and participate in state and local government programs.



July 26, 1990: signed into law by  
President George H.W. Bush



# A PERSON WITH A DISABILITY IS SOMEONE WHO:

Has a physical or mental impairment that substantially  
limits one or more major life activities,

Has a history or record of such an impairment,

-OR-

Is perceived by others as having such an impairment.



# ADA TITLE II: STATE & LOCAL GOVERNMENTS

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- Requires public entities to give people with disabilities equal opportunity to benefit from their programs, services, and activities.
- Covers all activities of state & local governments, regardless of the entity's size or receipt of federal funding.
- Integration mandate requires that services, programs, and activities be administered in the most integrated setting appropriate.



# INTEGRATION MANDATE

The most integrated setting is defined as "a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible."

## Integrated Settings:

- Access to mainstream society
- Settings where individuals with and without disabilities live
- Participation in jobs and activities that match interest of the individual
- Choice: the individual with disability decides when, where, how, and with whom to live, learn, work, and play.

## Segregated Settings:

- Exclusively or primarily for individuals with disabilities
- Regimented daily activities
- Lack of privacy or autonomy
- Settings that provide activities primarily with other individuals with disabilities







LOIS CURTIS & ELAINE WILSON



Lois Curtis and Elaine Wilson, two women with disabilities, sued Georgia officials after being kept in a psychiatric hospital for years despite doctors saying they were ready for community-based care. An Atlanta legal aid attorney filed the lawsuit on behalf of Lois and Elaine, arguing that, under the ADA, the state was required to provide supports and serve the plaintiffs in the community rather than confining them in an institution. Additionally, the argument was made that community-based treatment is more cost-effective.



# OLMSTEAD v. L.C.

The women believed, and the U.S. Supreme Court agreed, that they had the fundamental right to community-based living and treatment.



On June 22, 1999, in a 6–3 decision, the U.S. Supreme Court ruled that unjustified segregation of persons with disabilities is discrimination in violation of Title II of the ADA.







"Unnecessary segregation of persons with mental disabilities perpetuates unwarranted assumptions that such persons are unfit or unworthy of participating in community life."

—Justice Ruth Bader Ginsburg



# OLMSTEAD VS I.C.

Public entities MUST provide community-based services to individuals with disabilities when:

1. Community-based services are appropriate for the individual;
2. The individual does not oppose community-based treatment; and
3. Community-based treatment can be reasonably accommodated, considering the resources available to the State and the needs of others receiving disability services.



# WHY IT MATTERS:



Before the ADA and the Olmstead decision, large scale asylums were used for people with mental health conditions and other disabilities. Psychiatric institutions grew until public policy moved toward deinstitutionalization in the 1960's.

Nursing facilities became the primary institutions for the aging population and people with physical disabilities during the 1950's & 60's.

"Those that fail to learn from history are doomed to repeat it."

—Winston Churchill



# ND OLMSTEAD COMMISSION

Executive Order  
Creates ND Olmstead  
Commission  
(2001)

Olmstead Plan  
revised in 2024

Olmstead Advisory  
Council

Inquiry Process  
Online





# EXECUTIVE ORDER

- The ND Olmstead Commission was established in 2001 by Governor John Hoeven to develop a plan for implementing the Olmstead decision, ensuring community-based placements for individuals with disabilities based on state needs and resources.
- In 2002, the Olmstead Commission held public meetings statewide to gather input and create a work plan outlining past efforts to support individuals in less restrictive settings.
- Ongoing executive orders have maintained the Olmstead Commission and updated its membership. The 2018 order allowed for subgroups to gather input on key areas, while the 2024 order set the commission's structure at 11 voting and 8 nonvoting members.





# OLMSTEAD COMMISSION

1. A co-chair representative of the public at large, currently Rueben Panchol;
2. A co-chair representative from the Office of the Governor, currently Christopher Joseph;
3. A member of the North Dakota Senate, currently Senator Kathy Hogan;
4. A member of the North Dakota House of Representatives, currently Representative Alisa Mitskog;
5. A representative of the Judicial Branch, currently Judge Bobbi Weiler;
6. A representative of access to core services, currently Veronica Zietz;
7. A representative of a disability group, currently Julianne Horntvedt;
8. A representative of a disability group, currently Donene Feist;
9. A representative of access to services and supports, currently Scott Burlingame;
10. A representative of affordable and accessible living, currently Tawnya Taylor;
11. A representative of the public at large, currently Carey Goetz.

