

## **The Right to Health: Fundamental Concepts and The American Disability Experience—Quick Reference Guide**

**National Council on Disability  
1331 F Street, NW, Suite 850  
Washington, DC 20004  
202-272-2004 Voice  
202-272-2074 TTY  
202-272-2022 Fax**

**Lex Frieden, Chairperson**

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This paper provides examples of US policies and programs designed and implemented to support the right of people with disabilities to enjoy the highest attainable standard of health. A more detailed description is provided in the attached policy paper.

### **Freedom of Choice, Personal Autonomy**

- The *Olmstead* decision, handed down by the United States Supreme Court in 1999, clarifies that requiring people with disabilities to live in institutions in order to access services constitutes illegal discrimination under the Americans with Disabilities Act. The *Olmstead* decision requires public entities to provide services and conduct activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities."
- Executive Order 13217, issued by President Bush in 2001, implements the mandate of the *Olmstead* decision.
- The Medicaid Community Attendant Services and Supports Act (MiCASSA) would require services be provided in the most integrated setting appropriate to the needs of the individual. MiCASSA has not yet been passed by Congress.

### **Equality and Non-Discrimination in Health Care: Ensuring Access and Eliminating Disparities in Quality of Care**

- The Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in all programs conducted by federal agencies or by organizations receiving federal financial assistance.
- The ADA, enacted in 1990, is a far-reaching piece of legislation developed in an effort to entrench the principles of non-discrimination in a broad range of areas across American society. The anti-discrimination protections provided by ADA extend to health care providers in both private and public sectors, in hospitals and in doctors' offices.

- The National Institute on Disability and Rehabilitation Research (NIDRR) and the Centers for Disease Control and Prevention conduct comprehensive and coordinated programs of research and development, including many efforts that focus on accessibility of health care for people with disabilities.

**Public Health Strategies: Including People with Disabilities as part of a Healthy and Prosperous Nation**

- The *Healthy People* initiative is an important public health program in the United States. *Healthy People* is a comprehensive health plan that is developed for implementation over a ten-year period and subject to extensive annual progress reviews throughout the course of the decade. Beginning with the 2000 – 2010 decade, people with disabilities have been targeted in this critical national strategic plan. *Healthy People 2010* takes a holistic approach to promoting the physical, mental, economic and social health of people with disabilities.