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| **Nebraska Olmstead Plan**  **Chapter 81-601** |
| **Summary**  This 2019 law required the Nebraska Department of Health and Human Services (DHHS) to create a plan to provide services to people with disabilities in the most integrated settings in keeping with the 1999 United States Supreme Court decision in *Olmstead v. L.C.* that persons with disabilities have a right to have opportunities to live, work, and receive services in the greater community, just like individuals without disabilities. The final plan was submitted to the Legislature December 2019. |
| **Responsible State Department**  Nebraska Department of Health and Human Services (DHHS). |
| **How do the State Statutes Apply to People with Brain Injury?**  The statutes required the DHHS to develop a plan for community services as alternatives to institutional care. The agency submitted the plan, “A Vision for Community Integration: Nebraska’s Olmstead Plan,” December 2019. The plan addresses a wide range of issues, such as increasing HCBS waiver programs; reducing wait list for vocational rehabilitation services; obtaining affordable housing; addressing workforce shortages, transportation, transition and other services; and addressing data needs. Under Goal 1:   * “Nebraska VR is using its FY 2018-2021 traumatic brain injury grant from the Administration for Community Living to build a statewide, voice-driven association of individuals with brain injury and family members that will advocate for policy, program, and service changes that increase access to comprehensive and coordinated services in their communities.” |
| **Pertinent sections**  Statute §81-6121 and §81-6122 required that the plan be developed with input by a number of agencies and organizations, including an organization advocating on behalf of brain injury. |
| **Relevant Organizations/Partners:**  Nebraska Planning Council on Developmental Disabilities; Disability Rights Nebraska. |
| **Web page link:**  <http://dhhs.ne.gov/Pages/Developmental-Disabilities.aspx> |

**Section 81-6,121. Persons with disabilities; legislative findings and declarations.**

The Legislature finds and declares that:

(1) In 1999 the United States Supreme Court held in the case of Olmstead v. L.C., 527 U.S. 581, that unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the federal Americans with Disabilities Act of 1990. The court held that public entities must provide community-based services to persons with disabilities when (a) such services are appropriate, (b) the affected persons do not oppose community-based services, and (c) community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability services from the entity. The court stated that institutional placement of persons who can handle and benefit from community-based services perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life and that confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment;

(2) Many Nebraskans with disabilities live in institutional placements and settings where they are segregated and isolated with diminished opportunities to participate in community life; and

(3) The United States Supreme Court further stated in the Olmstead decision that development of (a) a comprehensive, effective working plan for providing services to qualified persons with disabilities in the most integrated community-based settings and (b) a waiting list that moves at a reasonable pace could be important ways for a state to demonstrate its commitment to achieving compliance with the federal Americans with Disabilities Act of 1990.

**Source:**

* [Laws 2016, LB1033, § 1;](https://nebraskalegislature.gov/FloorDocs/104/PDF/Slip/LB1033.pdf)
* [Laws 2019, LB570, § 2.](https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB570.pdf)
* Effective Date: May 18, 2019

**Section 81-6,122. Strategic plan for providing services; department; duties; advisory committee; analysis and report.**

(1) The Department of Health and Human Services shall, in collaboration with the Department of Correctional Services, the Department of Economic Development, the Department of Labor, the Department of Transportation, the Department of Veterans' Affairs, the State Department of Education, the University of Nebraska, and the Equal Opportunity Commission, develop a comprehensive strategic plan for providing services to qualified persons with disabilities in the most integrated community-based settings pursuant to the Olmstead decision.

(2) The chief executive officer of the Department of Health and Human Services shall convene a team to:

(a) Develop the strategic plan described in subsection (1) of this section;

(b) Appoint and convene a stakeholder advisory committee to assist in the review and development of the strategic plan, such committee members to include a representative from the State Advisory Committee on Mental Health Services, the Advisory Committee on Developmental Disabilities, the Nebraska Statewide Independent Living Council, the Nebraska Planning Council on Developmental Disabilities, the Division of Rehabilitation Services in the State Department of Education, the Public Service Commission, the Commission for the Deaf and Hard of Hearing, the Commission for the Blind and Visually Impaired, a housing authority in a city of the first or second class and a housing authority in a city of the primary or metropolitan class, the Assistive Technology Partnership, the protection and advocacy system for Nebraska, an assisted-living organization, the behavioral health regions, mental health practitioners, developmental disability service providers, an organization that advocates for persons with developmental disabilities, an organization that advocates for persons with mental illness, an organization that advocates for persons with brain injuries, and an area agency on aging, and including two persons with disabilities representing self-advocacy organizations, and, at the department’s discretion, other persons with expertise in programs serving persons with disabilities;

(c) Arrange for consultation with an independent consultant to assist with the continued analysis and revision of the strategic plan and determine whether the benchmarks, deadlines, and timeframes are in substantial compliance with the strategic plan;

(d) Provide continuing analysis of the strategic plan and a report on the progress of the strategic plan and changes or revisions to the Legislature by December 15, 2021, and every three years thereafter; and

(e) Provide the completed strategic plan to the Legislature and the Governor by December 15, 2019.

(3) The reports and completed plan shall be submitted electronically to the Legislature.

**Source:**

* [Laws 2016, LB1033, § 2;](https://nebraskalegislature.gov/FloorDocs/104/PDF/Slip/LB1033.pdf)
* [Laws 2019, LB570, § 3.](https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB570.pdf)
* Effective Date: May 18, 2019