## Nonvoting members from the following agencies:

- |   |  |
|---|--|
| 1. Department of Labor and Human Rights     | 5. Job Service North Dakota;                                   |
| 2. Department of Health and Human Services; | 6. Department of Transportation;                               |
| 3. Department of Public Instruction;        | 7. North Dakota Indian Affairs Commission;                     |
| 4. Department of Commerce;                  | 8. North Dakota Industrial Commission, Housing Finance Agency. |



# OLMSTEAD PLAN 2024

The Supreme Court strongly encouraged the development of Olmstead plans to establish strategies that would support integration.

1. Expand and improve transitions from facilities to the most integrated settings.
2. Foster self-determination and informed choices.
3. Create and maintain person-centered practices.
4. Improve and expand housing options.
5. Strengthen direct service workforce.
6. Improve and expand transportation options.
7. Increase employment opportunities and incomes.
8. Strengthen inclusive education.
9. Improve and expand access to healthcare.

Scan for full Olmstead Plan





ND Protection &  
Advocacy Project

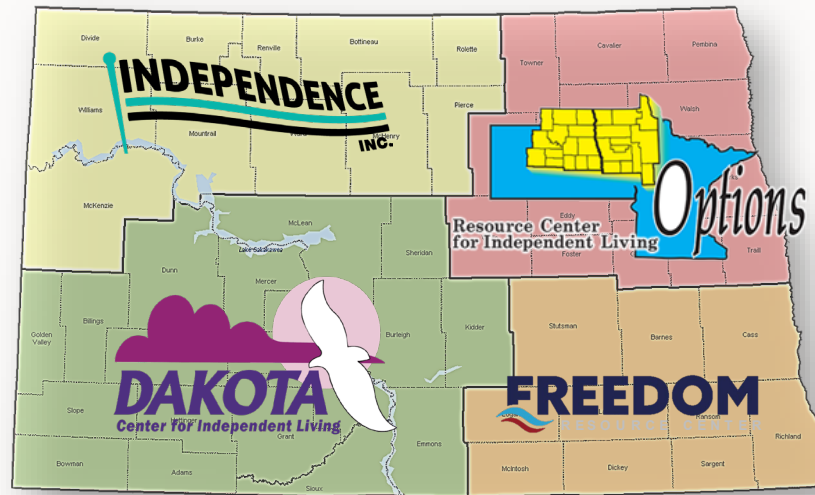
# PARTNERSHIPS



Money Follows  
the Person



Aging & Disability  
Resource Link



Centers for Independent Living (CILS)



Community Partners



# ADVISORY COUNCIL

I am interested and eligible to serve on the Advisory Council because I am: (mark all that apply)

- ☐ A health care professional
- ☐ A provider of disability-related services
- ☐ Knowledgeable about disabilities
- ☐ A present or past recipient of disability-related services
- ☐ A family member of an individual who is a present or past recipient of disability-related services
- ☐ A family member who is a primary care giver for a minor child or youth who is a present or past recipient of disability-related services

More information:



# INQUIRY PROCESS

https://www.olmstead.nd.gov


An official website of the state of North Dakota. [Here's how you know](#)

Language: English

**NORTH Dakota** | Olmstead Commission  
Be Legendary.™


Search This Website

Home About The Commission Inquiries Meetings Resources News Events Archive



## THE NORTH DAKOTA OLMSTEAD COMMISSION


The Olmstead Commission's goal is to move North Dakota forward towards greater integration and inclusion for persons with disabilities with respect to community services and supports, employment, education, healthcare, housing and transportation.



### NEWSLETTER

View the Commission's latest newsletter here.


Newsletter



### WHAT IS OLMSTEAD

A video on the U.S. Supreme Court's landmark decision for people with disabilities.


Olmstead Decision



### INQUIRIES

Do you have an Olmstead related issue you want to bring to our attention?

Inquiry Process



### ANNUAL REPORT

View the Commission's annual report here.

2023 Annual Report





## What is an inquiry?

- An inquiry is an act of asking for information.
- An inquiry process allows the North Dakota Olmstead Commission (NDOC) to communicate with you about the issue and help you contact the right agency.
- NDOC cannot solve the problem for you. We can connect you with the most appropriate resources that might be able to help you.

