

PRESS RELEASE

Emily Harvey, eharvey@disabilitylawco.org | 303.722.0300
Mike Robbins, mrobbins@disabilitylawco.org | 303.862.3508



Disability Law Colorado's Department of Justice Complaint Alleging State of Colorado ADA Violations in Nursing Homes Nets Win for Coloradans

DOJ Directs Colorado to Change Its Funding Bias from Nursing Homes Toward the Community for People with Physical Disabilities

[Denver, CO | March 3, 2022] The U.S. Department of Justice put Governor Polis on notice that “Colorado is violating the Americans with Disabilities Act (ADA) by administering its long-term care system in a way that unnecessarily segregates individuals with physical disabilities in nursing facilities and places others with physical disabilities at serious risk of unnecessary institutionalization.”

DOJ's investigation was initiated based on a complaint filed by Disability Law Colorado (DLC) in 2016. The complaint alleged the State of Colorado was violating Title II of the ADA as interpreted by *Olmstead v. L.C.*, by segregating people with disabilities in nursing homes rather than providing services in the community. Disability Law Colorado actively supported DOJ in its investigation by identifying specific complaint from individuals impacted by these allegations.

Notably, the DOJ [Letter of Findings](#) sent to Governor Polis pointed out the State “continues to fund nursing home care disproportionately to community-based care” and “spent more than \$1.25 billion in 2019 to serve approximately 15,000 nursing facility residents, while spending \$457,186,592 to serve approximately 29,000 [Elderly Blind and Disabled] waiver recipients in the community.” The DOJ also pointed out the State has “consistently acknowledged that community-based care is more cost effective than nursing facility care while yielding better health outcomes” and the dangers to individuals caught in the system to lose their independent living skills when languishing in nursing homes.

“This is a significant win for Coloradans with disabilities stuck in nursing homes and those struggling to find services in their communities,” Nachama Wilker, Interim Executive Director, Disability Law Colorado.

The Letter of Findings outlined specific steps Colorado needs to take to remedy the violations. DOJ invited the State to enter into voluntary compliance negotiations with DOJ to resolve the findings and remedy the violations. Alternatively, DOJ may take further action, including initiating a lawsuit, to remedy the identified violations.

###

About Disability Law Colorado: Disability Law Colorado is the Protection & Advocacy System for Colorado and host agency for the Colorado State Long-Term Care Ombudsman program, State PACE (Program for All-Inclusive Care for the Elderly) Ombudsman program, and Legal Assistance Developer for Elders program. We work to protect disability rights, elder rights and residents' rights and improve the human, civil and legal rights of Coloradans.

www.DisabilityLawCO.org