August 1, 2014

The Honorable Tom Harkin
United States Senate
Washington, D.C. 20510

Dear Senator Harkin:

On behalf of the American Bar Association, with nearly 400,000 members nationwide, I am writing to commend you for introducing the Community Integration Act of 2014 (S. 2515). We believe that expanding the availability of home and community based services (HCBS) by requiring Medicaid plans to give certain individuals with disabilities the right to receive long-term care in a home and community-based setting will reduce unnecessary institutionalization and enable many individuals to live independently and attain full integration into their communities.

The ABA believes that Congress should continue to expand the availability of HCBS as a viable long-term option. To accomplish this goal, HCBS should become a mandatory Medicaid service available to those who would otherwise qualify for institutional long-term care. The U.S. Supreme Court in the Olmstead case in 1999 concluded that, under the Americans with Disabilities Act, community-based services should be available when deemed appropriate by health care professionals, when desired by the individual, and when the request can be reasonably accommodated. The Community Integration Act would help to remove the barriers that currently stand in the way of certain individuals having the opportunity to receive care in the community setting – an ideal that was expressed in Olmstead.

The ABA stands with you in support of this legislation, and we will continue the fight to remove the obstacles that currently exist for certain individuals to obtain home and community based services. Please let us know how we can assist you in supporting this important legislation by contacting me at (202) 662-1765 or at Thomas.Susman@americanbar.org.

Sincerely,

Thomas M. Susman