## What should I do before filing an inquiry?

- Before you file an inquiry, you should try to get help through other resources.
- If you need help getting disability-related services, you can check with other agencies and organizations listed [here](#).

## Who can use the inquiry process?

- People with disabilities
- People advocating on behalf of someone with a disability

## How do I file an inquiry?

- If you have already tried getting help from other organizations or agencies, you can fill out this form [North Dakota Olmstead Inquiry](#) , and someone will contact you.

## What happens after I submit the form?

- NDOC staff will read your information.
- There will be an initial screening assessment to gather more information about the nature of the Olmstead violation alleged.
- The scope of an investigation will be determined on a case-by-case basis.
- NDOC may contact the entities involved, as well as individuals that may be able to provide information to further the investigation.
- We may contact you for more information. If you prefer to have your identity kept confidential, there may be a limit to how we can assist in your inquiry.

## What can't the inquiry process do?

- The inquiry process is not legal advice.
- NDOC cannot represent you, but we will review your concern and connect you with resources as appropriate.
- The inquiry process cannot help you get the services you might need. If you need help finding disability-related services, we list many resources [here](#).



# Resources

## Community Services/Supports:

[Aging & Disability Resource Line \(ADRL\)](#) 

[First Link](#) 

[ND Health & Human Services](#)

- DD
- Vocational Rehab
- Autism Services
- Basic Care
- Brain Injury Network
- Early Intervention
- Family Support Services
- Independent Living – Centers for Independent Living (CILS)
- Transition Services
- Residential Services
- Training and Employment

[ND Relay Services](#) 

[Community Action Partnership of ND](#) 

[ND Assistive](#) 

[Human Rights](#)

## Education:

[ND Protection & Advocacy](#) 

[ND School for the Deaf](#) Resource Center for Deaf & Hard of Hearing

## Transportation:

[ND Public Transportation](#)

[Community Action Partnership](#) 

## Healthcare:

[ND Health & Human Services](#)

## Housing:

[ND Housing & Financing Agency](#) 

## Employment:

[ND Job Service](#) 

[Vocational Rehabilitation](#)

[ND Department of Labor](#)


## Federal Resources:

[Americans with Disabilities Act](#)  [\(ADA\)](#)

Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*

[Titles of ADA](#) 

[Olmstead](#) 

Equal Employment Opportunity Commission: [EEOC](#) 



# SETTLEMENT AGREEMENT: STATE OF NORTH DAKOTA AND U.S. DEPARTMENT OF JUSTICE

Effective: December 14, 2020

Eight-year settlement agreement designed to ensure that the state will meet the ADA requirements by providing services, programs, and activities for individuals with physical disabilities in the most integrated setting appropriate to their needs.



# DOJ SETTLEMENT AGREEMENT

“ ... complaints we received which allege that the State of North Dakota fails to serve individuals in nursing facilities in the most integrated setting...

## EXAMPLES PROVIDED BY DOJ

- ➡ **Unnecessary segregation** of disabled individuals in skilled nursing facilities
- ➡ Adults in skilled nursing facilities who would **rather be in their community**
- ➡ **Imbalance of funds** to skilled nursing facilities and community-based services
- ➡ **Lack of awareness** about existing transition services and available tools



# DOJ SETTLEMENT AGREEMENT

The State will assist Target Population Members in learning about, applying for, accessing, and maintaining Community-Based Services.

