

Disability Rights Ohio Does Not Speak for Everyone: Individuals with Intellectual and Developmental Disabilities are Entitled by Federal Law to Residential and Employment Choice

Disability Rights Ohio (DRO), a federally-funded legal aid organization, has sent a letter to Governor John Kasich and the Directors of the Departments of Developmental Disabilities, Medicaid, and Health Transformation, threatening Ohio with a lawsuit if the State does not take action to “significantly reduce” the number of persons residing in ICFs (Intermediate Care Facilities), and transition them to what DRO characterizes as “small, integrated, community-based” placements. DRO begins its letter by stating, “We write on behalf of thousands of individuals with intellectual and developmental disabilities in Ohio...in private intermediate care facilities.” DRO also seeks to reduce employment choice by denying individuals the right to workshop and day settings.

DRO’s claim that they speak for the 6,800 severely developmentally disabled Ohioans who reside in Intermediate Care Facilities (ICFs), and others who benefit from employment choice, is outlandish and wholly untrue. Nor does DRO speak for the tens of thousands of parents, guardians, family members, and friends who know first-hand that an ICF and employment workshops give their loved ones a safe and nurturing home and productive days that will ensure their long-term happiness, and provide for their complex medical and physical needs.

DRO’s disregard for the unique desires and needs of people with severe intellectual and developmental disabilities (I/DD) denies these individuals of their personhood and strips them of their constitutional rights to life, liberty (i.e. choice), and the pursuit of happiness.

We Are People with Severe Developmental Disabilities:

- We have severe or profound intellectual and developmental disabilities (I/DD).
- We have severe physical disabilities; oftentimes we are quadriplegic.
- Many of us have an epileptic seizure disorder.
- We have complicated medical and behavioral conditions requiring 24-hour skilled nursing, care or monitoring.
- Most of us cannot feed ourselves and many of us cannot take food by mouth.
- We cannot administer our own medication.
- Many of us cannot control our bodily functions.
- All of us are individuals with unique, individualized needs. All of us support CHOICE.
- ♥ We are loved greatly by our immediate family and our extended family, those who care for us in our home, our Intermediate Care Facility, and in our work settings.

People with Severe Developmental Disabilities Are Entitled by Law to Choice:

Recognizing the unique and complex needs of those with severe intellectual and physical disabilities, the Ohio General Assembly statutorily established ICF’s within the Ohio Revised Code. Those individuals who meet the criteria established in the statute are entitled by law to choose to live in an ICF. Federal Medicaid law and the U.S. Supreme Court’s Olmstead decision also allow for individual choice of residential and employment settings. The Supreme Court in Olmstead expressly cautioned against forcing someone from care settings they want and need:

“We emphasize that nothing in the ADA or its implementing regulations condones termination of institutional settings for persons unable to handle or benefit from community settings...Nor is there any federal requirement that community-based treatment be imposed on patients who do not desire it.” Olmstead v. L.C., 527 U.S. 581, 601-602 (1999) (*majority opinion*)

Don't Fall for Labels - Words Don't Create Community - People Do!

Disability Rights Ohio uses labels to manufacture public sentiment against ICFs. Its use of the term, "institution" for ICFs is meant to stir-up negative images of segregation. And its use of the term "community-based placements" is meant to infer "integration" and a preferred way of living. BUT, ONE SIZE DOES NOT FIT ALL.

- **Placement in a house does not guarantee integration with the community.**
- **Placement in an ICF does not exclude integration with the community.**
- **Closing workshop employment does not guarantee competitive employment.**

ICF residents and workshop employees form relationships with a multitude of people - volunteers, caregivers, therapists, teachers, doctors, nurses, co-workers, family and friends; residents attend assisted work, school, and recreational activities where they develop friendships with others outside their home.

Community members are so committed to preserving the outstanding care delivered in ICFs that they raise hundreds of thousands of dollars for residents living in ICFs each year, volunteer their time, and make other in kind contributions.

The Most Cost-Effective Way to Safely Care for Our Most Vulnerable Citizens:

ICFs receive state and federal funding which is directed toward skilled nurses, physical, occupational, and speech therapists, psychologists, behavior support staff, personal care assistants, transportation, room and board - all shared by the residents in one location, creating a community of amenities and friendships. Likewise, the extensive amounts of equipment - medical, specially adapted personal care equipment, and therapy equipment is often shared by residents and can often be obtained at a reduced cost because the equipment benefits many people.

Placement of the individuals with severe and profound I/DD in scattered housing involves replicating these services and the specialized equipment thousands of times over for each individual, resulting in a higher cost of care. It is unmanageable, astronomically expensive, and wholly unsafe for individuals with severe developmental disabilities with complex needs to live in this way, especially considering the scarcity of skilled staff to provide care.

Creating a disjointed, fragmented, and incredibly costly system of small house settings will only increase the difficulty of providing care, community experiences, and choice for the 6,800 developmentally disabled Ohioans. In fact, this is likely to result in the opposite of community integration -- isolation.

Don't let Disability Rights Ohio steal the voices of our most vulnerable citizens and throw them out of their chosen homes and workplaces.

Take action by contacting your representatives. Click here for ready to send letters:

[Letter for Families](#) and [Letter for Friends](#)

THANK YOU. IF NOT US, WHO?