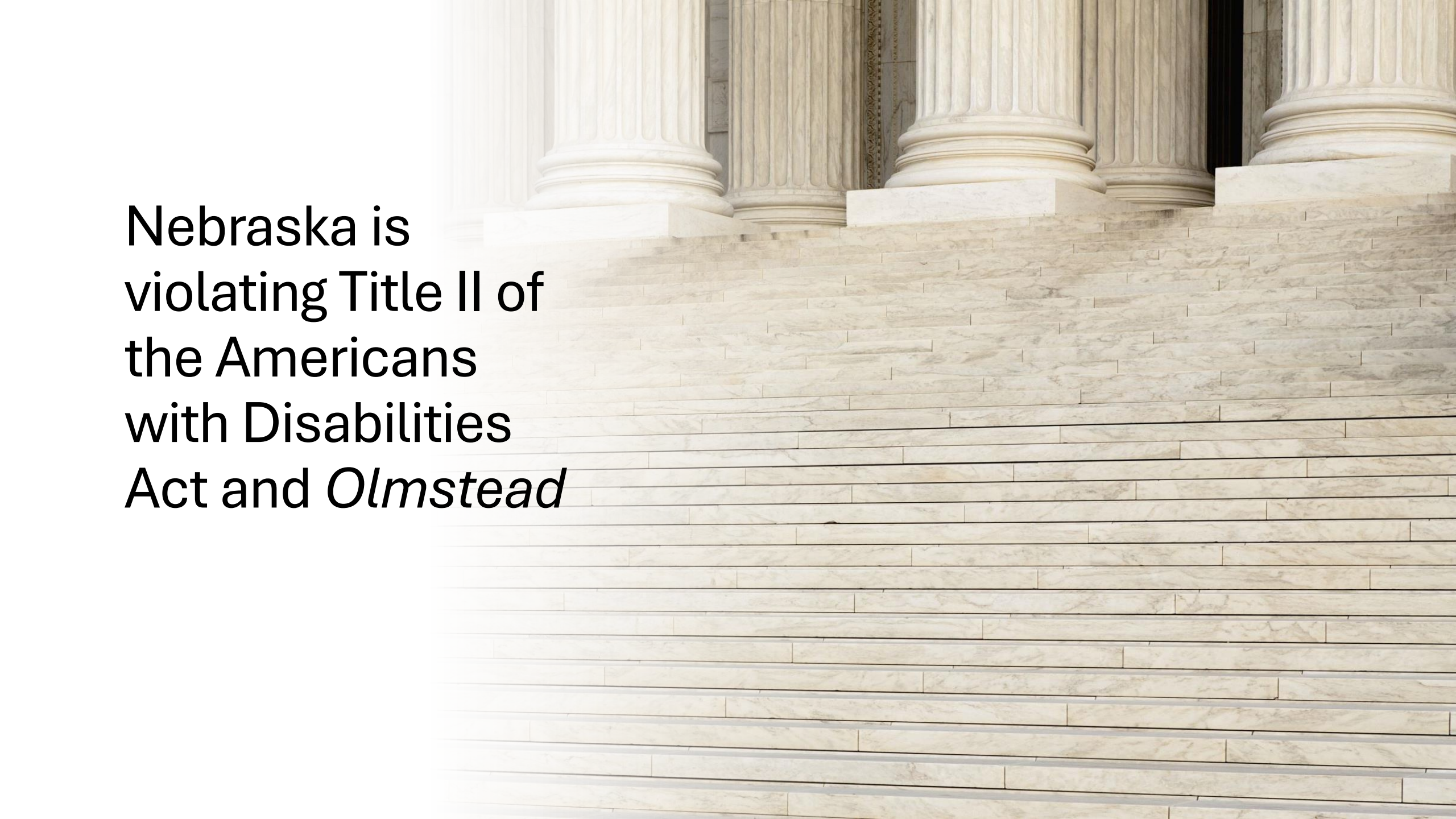


United States
Department of
Justice Letter of
Finding
May 14, 2024

Investigation of Nebraska's
Behavioral Health Service
System



Nebraska is
violating Title II of
the Americans
with Disabilities
Act and *Olmstead*

Americans with Disabilities Act Title II

Prohibits public entities (State of Nebraska) from discriminating based on disability by excluding individuals from participating in or benefiting from services and programs

Integration Mandate requires public entity to administer services, programs, and activities in the most integrated setting appropriate to the needs of the individual with a disability





The most integrated setting enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible

How does Nebraska violate the ADA?

When it administers and funds services for people with disabilities-**including behavioral health services**-in a manner that unnecessarily segregates them



Olmstead v. L.C. (1999)

The Supreme Court held that unjustified isolation is a form of discrimination prohibited by the ADA

Nebraska's Violation of the Integration Mandate

Relies on segregated Assisted Living Facilities and Day Programs



Investigation and Monitoring

2012: Hotel Pawnee
Assisted Living, North
Platte, NE
investigation

Intensive monitoring
of Assisted Living
Facilities and Day
Programs for adults
with severe mental
illness





- 7/21/17: Division of Public Health conducts inspection at Life Quest-Palmer and issues an 81-page report documenting multiple violations.
- 9/3/17: U.S. military veteran dies at Life Quest-Palmer due to neglect.

Legislative Oversight Committee Established

“We need to pursue strategies and — practices that support best practices in the field. This includes providing supportive housing and the services people need to live as independently as possible in the community. (2017)”

“The report of events that led to the veteran’s death is one of the most appalling things I’ve ever read,” Walz said. “I knew I could not in good conscience disrespect her life with inaction.”

Senator Lynn Walz





Segregated Assisted Living and Day Programs

Scottsbluff, North Platte, Central City, Inavale, Kearney, Hastings, Wahoo, Fremont, Lincoln, Omaha, Wymore, Norfolk, Genoa, McCook, Plattsmouth

Justice Department Finds Nebraska Violates Federal Civil Rights Laws by Unnecessarily Institutionalizing People with Serious Mental Illness

Tuesday, May 14, 2024

Remedies:

1. Expand access to existing services
2. Offer supported employment services
3. Ensure services are available and accessible in the community
4. Develop a process for collecting and analyzing data about Nebraskans with serious mental illness and coordinate the system across state agencies
5. Identify people who may be open to living and working in the community





U.S. Department of Justice Investigations

North Carolina

New Hampshire

New York