## Target Population:

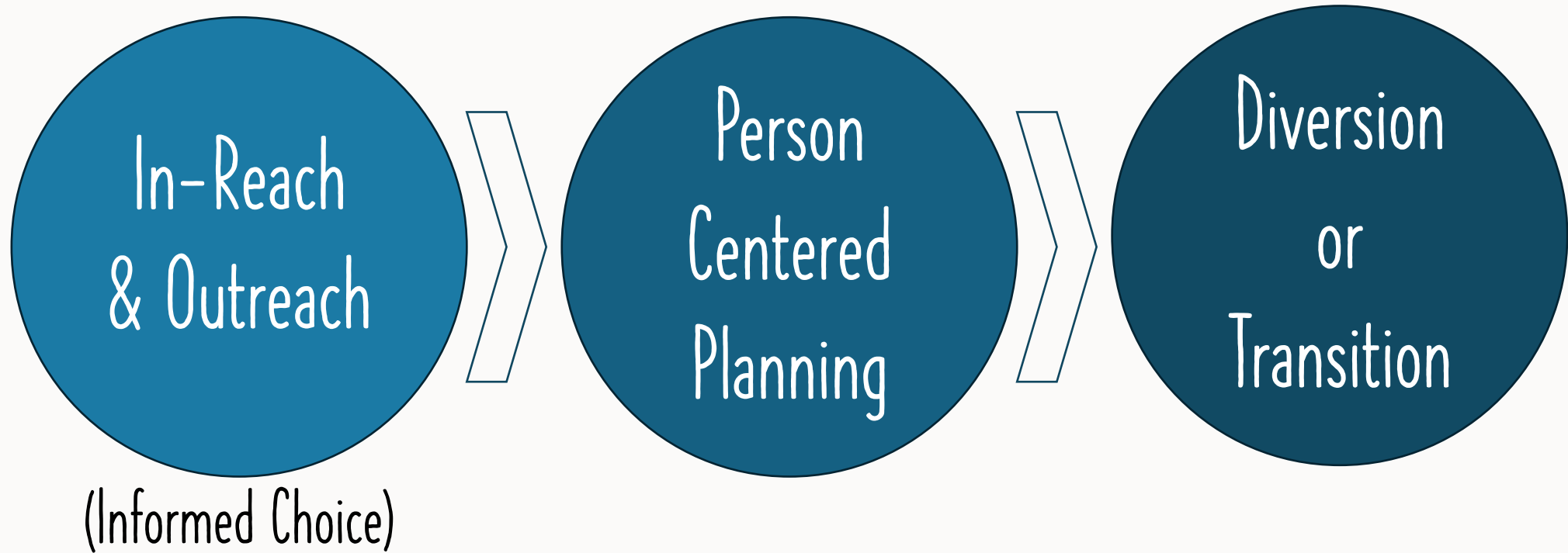
- Individuals with a physical disability
- Over the age of 21
- Eligible/ likely to become eligible to receive Medicaid Long Term Services and Supports (LTSS)
- Is likely to require LTSS for at least 90 days





# ND/DOJ SETTLEMENT AGREEMENT STRATEGY

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The Agreement will terminate after eight years if the parties agree that the State has attained substantial compliance with all provisions and maintained that compliance for a period of one year.



# INFORMED CHOICE

## Know Your Care Options.

### Nursing Home Care

Skilled nursing services are provided 24 hours a day. Room and board is paid by Medicaid.

#### Nursing homes provide:

- Room and board
- Monitoring of medications
- Help with bathing, dressing, transferring (personal cares)
- 24-hour emergency care
- Supervision
- Social and recreational activities
- Skilled therapies such as physical therapy, occupational therapy, speech therapy
- Coordination of medical care and transportation to appointments

#### Check with the hospital discharge team or nursing home of your choice.

List of nursing home facilities in North Dakota:  
[www.bit.ly/NDNursingFacilities](http://www.bit.ly/NDNursingFacilities)



## Choose What's Right For You.

### PACE Senior Care Services

The Program of All-inclusive Care for the Elderly (PACE) provides person-centered and coordinated care for older adults with significant support needs living in the community.

Services include preventive and primary healthcare, and short-term and long-term care services. For most people, the program allows them to continue living at home while receiving services.

#### Who qualifies?

- People at least 55 years old,
- Who need personal care services similar to residents of skilled nursing facilities,
- Live within a PACE service area, and
- Are able to live safely at home at the time of enrollment

#### For more information contact the ADRL centralized intake:

Phone: 855.462.5465

Email: [carechoice@nd.gov](mailto:carechoice@nd.gov)

<https://carechoice.nd.assistguide.net>

[www.hhs.nd.gov/healthcare-coverage/medicaid/elderly](http://www.hhs.nd.gov/healthcare-coverage/medicaid/elderly)

### In-Home and Community Services (HCBS)

Home and Community-Based Services for individuals who would like to stay in the community or move back into the community from a nursing facility. Support can be provided up to 24 hours a day. In-home and community services may include and are not limited to:

- Help with bathing, dressing, etc. (Personal Care)
- Housecleaning, laundry, or meal preparation (Homemaker Services)
- Opportunities for family caregivers to take a break and time for themselves (Respite Care)
- Care provided in your home by family members (Family Home Care)
- Home-delivered meals
- Training by a nurse on care tasks
- Medical related care provided by a trained caregiver
- Non-medical transportation

HCBS can be coordinated with other community services such as home health, skilled therapies, assistive equipment for your home, and help moving back to the community from a nursing home.

