

VIRGINIA ADA SETTLEMENT FACT SHEET

The agreement resolves the Civil Rights Division's finding that the Commonwealth of Virginia failed to serve individuals with intellectual and developmental disabilities in the most integrated setting appropriate to those individuals' needs, in violation of the Americans with Disabilities Act (ADA) and *Olmstead v. L.C.*

- **OVERVIEW**

- The agreement requires the Commonwealth to provide community-based services through Medicaid waivers and family supports for more than 5,000 individuals with intellectual and developmental disabilities who are unnecessarily institutionalized in Virginia's five state-operated Training Centers or in state-funded private facilities and individuals who are at risk of unnecessary institutionalization because of a lack of adequate community supports and services.
- The agreement will provide relief to thousands more people with intellectual and developmental disabilities by expanding crisis and employment services, enhancing access to services in the community, and providing comprehensive oversight of the quality of community services.
- The agreement will transform Virginia's developmental disabilities system from one heavily reliant on large, expensive institutions to one focused on safe, individualized, and cost-effective community-based services that promote integration and independence and enable individuals to live, work and participate fully in community life.
- The agreement will help the commonwealth use its resources to serve thousands of additional individuals with intellectual and developmental disabilities.

- **RELIEF IN SETTLEMENT AGREEMENT**

- Medicaid Home and Community Based Waivers
 - A total of approximately 4,200 home and community based waivers to help individuals with intellectual and developmental disabilities leave institutional settings, including training centers, and to prevent the unnecessary institutionalization of individuals who are currently on long waitlists for services in the community.
 - 800 waivers to transition individuals from the training centers to the community
 - Almost 3,000 waivers for individuals with intellectual disabilities on the "urgent" waitlist and youth with intellectual disabilities in private institutions
 - 450 waivers for individuals with other developmental disabilities on the waitlist and youth with other developmental disabilities in private institutions
- Family Supports
 - Family supports to 1,000 individuals on the waitlist to help provide care in their family home or own home and prevent their unnecessary institutionalization.
- Crisis System
 - Will provide services that help divert individuals from unnecessary institutionalization and keep them in their communities and homes
 - Full range of crisis services:
 - Statewide 24/7 crisis hotline

- Mobile crisis teams (capacity to respond to any crisis within 1 hour in urban areas and 2 hours in rural areas) available 24/7 to provide in-home assistance, crisis planning, and crisis prevention
- Alternative crisis community placements
- Short-term crisis stabilization beds in small settings in each Region
- Integrated Housing
 - An \$800,000 State fund for new housing assistance to facilitate placement of individuals in their own homes or apartments, and a study of the need for such housing options.
 - Presumption that people with disabilities can live in their own homes, family homes, or small (4 or fewer beds) integrated placements in the community.
- Case management
 - Case management services for all individuals covered by the agreement
 - Enhanced case management for individuals with more complex needs, who have experienced crises, are in congregate settings, or are receiving services from providers with conditional licenses.
- Integrated Employment
 - Development and implementation of an Employment First Policy that prioritizes integrated, competitive-wage supported employment for individuals receiving state-funded services
 - Expanded opportunities for integrated employment and other integrated day activities
- Special populations
 - Requirement that individuals with complex needs have the option to be served in integrated settings
 - Waivers targeting children and adolescents in private institutional settings
- Comprehensive oversight of safety and quality of community-based services
 - Statewide quality and risk management system with qualitative and quantitative measures
 - Sustained follow-up for individuals who transition from the institutions to the community
- Additional provisions
 - Discharge planning that begins upon admission and starts with the presumption that, with sufficient supports and services, all individuals can live in an integrated setting
 - Discharge planning process that includes family and community providers and is person-centered and strengths-based
 - Monitor with capacity to hire staff to assist in the implementation and to conduct reviews
- Court-enforceable should the commonwealth fail to comply