

Patricia M. Droney, J.D., Psy.D.

Family Member, National Alliance on Mental Illness – CT (NAMI-CT)

75 Rockledge Drive, West Hartford, CT 06107

patriciadroney@yahoo.com

STATEMENT IN OPPOSITION TO Connecticut General Assembly RAISED BILL NO 6583

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As a family member of NAMI-CT's Public Policy Committee and a pro bono advocate for persons with mental health challenges in Connecticut, I speak in opposition to Raised Bill No. 6583. The Bill would divert revenue and resources from Connecticut's stated policy under the Money Follows the Person Program of supporting persons with disabilities in the communities in which they want to live rather than in segregated institutional facilities such as nursing facilities and residential care facilities.

Money Follows the Person is part Connecticut's efforts to respond to the mandate of the Americans with Disabilities Act (ADA), first enacted in 1990. June 2009 marked the tenth anniversary of the U.S. Supreme Court's decision in *Olmstead v. L.C.* Looking back on ten years of *Olmstead* implementation around the country, Attorneys Ira Burnim, co-counsel in that litigation and Jennifer Mathis, both of the Bazelon Center for Mental Health Law, pointed out that country-wide millions of people with disabilities remain institutionalized although, with new service approaches, people with even the most challenging needs can now be served in the community (Burnim and Mathis, *The Olmstead Decision at Ten: Directions for Future Advocacy, Clearinghouse REVIEW Journal of Poverty Law and Policy*, November-December 2009, p. 387).

Attorneys at Connecticut's Office of Protection and Advocacy and The Bazelon Center for Mental Health Law are co-counsel in litigation pending in federal court in Hartford concerning allegations that Connecticut's policy of segregating and isolating persons with mental health disabilities in a number of Connecticut for-profit nursing facilities in violation of the ADA. To spend money even for services deemed "treatment" but which segregate such persons in residential care facilities would violate the mandate of the ADA as well. Many privately operated facilities, such as nursing facilities and residential care facilities, operate on a for-profit basis and have little incentive, if any, to identify residents as qualified for community care and services (Burnim and Mathis, p. 387). As the attorneys point out, even smaller board- and care- facilities have features of larger institutional settings, diminishing residents' opportunities to interact with people without disabilities.

Raised Bill No. 6593 unlawfully singles out persons with psychiatric challenges, not to protect them "from nursing home placement", as the bill as written disingenuously implies, but would reinforce their segregation and isolation from their communities and neighbors by diverting money and resources needed for the integration mandate of the ADA.