#### Services provided at home are person-centered and based on:

- Individual needs
- Choice of services
- Choice of who provides care
- Maintaining as much independence as possible

#### Who qualifies?

- People who meet functional and financial criteria

#### Learn more, contact the ADRL centralized intake:

Phone: 855.462.5465

Email: [carechoice@nd.gov](mailto:carechoice@nd.gov)

<https://carechoice.nd.assistguide.net>



# INFORMED CHOICE

## Nursing Home Care

### Where are Services Provided?

- Skilled nursing facilities (nursing homes)

### Eligibility

- Medicaid eligible, and
- Based on an assessment individual requires extra assistance with their personal care needs. This is typically referred to as "nursing facility level of care"

### What Services are Provided?

- Medical coordination
- 24-hour skilled nursing care
- 24-hour supervision
- On-site occupational therapy, physical therapy and speech services
- Congregate meals
- Social and recreational opportunities
- Medical transportation
- Room and board included

**ND ADRL**  
AGING & DISABILITY  
RESOURCE LINK

855.462.5465 • ND 711 (TTY)

Email: [carechoice@nd.gov](mailto:carechoice@nd.gov)

<https://carechoice.nd.assistguide.net>

## PACE Senior Care Services

### Where are Services Provided?

- Home
- Adult foster care home
- Adult residential care
- Nursing home
- Must live in Bismarck, Dickinson, Fargo or Minot

### Eligibility

- Medicaid eligible,
- Based on an assessment that you need extra support to live in the community. This is typically referred to as "nursing facility level of care,"
- Only available in some regions of the state, and
- 55 years or older

### What Services are Provided?

- Care and services coordinated by a team
- 24-hour emergency helpline
- Medical care, nursing, personal care services, occupational therapy, physical therapy and speech therapy
- Home delivered meals or congregate dining
- Social and recreational opportunities at day center
- Medical transportation

NORTH  
**Dakota** | Health & Human Services  
Be Legendary.

## In-Home and Community Services (HCBS)

### Where are Services Provided?

- In your home/family home
- Adult foster care home
- Agency adult foster care
- Specialized homes providing care for memory impairment and traumatic brain injuries

### Eligibility

- Is based on income and assets
- Need some assistance with self care to live independently in the community. Help needed may vary from a little to 24-hour care
- 18 years old and older

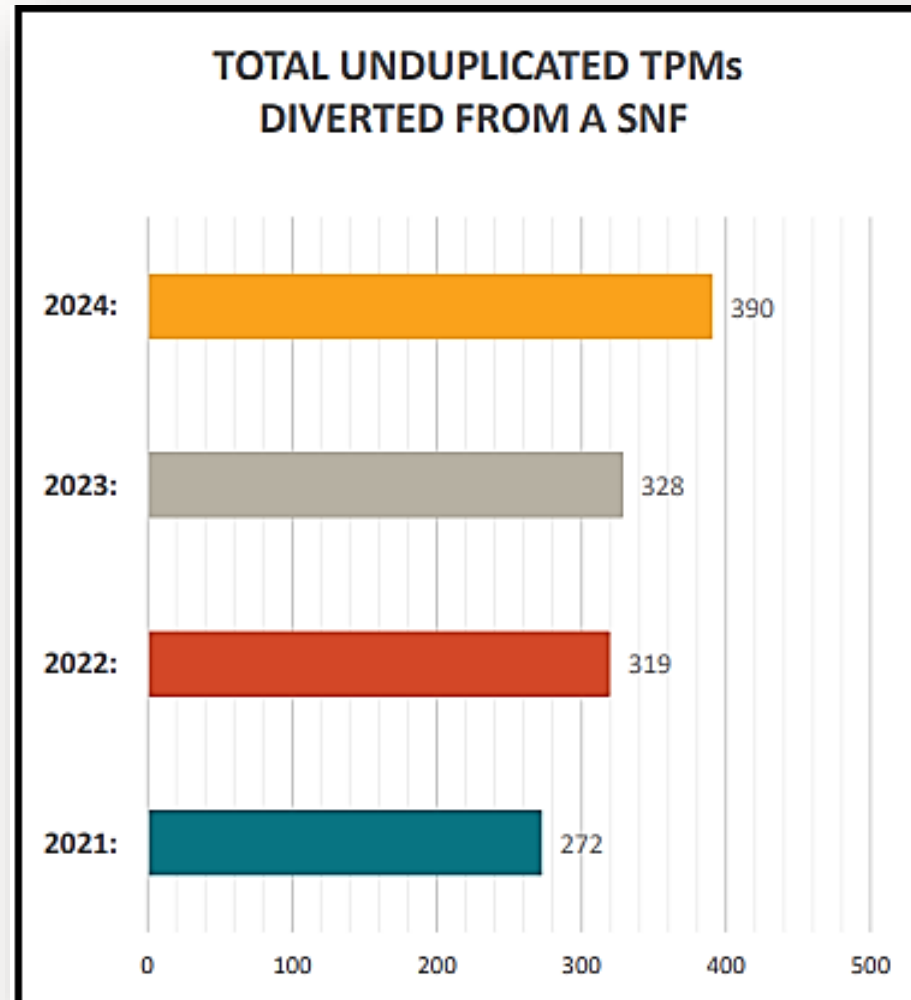
### What Services are Provided?

