



Opportunities for South Carolina to Strengthen Home and Community-Based Services for People with Disabilities

 **FEBRUARY 2023**

Executive Summary

In 2020 an estimated 64 million Americans lived with a disability.¹ This total included 1,304,480 South Carolinians living with traumatic brain injuries (TBI), vision or hearing impairments, mental illness, intellectual disabilities, developmental disabilities, physical disabilities and co-occurring disabilities such as mental illness and intellectual disability or mental illness and TBI.²

People with disabilities have historically been segregated from the rest of society and unable to participate in everyday life, which most of us take for granted. This segregation was noted as a severe and pervasive problem upon the passing of the Americans with Disabilities Act (ADA) in 1990.³ The Integration Mandate set by the ADA began a process of desegregation which further extended into deinstitutionalization by the *Olmstead v. L.C.*, 527 U.S. 581 Supreme Court ruling in 1999. The *Olmstead* ruling states that people with disabilities are entitled to comprehensive services in a community-integrated setting.⁴ However, 24 years after the order, South Carolinians with disabilities still struggle to receive support services in their community. For instance, the United States Department of Justice's Civil Rights Division is currently investigating South Carolina to determine if adults with mental illness are being subjected to unnecessary institutionalization and risk of institutionalization in community residential care facilities (CRCF) due to South Carolina's lack of integrated community-based mental health services.⁵

Disability Rights South Carolina and the South Carolina Institute of Medicine and Public Health conducted interviews to identify barriers to *Olmstead* compliance in South Carolina. Interviewee participants included state agencies, community organizations and South Carolinians with disabilities and their families and caregivers. We asked participants to identify what they believed were barriers to meaningful community integration, and those barriers identified were included in the following themes:

- Waiting Lists for Medicaid Waivers
- Health Care Workforce Crisis
- Employment
- Housing
- Transportation
- Assistive Technology
- Care Coordination of Services



The Olmstead decision clearly defines the responsibility of states to each develop an Olmstead plan. Although 35 states have created Olmstead plans in the years following the decision, South Carolina has not. With an Olmstead Plan, it is easier for South Carolina to demonstrate success in moving individuals to integrated settings.⁶ This report outlines recommendations for South Carolina to develop and implement an Olmstead Plan. A plan would reflect the extent to which the state provides services in the most integrated setting and concrete commitments to expand integrated opportunities by including measurable goals and specific strategies to:

- Increase the number of slots for waivers and shorten the time people with disabilities are on waiting lists.
- Employ a multifaceted approach that leverages various recruitment and retention strategies to increase the number of qualified home and community-based service staff.
- Support current advancements toward Competitive Integrated Employment (CIE), such as Employment First and the Elimination of Subminimum Wage.
- Increase accessible and affordable housing in the community for people with disabilities.
- Increase accessible transportation options for people with disabilities.
- Increase access to assistive technology in the homes of people with disabilities and workplaces to support employment. Strategies should include investments in building awareness of available assistive technology options and training in utilizing the equipment for individuals with disabilities and the family and staff that support them.
- Increase the use of person-centered practices, organize care activities and improve information sharing across providers.

Recommendations also include the designation of an Olmstead Compliance Coordinator to oversee the development and implementation of the South Carolina Olmstead Plan, as well as an Olmstead Implementation Council to implement the strategies within the Olmstead Plan. The state's progress would be assessed and reported annually.

References

1. Centers for Disease Control and Prevention (2020) *Prevalence of Disability Status and Type* [Raw Data]. Disability and Health Data System. <https://data.cdc.gov/Disability-Health/DHDS-Prevalence-of-Disability-Status-and-Types/s2qv-b27b/data>
2. Centers for Disease Control and Prevention (2020) *Prevalence of Disability Status and Type* [Raw Data]. Disability and Health Data System. <https://data.cdc.gov/Disability-Health/DHDS-Prevalence-of-Disability-Status-and-Types/s2qv-b27b/data>
3. Robert and Elizabeth Dole Archive and Special Collections. *Americans With Disabilities Act of 1988: Joint Hearing Before the Subcommittee on the Handicap of the Committee on Labor and Human Resources United States Senate and the Subcommittee on Select Education of the Committee on Education and Labor House of Representatives Once Hundredth Congress Second Session on S.2345*. The University of Kansas. Retrieved on December 7, 2022 from https://dolearchivecollections.ku.edu/collections/ada/files/s-leg_752_002_all.pdf
4. Ginsburg, R. B. & Supreme Court Of The United States. (1998) U.S. Reports: *Olmstead v. L.C.*, 527 U.S. 581. [Periodical] Retrieved from the Library of Congress, <https://www.loc.gov/item/usrep527581/>
5. The United States Department of Justice. (2022 January). *Justice Department Launches Statewide Disability Rights Investigation into South Carolina's Use of Adult Care Homes*. <https://www.justice.gov/opa/pr/justice-department-launches-statewide-disability-rights-investigation-south-carolina-s-use>
6. U.S. Department of Justice Civil Rights Division. (2020, February 25). *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.* *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.*. Retrieved on January 6, 2023, from https://archive.ada.gov/olmstead/q&a_olmstead.htm