



We have the legal right of way.

COMMUNITY INTEGRATION:

Fact Sheet on DRO's Class Action Lawsuit, *Ball v. Kasich*

Background

Approximately 5,800 people with intellectual and developmental disabilities live in large institutional settings called Intermediate Care Facilities (ICFs). Many people would like to move out of the institution and live in a more community-based setting.

Throughout Ohio, there are waiting lists of over 40,000 people who have asked for home and community-based services. While many people who are waiting for services do live in a community-based setting, 22,000 are at serious risk of being forced to move into an institution because

1. they do not have access to the types of home and community-based services that they need. For example, 8,000 people live with an aging caregiver, who may not be able to continue to support their needs in the future.
2. what they need is only provided in an institution and not in a community-based setting. For example, the services that a person needs are not provided on existing waivers, or caps or other cost factors limit the services available. When this happens, people are forced to live in an institution because it is the only place that will meet their needs.

Waiting lists for home and community-based services are long and slow-moving. Right now, the average wait time is 13 years for a person to be able to move out of an ICF.

Also, many people with intellectual and developmental disabilities want to receive job-related services in a community setting where they can work alongside people who do not have disabilities and earn more money to support themselves. However, 93% of Ohio's funds for employment services are spent on programs where people with disabilities are kept apart from people who do not have disabilities and where they often make much less than minimum wage. In 2013, Ohio had about 17,000 individuals with intellectual and developmental disabilities receive services in sheltered workshops – more than any other state in the nation.

Nearly 17 years ago, the United States Supreme Court decided the landmark case of *Olmstead v. L.C.*, ruling that keeping people with disabilities in institutions away from society when it is not needed is a form of discrimination and against the law.

Ohio is violating federal law by not giving people with disabilities real choices to live their lives connected with the community.

Who Will Be Covered by the Lawsuit

In *Ball v. Kasich*, Disability Rights Ohio and its partners will be trying to represent people with intellectual and developmental disabilities in institutions called Intermediate Care Facilities (ICFs) with eight beds or more, and people who are at serious risk of admission. The lawsuit seeks to increase opportunities for these individuals for community options. No one will be forced to move.

Key Goals

The way the state pays for services for people with intellectual and developmental disabilities forces individuals to receive services in institutional settings. Money is provided for anyone who resides in an institutional setting, but money for community-based options is very limited. When money for community-based options is not available, people are forced to receive services in an institutional setting.

Ohio needs to change the way it funds programs and services so that people with intellectual and developmental disabilities have a real choice to

- live in the community that they want, with the care that they need;
- find a job in the community with the help that they need; and
- pursue activities in the community with the support that they need

The way Ohio pays for and provides services will have to change. These changes will not happen right away. Changes will happen slowly. There will be time to plan and make sure that people have what they need and are safe.

What this means for individuals with disabilities and their families

Once the right services and supports are in place, more people with disabilities will be able to move out of institutional-based settings and into community-based settings. People with intellectual and developmental disabilities should have what they need to be safe. No one should move without the right care or before they are ready.

Ball v. Kasich seeks to create opportunities. The goal is not to close any ICF or workshops. However, as people choose community options, the number of ICF beds may go down and some ICFs and workshops may downsize or close.

Additional information

You can contact Disability Rights Ohio at 1-800-282-9181 (TTY 800-858-3542). Press "2" for our intake line. We will do our best to answer your questions.