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**TO:** Honorable James Douglas, Governor

**FROM:** Susan Besio, Chair, Vermont Olmstead Commission

**DATE:** January 6, 2006

**SUBJ:** Vermont Olmstead Plan

On behalf of the Vermont Olmstead Commission, I am pleased to provide you with the enclosed final Vermont Olmstead Plan and the Abridged Vermont Olmstead Plan. This Plan was commissioned by Act 135 of the 2002 Vermont General Assembly to show our state's efforts toward complying with the United States Supreme Court ruling in *Olmstead V. L.C., 1999*.

The Olmstead federal court decision established that the Americans with Disabilities Act (ADA) requires a state to provide community-based services for persons with disabilities when the state's treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the placement can be reasonably accommodated, taking into account the resources available to the state and the needs of others with disabilities. Vermont Act 135 established the Olmstead Advisory Commission to meet over a three year period to develop "a comprehensive, effectively working plan for placing qualified people with disabilities in the most integrated settings so that Vermonters with disabilities are not unjustifiably isolated and denied the opportunity to live with respect and dignity in the community."

Vermont's multi-stakeholder Olmstead Commission has met six to seven times a year since October 2002. Commission members have conducted focus groups and public hearings; received reports and presentations from state agencies and offices and written topic briefs, all of which were analyzed by the Commission to develop this Comprehensive Plan.

Vermont has been a national leader in ensuring that people are not confined unnecessarily in institutional settings and enabling them to live in settings they prefer. Because of this, Act 135 broadened the focus of the Olmstead Commission beyond people residing in institutions to include all persons with disabilities and elders who are at risk of institutionalization. In addition, it includes people at risk of not receiving services and supports in the most integrated settings. It is important to note that for people who are deaf or hard of hearing, the term "integrated" is more accurately described as respecting and providing access to deaf culture and supporting accessible communication.

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Given the above, Vermont's approach in developing the Olmstead Plan has been significantly different than other states. To meet the more expansive objectives, the Vermont Olmstead Commission examined a number of broad issues associated with community integration and developed a catalogue of needs related to these issues. As such, we chose not to provide a long-term financial plan to reduce the number of Vermonters in institutions who were waiting for community services to become available. Instead, the Vermont Olmstead Plan is a tool to help plan and prioritize resources to support our citizens with disabilities and elders to ensure they have access to the same services and opportunities afforded to all Vermonters.

As you will see, Vermont has much of which to be proud. Yet, as Act 135 acknowledged, we must continue to strive to fully realize the stated goal of "ensuring that no Vermonter with a disability is unjustifiably isolated or denied the opportunity to live with respect and dignity in the community." We look forward to working over the coming years to achieve this goal.

#### Enclosures

cc: Secretary Michael K. Smith, Agency of Human Services  
Legislative Council (1)  
Dept. of Libraries (10)