

The Disability Integration Act



Over 25 years after the signing of the Americans with Disabilities Act (ADA), institutionalization seriously interferes with the liberty of people with disabilities and seniors. The Senate HELP Committee report “Separate and Unequal: States Fail to Fulfill the Community Living Promise of the Americans with Disabilities Act” documented the failure of States to secure and protect the liberty of people with disabilities and seniors by refusing to provide community-based services. That report recommended that Congress strengthen the ADA integration mandate to clarify that States and private insurers cannot interfere with every American’s right to liberty by failing to provide Long Term Services and Supports (LTSS) in the community.

Summary of Legislation

The Disability Integration Act is bipartisan, bicameral legislation that ensures that disabled Americans have a right to live and receive services in their own homes. The DIA further secures our Constitutionally-protected right to liberty by preventing people with disabilities from being forced into costly institutional settings by unnecessary government regulations. DIA was first introduced in the 114th Congress. Senate Minority Leader Schumer has reintroduced the bill (S.910) in the 115th Congress with minor changes that have strengthened the bill. Representative Sensenbrenner (R-WI), who was a cosponsor during the 114th Congress, has introduced DIA (HR.2472) in the House of Representatives.

Legislative Approach

The **Disability Integration Act** creates a comprehensive solution, assuring the full integration of disabled people in the community by:

- clarifying that **every individual who is eligible for LTSS** has a federally protected right to a **real choice** in how they receive services and supports;
- assuring that states and other LTSS insurance providers **deliver services** in a manner that allows disabled individuals to **live in the most integrated setting**, have maximum control over their services and supports, and lead an independent life;
- articulates the **right to live in the community** without creating unnecessary or wasteful Government programs; **States have broad latitude** to determine how they will secure that right;
- establishing a **comprehensive planning requirement** that includes enforceable benchmarks;
- requiring public entities to address the need for **affordable, accessible, integrated housing that is independent of service delivery**; and establishing **stronger, targeted enforcement** mechanisms.

Why You Should Support DIA

- It secures the Constitutional right to liberty for millions of disabled people and seniors who are in institutions and want to live in the community.
- It helps seniors stay in their own homes as they age.
- It saves millions of Federal and State dollars compared with institutionalization.
- It keeps families together.

Support for this Legislation

This legislation has broad-based support of organizations with over 40 national groups, and over 400 groups in all. It was crafted by ADAPT & the National Council on Independent Living with assistance from the Autistic Self Advocacy Network. Key supporters include:

- Advance CLASS
- American Association of People with Disabilities
- Association of University Centers on Disabilities
- Bazelon Center for Mental Health Law
- Brain Injury Association of America
- Leadership Conference on Civil and Human Rights
- Little People of America
- Medicare Rights Center
- National Academy of Elder Law Attorneys
- National Council on Aging
- National Disability Leadership Alliance
- National Disability Rights Network
- National Downs Syndrome Congress
- National Organization of Nurses with Disabilities
- Paraprofessional Healthcare Institute
- Parent to Parent USA
- Self Advocates Becoming Empowered
- SEIU
- Tash
- The Congress of Disabled Persons Against Exploitation
- United Spinal Association

This issue has significant untapped public support. In 2010, ADAPT secured a Harris poll assessing public support. The poll showed that 89% of all Americans, and 94% of retirees, support legislation which would require people to get home and community-based supports and services instead of forcing older and disabled Americans into nursing facilities and other institutions. **More information, including the full supporter list, is available at the DIA website: www.DisabilityIntegrationAct.org**

THE RIGHT TO LIVE IN THE COMMUNITY is logically prior to, and necessary for, the exercise of the rights which the ADA was intended to secure for all people with disabilities.

The lack of adequate community-based services and supports has imperiled the civil rights of people with disabilities, and has undermined the very promise of the Constitution for disabled Americans.

It is, therefore, necessary to recognize in statute a robust and fully-articulated right to community living.