

Latonya Reeves Freedom Act

Senator Michael Bennet

In the United States, over a quarter of individuals, or 61 million people, are [living with a disability](#). In 1999, the U.S. Supreme Court held in *Olmstead v. L.C.* (*Olmstead*) that individuals with disabilities have a qualified right under Title II of the *Americans with Disabilities Act* (*ADA*) to receive supports and services while living in the setting of their choosing. This landmark decision has assured people that they will not be forced into institutions, including psychiatric hospitals and nursing homes.

The Latonya Reeves Freedom Act, named to honor a Coloradan who fled Tennessee to gain the freedom to live in her own home, would protect and expand the civil right of Americans with disabilities to receive long-term services and supports (LTSS) in the setting of their choice.

The legislation will enable individuals with disabilities to live independent lives in their community and would:

- Establish a comprehensive State planning requirement with enforceable and measurable objectives to transition individuals with disabilities out of institutions and into the most integrated setting, if they choose that transition;
- Prevent State governments and insurers from engaging in discriminatory practices, policies, or rules that would prevent an eligible individual from receiving community-based LTSS;
- Identify and address disparities in the provision of community-based LTSS; and
- Accelerate State compliance with the integration mandate of the *ADA*.

The bill would guarantee minimum requirements for coverage of LTSS, regulated by the Department of Justice. Public entities and LTSS insurance providers would be required to conduct evaluations of their current practices and policies, identify current gaps in their systems, and implement a transition plan that addresses barriers to community living. The Department of Health and Human Services will be responsible for reviewing and approving transition plans.

More than two decades after the *Olmstead* decision, Americans with disabilities are still fighting to exercise their right to receive services and supports where they prefer. The Latonya Reeves Freedom Act supports accelerated compliance with the *ADA* to help individuals with disabilities live independently within their own homes and communities.