



Department of Justice

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JUSTICE DEPARTMENT OBTAINS COMPREHENSIVE AGREEMENT REGARDING NORTH CAROLINA MENTAL HEALTH SYSTEM

*Settlement Will Expand Opportunities for Individuals with Mental Illness,
Including Community-Based Supported Housing, Ensuring That
Necessary Services Are Provided in the Community*

WASHINGTON – The Justice Department announced today that it has entered into an agreement with the state of North Carolina to ensure the state is in compliance with the Americans with Disabilities Act (ADA) and the Rehabilitation Act. The agreement will transform the state’s system for serving people with mental illness. Under the settlement agreement, over the next eight years, North Carolina’s system will expand community-based services and supported housing that promote inclusion and independence and enable people with mental illness to participate fully in community life.

Under the ADA, as interpreted by the Supreme Court’s landmark decision in *Olmstead v. L.C.*, people with disabilities have the right to receive services in the most integrated settings appropriate to their needs. The settlement follows an investigation by the Department of North Carolina’s mental health service system that began in 2010. Since the department’s letter of findings was issued one year ago, in July 2011, the state has worked cooperatively with the department to negotiate an agreement..

“As the Supreme Court noted over a decade ago, the unnecessary segregation of people with disabilities is based on the unsupported assumption that they are unworthy of participating in community life,” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. “This agreement will enable North Carolinians with mental illness to live in community-based settings, enriching their lives and the lives of their neighbors, and recognizing their worth and dignity. I commend Governor Bev Perdue and North Carolina’s Department of Health and Human Services Secretary Al Delia for their leadership, which played a crucial role in making this comprehensive agreement a reality.”

Over the next eight years, North Carolina will significantly expand critical community services. The state will provide integrated supported housing to 3,000 people, expand Assertive Community Treatment teams to serve 5,000 individuals, and provide a range of crisis services. The agreement will also expand integrated employment opportunities for people with mental illness by providing supported employment services to 2,500 individuals. These services will

allow the state to serve people with mental illness effectively in their communities while avoiding costly institutional settings.

“North Carolina has taken an important step towards offering a choice to individuals with mental illness who prefer to live in the community,” said Thomas G. Walker, U.S. Attorney for the Eastern District of North Carolina. “The agreement, made possible by the coordinated and cooperative efforts of the state’s executive and legislative branches of government, will ensure that more North Carolinians with mental illness will be able to enjoy integrated lives in their communities.”

The agreement calls for a person-centered discharge planning process to help people move smoothly and successfully to community-based settings, while a pre-admission screening process will prevent people from unnecessarily entering institutional settings. Provisions of the agreement will ensure that people discharged from adult care homes designated as Institutions for mental disease are discharged in a safe, coordinated manner.

North Carolina will implement a comprehensive and robust quality assurance and performance improvement monitoring system to ensure that people are safe and are receiving integrated housing, services and supports that meet their needs. Compliance with the agreement will be monitored by an independent reviewer with extensive experience in mental health systems.

The Civil Rights Division enforces the ADA, which authorizes the attorney general to investigate whether a state is serving individuals in the most integrated settings appropriate to their needs. Visit www.justice.gov/crt to learn more about the *Olmstead* decision, the ADA and other laws enforced by the Justice Department’s Civil Rights Division.

This agreement is due to the efforts of the following Civil Rights Division staff: Alison Barkoff, Special Counsel for Olmstead Enforcement; Gregory Friel, Acting Chief; Anne Raish, Deputy Chief; Regan Rush, Joy Levin Welan, Travis England, and Regina Kline, Trial Attorneys; with support and assistance from Lance Simon.

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