

Protection and Advocacy

6 Disability and Aging-Related Laws and Policies



Introduction

These slides contain content adapted from the Administration for Community Living's Person Centered Counseling Training Program. The content includes text and narration from online courses. To view original content or for more information, please visit nwd.acl.gov or contact NoWrongDoor@acl.hhs.gov.

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Welcome! (1/3)

The disability rights movement led to significant changes and legal decisions that have influenced the lives of people with disabilities of all ages. Even though much progress has been made, the disability rights movement continues because people with disabilities are still discriminated against in many ways. This lesson will introduce the learner to some of the most important laws, policies, and court cases that have created fundamental rights for people with disabilities, including children and older adults with disabilities.

Welcome! (2/3)

Person-Centered Counseling (PCC) Professionals will learn about the different laws and policies that influence the kinds of services and supports that people seek through the No Wrong Door (NWD) system. Understanding the history of these laws and policies can help PCC professionals to not only advocate on behalf of those being served, but also to better understand current inequalities and struggles. At the end of this lesson, the learner will have a better understanding of why these laws and policies are an important part of their job in the NWD system.

Welcome! (3/3)

Learning Objective

After completing this lesson: You will be able to differentiate between the Medical Model and Social Model of Disability. You will also be able to describe at least three laws that impact the rights of people with disabilities and older adults, what those laws cover, and how they relate to working in the NWD system.

Disability History (1/3)

Historically, people with disabilities were seen as dangerous, incompetent, and threatening. They had little to no value to society and were commonly separated from others and their own family, sent away to live in an institution or what was then called a mental hospital or asylum. Throughout the first half of the 20th century, conditions and services for people with disabilities were either lacking or poor quality. Then, in the middle of the century, two things started to change the kinds of services that were available for people with disabilities.

Disability History (2/3)

First, parents of children with disabilities formed United Cerebral Palsy and the Muscular Dystrophy Association. They started asking for better conditions for their children and more research about disabilities. Second, injured veterans from both World Wars started to age, and there were growing numbers of adults living with disabilities. Up until that time, most of the disability services and organizations were either for children or adults still in the care of their parents. So as a result, rehabilitation programs started to be created for these veterans and adults with disabilities.

Disability History (3/3)

Even so, people with disabilities were still treated poorly. People with disabilities were viewed in terms of a Medical Model of Disability. This meant that disability was seen primarily through the lens of a disease or medical condition. Doctors and medical treatments were needed to fix or cure them to make them 'normal' again. Some people even believed (falsely) that people with disabilities shouldn't have children because they would, in turn, have children with disabilities. As recently as 1974, there were still some states where women with disabilities could be prevented from having children. In 1980, there were still states that wouldn't let people with certain disabilities marry.

For a more detailed overview of disability history, take Lesson 1: Disability History in the CPAC course Disability Rights and Independent Living.

Disability Rights Movement (1/3)

As you just learned, throughout history people with disabilities had few rights and were treated poorly. The Disability Rights Movement helped to ensure equal rights and opportunities for people with disabilities of all ages. A key part of the Disability Rights Movement involved Ed Roberts and a small community of people with disabilities. In the early 1960s, Roberts had to fight hard to attend the University of California in Berkeley.

Disability Rights Movement (2/3)

The state of California wouldn't pay for his tuition because of his disability. He was resourceful and determined and, as a result, found a way to live independently on campus. The activities of Ed Roberts and other students with disabilities on campus and in the surrounding community helped start what was to become the Independent Living Movement. His work at UC Berkeley became the model that created what was to become the first Center for Independent Living. Disability began to be framed in terms of the Social Model of Disability. All of this helped to strengthen the growing Disability Rights Movement, which happened because people with disabilities began fighting for their rights.

Disability Rights Movement (3/3)

Keep in mind that even though much progress has been made since the Disability Rights Movement began, people with disabilities are still discriminated against in many ways. There are still social barriers that make it difficult for them to access services and supports.

For a brief history of the Disability Rights and Independent Living Movements, go to:

- <http://www.accessliving.org/index.php?tray=topic&tid=top626&cid=134>
- <http://www.disabilityculture.org/course/article3.htm>
- <http://bancroft.berkeley.edu/collections/drilm/>

Disability and Aging-Related Laws: 1960s-1980s (1/2)

Until the mid-1960s, people with disabilities did not have many rights. They did not have the same rights as people without disabilities. They did not have equal access to housing or buildings. Many people with disabilities routinely experienced discrimination. Now there are laws that prohibit the discrimination of people with disabilities in areas of housing, transportation, employment, and many other areas. The rights of people with disabilities have become better protected in the past few decades because of disability-related laws, but there is still work to be done. Some inequalities and discrimination still exist for people with disabilities.

