

New Resources on *Olmstead* from DOJ and Bazelon Center

On June 22, 2011, the 12th anniversary of the Supreme Court's *Olmstead* decision, the U.S. Department of Justice (DOJ) released a technical assistance document clarifying aspects of the landmark 1999 decision. In the *Olmstead* case the Court ruled that under the Americans With Disabilities Act (ADA) the unjustified institutional isolation of people with disabilities is a form of unlawful discrimination. The decision affirmed the rights of people with mental illnesses and other disabilities to live in their communities. The DOJ's new technical assistance document offers guidance on such topics as the obligations of public entities to provide community-based services. To commemorate the anniversary, the DOJ also launched a new section of its ADA Web site that gathers resources related to *Olmstead* (www.ada.gov/olmstead), such as recent briefs filed by the department to enforce the provisions of the decision.

To help ensure that people with disabilities understand DOJ's recent technical guidance on *Olmstead*, the Bazelon Center for Mental Health Law has released a three-page brief, *Making Your Life Your Own: How Olmstead Expands Rights and Opportunities for People With Serious Mental Illnesses*. The brief begins by describing ADA's "integration mandate," which directs publicly funded programs for people with mental illnesses to deliver services in the most integrated setting appropriate to their needs and in ways that do not discriminate, such as by needlessly keeping them away from the mainstream of their communities. The most integrated setting is one in which individuals with disabilities can interact with nondisabled persons to the fullest extent possible. The brief answers other questions, such as about the extent to which states may be required to change

their Medicaid programs to address the mandate and how to get help for *Olmstead* violations. The Bazelon Center has also created two brochures—one for people with mental illnesses and one for people with other disabilities—that summarize key points from the brief. These resources are available on the Bazelon Web site at www.bazelon.org.

NEWS BRIEFS

Kaiser Foundation resources on health exchanges: On July 11, 2011, the Department of Health and Human Services released proposed federal rules governing health exchanges (ofr.gov/ofrupload/ofrdata/2011-17610_pi.pdf), a key element of health care reform. The Kaiser Family Foundation has gathered a number of resources on its Web site (www.kff.org), including a primer on health exchanges, an analysis of what deductibles might look like in the exchanges, a report describing the 24 million Americans who are expected to purchase insurance through exchanges, and an interactive map providing a status report for each state. As described in the Kaiser primer, these exchanges will create an online one-stop shopping mall where consumers can compare competing health insurance plans. Consumers who qualify for assistance will also use the exchanges to gain access to Medicaid or receive federal subsidies or tax credits to purchase insurance. Every state must establish an exchange by January 1, 2014, or default to a federal program. The proposed rules grant states more flexibility in designing and regulating the exchanges than some consumer advocates desired. Under the rules, the marketplaces must post information online about price and quality, offer specific standardized plans, and set an annual open enrollment period. However, states will not be required to negotiate with plans on price or

benefit offerings, and insurers will be allowed to hold seats on exchange oversight boards, even though consumer groups opposed their doing so. Industry groups, consumer advocates, and others have 75 days to submit comments on the proposed rules (www.regulations.gov/#!home). Final rules are expected later this year.

Surgeon General releases National Prevention Strategy: On June 16, 2011, U.S. Surgeon General Regina Benjamin, M.D., and the Obama administration released the National Prevention and Health Promotion Strategy, a comprehensive plan to help increase the number of Americans who are healthy at every stage of life. The strategy was developed by the National Prevention Council, composed of 17 federal agencies in consultation with outside experts and stakeholders. The plan is designed to help shift the health care system from a focus on sickness and disease to a focus on prevention and wellness. The strategy outlines four strategic directions that are fundamental to improving the nation's health: building healthy and safe community environments, expanding high-quality preventive services in both clinical and community settings, empowering people to make healthy choices, and eliminating health disparities. In the area of mental health, the strategy includes four broad recommendations: to promote positive early childhood development, including positive parenting and violence-free homes; to facilitate social connectedness and community engagement across the lifespan; to provide individuals and families with the support necessary to maintain positive mental well-being, such as by enhancing problem-solving and coping skills and improving relationships; and to promote early identification of mental health needs and access to high-quality services. The 122-page national strategy document is available at www.healthcare.gov.