**disABILITY LINK - Legislative and Public Policy Quarterly Report – October 2015 - 25 years after the ADA, The Disability Integration Act**

The Disability Integration Act (the DIA), is proposed civil right legislation for people with disabilities. Twenty-five years after the Americans with Disabilities Act (the ADA) was signed into law, and sixteen years after The Olmstead Decision, not all people with disabilities benefit from the ADA, and the resulting Supreme Court Decision, because they are still trapped in nursing facilities and other institutions, unable to access public transportation, enjoy public accommodations or seek employment (rights provided by the ADA).

The proposed legislation establishes new federal law, which requires states and insurance providers that pay for Long Term Services and Supports (LTSS), to provide community-based services first, and offer Home and Community Based Services (HCBS) to people currently in institutions. The Disability Integration Act operates alongside the Community First Choice Option (CFCO), section 2401 of the Affordable Care Act, which provides an additional 6% of federal Medicaid matching funds to states that select the CFC Option.

The difference is, while CFC is an option which states can choose, and provides money for states to support independent living, many states (including Georgia) have not chosen CFC. The DIA requires states and insurance providers that pay for LTSS to make real and meaningful changes that support the right of people with disabilities to live in freedom. The DIA asserts that, “No individual...shall be denied community-based long term services and supports so the individual can live in the community and lead an independent life.” The DIA would make it illegal for state and insurance providers that pay for LTSS to fail to provide HCBS by using waiting lists, screening people out, capping services, paying workers too little for services, or the other barriers states have used to keep people from living in the community with supports. The DIA requires each state to offer community-based services and supports to any individual who is eligible to go into an institution. It also requires states to take active steps to make sure that there is enough affordable, accessible and integrated housing.

This proposed legislation allows the Federal government to reduce a state’s funding for institutional settings by as much as 10% if a state refuses to submit, or fails to secure, a plan to transition to community-based LTSS. The DIA will mean that states receive less money if they don’t support the right of people with disabilities to live in the community, and CFCO will give them more money if they do support our right to live in freedom. The legislation also allows for people who have been discriminated against to receive damages.

This proposed legislation addresses the Medicaid bias (states who accept Medicaid funds, must provide institutional supports, while community supports are optional) that the disability community have been fighting for a long time.

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