Disability and Aging-Related Laws: 1960s-1980s (2/2)

Following are some aging and disability related laws that will help you to become more aware of the rights of people with disabilities, older adults, and other people seeking services in the No Wrong Door (NWD) system. Keep in mind that the following are just a few laws that impact people with disabilities – it is not a complete list.

Americans with Disabilities Act (ADA) (1/2)

In 1990, President George H.W. Bush signed a major civil rights law for people with disabilities. This was the Americans with Disabilities Act (ADA). This Act was passed after many protests and much hard work by numerous disability rights advocates. The ADA was based on Section 504 of the 1973 Rehabilitation Act, which you learned about in the previous screen.

Americans with Disabilities Act (ADA) (2/2)

The ADA made it against the law to discriminate against people with disabilities in five major areas (see below). The ADA was developed in the spirit of the Social Model of disability and supported the idea that people with disabilities did not need to be fixed. The ADA recognized that disability included barriers in the social and built environment. The ADA required that environmental changes had to be made to so that people with disabilities would have equal access. The act was significant because there were no other laws like it. People with disabilities were recognized as members of a group that receives protections similar to laws prohibiting discrimination on the basis of race, color, sex, national origin, age, and religion.

For comprehensive information on the ADA, go to the Department of Justice:

<http://www.ada.gov/>

Disability Rights

You have just learned about a lot of disability-related rights and laws. Many of these are important to know if you're working as a Person-Centered Counseling (PCC) professional in the No Wrong Door (NWD) System.

1999 Olmstead Decision (1/2)

Lois Curtis and Elaine Wilson argued that they were held in an institution even though they were ready to leave it and their doctors stated they were ready to receive services in the community. Their lawsuit against the state of Georgia was referred to as Olmstead v. L.C. In 1999, the Supreme Court ruled in this case. Their decision was called the Olmstead decision.

1999 Olmstead Decision (2/2)

The Supreme Court ruled it was a violation of the ADA and a form of segregation and discrimination if people with disabilities only received needed services in a nursing home or institution. It ruled that people with disabilities had a right to get services in the most integrated setting of their choosing. That included community-based services, if they were appropriate and could be reasonably accommodated. That meant that if a person wanted, their services should be provided in a home or other community setting where they could fully participate in society and be integrated with the entire community.

2010 Patient Protection and Affordable Care Act (1/2)

While new laws and protections for people with disabilities are constantly being created and passed, there is still more work and progress to be made. In 2010, Congress passed the Patient Protection and Affordable Care Act. This act is often referred to as the 'Affordable Care Act' or 'Health Care Reform.' Eventually this health care reform law will give almost every American some form of health insurance coverage. Since it passed, there have been constant challenges to the law and many revisions have yet to be adopted in all states.

2010 Patient Protection and Affordable Care Act (2/2)

This health care reform law will affect just about every American, including people with disabilities of all ages, children, and older adults. It will give people seeking services through the No Wrong Door (NWD) system greater control over their health care and where they get it. Some of the goals of health care reform are to give people more community living options, provide better coordinated care, cover services that previously weren't covered, and decrease overall costs.

For more information on how the Affordable Care Act will help people with disabilities, go to:

<http://www.aapd.com/resources/fact-sheets/health-reform-people-withdisabilities.html>

Olmstead

Think about all the various laws and legal decisions you just read about in this lesson. Imagine you are working with Otis, a man in his late 40s who lives in a nursing home and wants to transition out of it and live in the community. He currently receives the long-term services and supports he needs, has a support network and a home care provider, and has found an apartment that he can afford. The major issue is that the apartment is not accessible and the landlord initially refuses to make any changes to the unit.

Conclusion and Lesson Review (1/2)

- Historically, people with disabilities had few rights or protections.
- With the Disability Rights Movement, people with disabilities started advocating for equal rights.
- There are now many laws that protect the rights of people with disabilities, although many barriers still exist in society.

Conclusion and Lesson Review (2/2)

Learning Objective

After completing this lesson: You will be able to differentiate between the Medical Model and Social Model of Disability. You will also be able to describe at least three laws that impact the rights of people with disabilities and older adults, what those laws cover, and how they relate to working in the NWD system.

Reflection on Learning Objective

Directions: Review the objective(s) on this page. Write down your answers to the following questions.

1. What did you learn in this lesson that you felt was important?
2. What will you do differently because of the content in this lesson?