

January 14, 2000

Dear Governor:

In recent years, we have made great strides in enabling individuals with disabilities to participate fully in our communities by removing barriers to access in employment, public accommodations, and state and local government programs. Many States have led the way in designing innovative and fiscally responsible ways to enable more persons with disabilities to receive necessary services in their communities instead of in institutions.

Our country's progress in this regard reflects a shared belief that no person should have to live in a nursing home or other institution if he or she can live in his or her community. The recent Supreme Court decision in *Olmstead v. L.C.* affirms this shared value, by finding that unnecessary institutionalization of individuals with disabilities is discrimination under the Americans with Disabilities Act (ADA). In the decision, the Court explained that a State may be able to meet its obligation under the ADA by having comprehensive, effectively working plans ensuring that individuals with disabilities receive services in the most integrated setting appropriate to their needs.

We encourage you to develop and implement such plans, and to involve individuals with disabilities and other stakeholders in the process of design and implementation. This Department stands ready to assist you in these efforts. To begin that process, attached is a letter from the Department of Health and Human Services to all State Medicaid Directors regarding the Olmstead decision. I want to also encourage you to share this letter with other state agencies operating programs affected by the Olmstead decision, since the ADA applies to all state programs.

The Department is committed to continuing to work in partnership with you, individuals with disabilities and all other stakeholders to ensure that States have in place effective, fiscally responsible policies designed to increase access to community-based services. As you identify your priorities for the coming year, I hope you will continue to place substantial emphasis on developing programs and services for individuals with disabilities that will further our shared goal of integrating individuals with disabilities into the social mainstream, promoting equality of opportunity and maximizing individual choice.

I deeply appreciate the leadership that you and your colleagues have provided, and I look forward to working with you as we continue to make progress in this important area.

Sincerely,

/s/

Donna E. Shalala

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