- Care and services coordinated through case management
- Up to 24-hours of care or supervision based on need
- Assistance in your home with bathing, dressing, housekeeping, laundry, preparing meals, respite care, etc.
- Choice of care provider including family or others
- Coordination of services with other community providers such as home health or other skilled therapy providers
- Home delivered meals or meal prepared by provider
- Individualized social and recreational opportunities
- Medical transportation based on need and availability

March 2021



# Aging Services HCBS DOJ Settlement Agreement Annual Comparison Dashboard



Since the first year of the SA (2021), the State has diverted 1,309 (Target Population Member) TPMs from a Skilled Nursing Facility (SNF).

*Source: US DOJ ND Settlement Agreement Comparison Dashboard*





# ACTIVITY:

## Visioning the Next 25 Years– Full Olmstead Implementation in 2050

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It's the year 2050. The U.S. has fully implemented the promise of Olmstead. People with disabilities live, work, and thrive in the most integrated settings.

What does this look like?

How did we get here?



## ACTIVITY:

# What does an inclusive society look like in the year 2050?

### Housing

What does housing look like in terms of access, location, and community inclusion?

What types of housing options are available? Who owns or manages them?

What assistive or smart home technologies are used to support independence?

What systems or mindsets had to change to make inclusive housing the norm?

What role do communities, businesses, technology, or urban planning play?

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### Employment

What does inclusive employment look like? What kinds of jobs are people with disabilities doing?

What replaced sheltered workshops and segregated employment? How did we prove that all people are capable of meaningful work?

What systems or supports make inclusive employment successful?

What technologies, policies, or mindsets made inclusive employment the norm?

What does meaningful, purpose-driven work look like, beyond just a paycheck?

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### Services & Supports

How are personal care, behavioral health, and daily living supports delivered in 2050?

What has changed in long-term services and supports?

What does it look like for a person to navigate services?

How have systems like Medicaid and managed care changed, evolved, or been replaced?

# ACTIVITY:

## How Did We Get Here?

### Policy Breakthroughs:

What laws, policies, or funding mechanisms helped achieve full integration?

Are there new legal protections that build on Olmstead?

How can we ensure people with disabilities lead the policymaking process?

### Technology & Innovation:

What technologies help people live/work independently and access services?

How did innovation accelerate inclusion?

### Community & Culture:

How has public perception changed since 2025?

How are people with disabilities represented in media, politics, and leadership?

What community-led movements or partnerships made a difference?

## ACTIVITY:

## Reflection

What common themes emerged?

What surprised you in your vision?

What needs to change in our systems, attitudes, or infrastructure?

What are the key breakthroughs or turning points (policies, laws, or innovations) between now and 2050?

Who needs to be involved in making change?

What were the biggest obstacles to inclusion between 2025 and 2050 – and how were they overcome?

What would we tell our 2025 selves about how to accelerate change?

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What is one action you/ your organization can  
take this year to help build that future?



## QUESTIONS?

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- Stephanie Bouche, ND Olmstead Commission Coordinator
- Email: [sbouche@nd.gov](mailto:sbouche@nd.gov)
- Website: [olmstead.nd.gov](http://olmstead.nd.gov)

THANK YOU!