



NASHIA Celebrates the 21st Anniversary of the Olmstead Decision

Today, June 22, marks the 21st anniversary of the Olmstead Decision handed down by the U.S. Supreme Court. It is a landmark decision, recognizing that people with disabilities, including individuals with brain injury, and older Americans, should have community options to meet their needs for long-term services and supports (LTSS). As the result of *Olmstead v. L.C.*, federal and State government have funded initiatives to increase community options for LTSS of choice. One such initiative is the Money Follows the Person (MFP) Demonstration Grant program, which provides enhanced federal funding for Medicaid services for beneficiaries who transition from institutions to the community. States have used this incentive to transition individuals with brain injury from living in nursing home settings to community living. Read below to learn how MFP coupled with Medicaid Home and Community-based Services (HCBS) waiver and other programs support people with a brain injury to live in the community.

A special thanks to Sandy Biber, Director, Community Based Services, Massachusetts Rehabilitation Commission, for sharing these stories.

MFP and Community Living Supports Impact Lives of Individuals with Brain Injury!

An Apartment Key More Than Unlocking Independence:

A story of one woman's determination and alliances



“[I like] everything, it’s my place. I can come and go as I please”, said Mary. “Having the keys is the best part.”

After surviving a stroke, Mary, a 40 year old woman, who previously was living in an apartment with a roommate, was determined that returning to the apartment after her stroke was no longer a viable option. It was during her brief stay at a health care facility, when Mary met with a social worker who informed her about the **Money Follow the Person (MFP) Demonstration Program**. She

Think Outside of the Facility!

Meet Troy! Hear Troy tell his story how MFP and other resources were assembled to help him to transition from nursing home to community living in his own apartment with modifications to meet his needs. Click on the video below.



later met with her Transition Coordinator from Ethos, a community provider, and was signed up for the MFP Program.

She then transitioned into living in the community by renting a room from a friend. Mary soon realized that she needed her own place and more assistance than the **MassHealth PCA** program. Through *Demo Specialty Services*, additional care supports were put in place by her **Massachusetts Rehabilitation Commission (MRC)** case manager and her Ethos transition coordinator.

Mary was transitioned to living in the community, while her MRC case manager worked with her to sign up for the **No Residential Habilitation (ABI-N)** Waiver so Mary could get the additional supports she was looking for and needed.

A few months later, Mary started working her Individual Support and Community Habilitation (ISCH) worker, where she explained her goal was to secure her own apartment. Together, they filled out applications for both public and private housing. Finally, an opening came and she was the first person to interview for the apartment, which she obtained.

As Mary was still within her year of the MFP Program year eligibility, she was determined to fully utilize all the benefits of the MFP program and *she went furniture shopping!* **On February 22, 2016, Mary moved into her new, and very own, apartment.**

“My hands were shaking because I was so excited. It has been 10 years since I lived alone in my own apartment,” said Mary. “I had always lived with other people.” For Mary having her own place, her own keys signified she could come and go as she pleases, something that was very important to her.

Meet Jorge, a 32 year old ABI Home and Community-based Services (HCBS) Medicaid Waiver participant with a Traumatic Brain Injury (TBI) sustained in a car crash approximately 10 years ago. The crash left Jorge dependent for all his ADL’s and communication was limited to answering yes or no questions with eye blinks. He became eligible for the ABI-N waiver on October 23, 2012, providing the supports and services for him to live in the community.

After a 9-year stay at a nursing facility, the Waiver provided Jorge the opportunity to transition home on June 29, 2015. His brother bought a home for him and Jorge, which was modified by the MRC Home Adaptation Program. Modifications included a ramp, wheelchair accessible bathroom and bedroom. A Hoyer lift track system was installed in the bedroom and bathroom making transitions easier for Jorge and his caregivers. Jorge receives 40 hours a week of Home Health Aide Services and his brother became a Waiver Provider for Adult Companion Services (36 hours per week). He also receives services from the State Personal Care Attendant (PCA) Program. The Waiver also provides medical supplies not covered under MassHealth, a supine stander, recliner and bedroom furniture. A speech and language pathologist has been working with a provider agency a communication device and capability switches to operate devices.

Jorge’s quality of life has improved greatly. At the nursing facility he was in bed every day, bathed once a week, tube fed only and had very little stimulation. At home, his brother takes him to all his favorite places. He is able to try some pureed foods, bathe every day, transferred several times a day and is surrounded by the love and support of his family.



What is the Olmstead Decision?

On June 22, 1999, the United States Supreme Court held in *Olmstead v. L.C.* that persons with disabilities have a right to have opportunities to live, work, and receive

History of the MFP Demonstration Program

The **Money Follows the Person (MFP) Demonstration** was first authorized in the Deficit Reduction Act of 2005 and signed

services in the greater community, like individuals without disabilities.

Specifically, the Court ruled *that unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act (ADA)*, which prohibits public entities, including State and local governments, from discriminating against "qualified individuals with disabilities" by excluding them from services and activities due to their disability.

Does the Olmstead Decision Impact Individuals with Brain Injury?

Yes. Under the ADA, a person with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities; a person who has a history or record of such an impairment; or a person who is perceived by others as having such an impairment.

Is Olmstead Limited to Residential Facilities?

No. Cases have been filed with regard to individuals with disabilities in sheltered workshop settings, facility-based day programs, and segregated educational program for students with behavior-related disabilities. Settlement agreements have been made accordingly to provide community alternatives, such as supported employment services in lieu of sheltered employment.

into law by President Bush. It was designed to assist States with: (1) supporting Medicaid enrollees who want to transition from nursing facilities back to community-based and (2) developing infrastructure to promote and enhance access to HCBS.

It was amended by Section 2403 of Patient Protection and Affordable Care Act (P.L. 111-148), the Medicaid Extenders Act of 2019 (P.L. 116-3), the Medicaid Services Investment and Accountability Act of 2019 (P.L. 116-16), the Sustaining Excellence in Medicaid Act of 2019 (P.L. 116-39), and Sec 205: Further Consolidated Appropriations Act, 2020 (P.L. 116-94).

Congress has extended funding several times through appropriations bills/short-term resolutions, including another short term reauthorization through November 30, 2020, as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748). These short-term extensions have hindered States in a number of ways, including the erosion of infrastructure and the elimination of staff.

Therefore, NASHIA supports a long-term solution to funding this program and urge NASHIA members to also contact their Congressional and Senate Members to support this critical program that has benefited individuals with brain injury.



Money Follows the Person Demonstration Program -- Making a Difference!

- Since its inception, 44 States have participated and over 91,000 individuals have been transitioned back to the community.
- According to independent evaluations by Mathematica:
 - Participants report significant and lasting improvements in quality of life and community integration after returning to the community.
 - Findings suggest that after individuals return to the community, their overall

Medicare and Medicaid expenditures decrease by roughly 20%.

- States have made significant progress on “balancing” their long-term services and supports system to enhance access for HCBS, due in part to MFP. In FY05, States only spent approximately 37% of their LTSS expenditures on HCBS. According to the most recent data, States now spend over 53% on HCBS.

[Visit our website for State program contacts and resources.](#)
