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Disability Advocates Reach Agreement with State of Kansas to Reform Services for People Living in Mental Health Nursing Facilities

TOPEKA, KAN.-- Topeka Independent Living Resource Center (TILRC) and Disability Rights Center of Kansas (DRC), acting on behalf of their constituents with mental illness, have reached an agreement with the State of Kansas to expand services and provide more community residential options for individuals living in, or at risk of being admitted to, Nursing Facilities for Mental Health (NFMH). Under the agreement, the Kansas Department of Aging and Disability Services (KDADS) and the Kansas Department of Health and Environment (KDHE) will provide supports and services to allow people with mental health disabilities to avoid institutionalization and live in community-based, integrated settings. TILRC was represented in negotiations by attorneys from AARP Foundation, DRC, the Center for Public Representation, and Shook, Hardy & Bacon.

“This agreement recognizes the civil rights of all NFMH residents to live in the most integrated setting appropriate to their needs,” said DRC’s Legal Director Lane Williams. “Expanding community supports and services will begin to offer real choices to residents seeking to avoid institutionalization. We appreciate KDADS Secretary Howard, KDHE Secretary Norman, and their staff working with us to reach this agreement, and we look forward to its implementation.”

“*Everyone* should be able to choose how they live as they age and not be forced into institutionalized settings,” said AARP Foundation Senior Vice President for Litigation William Alvarado Rivera. “This agreement is a critical first step toward reforming how we serve older adults with mental illness in the community.”

Kansas is the only state in the country to establish nursing facilities exclusively for people with mental health disabilities, and more than 600 people, many of whom are over age 50 live in the 10 NFMHs. In 2019, DRC, Kansas’s federally designated protection and advocacy program, issued a report exposing both the significant problems that exist in NFMHs as well as the lack of available integrated, community-based services, which results in the unnecessary segregation of people in these institutions in violation of the Americans with Disabilities Act. TILRC, a civil

rights organization for people with disabilities, DRC, and their counsel then began negotiations with the State seeking to ensure that the rights of NFMH residents are protected.

Under the agreement, over the next eight years the State will develop and expand a wide range of mental health services for NFMH residents, as well as integrated community services throughout Kansas. The reforms will include the creation of several hundred supported housing units; mobile crisis and assertive community treatment teams; supported employment programs; and peer support services.

“Implementing this agreement will move Kansas to the forefront of states providing effective, evidence-based mental health services for persons in or at risk of being admitted to nursing facilities,” said Mark J. Murphy, senior attorney at the Center for Public Representation. “NFMH residents and other Kansans with mental illness want and desperately need the community services that will be developed under this agreement.”

“This agreement proves that when we focus on common goals, seemingly adverse parties can work together to find paths forward,” said Zachary Parker, attorney at Shook, Hardy & Bacon. “While there is plenty of work to be done, this agreement creates a framework with data-dependent benchmarks for improving the lives of Kansans receiving mental health treatment.”

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About AARP Foundation

AARP Foundation works to end senior poverty by helping vulnerable people over 50 build economic opportunity. Our approach emphasizes equitable outcomes for populations that have faced systemic discrimination. As AARP's charitable affiliate, we serve AARP members and nonmembers alike. Through vigorous legal advocacy and evidence-based solutions, and by building supportive community connections, we foster resilience, advance equity and restore hope. To learn more, visit aarpfoundation.org or follow @AARPFoundation on social media.

About Disability Rights Center of Kansas

The Disability Rights Center of Kansas is a public interest legal advocacy agency empowered by federal law to advocate for the civil and legal rights of Kansans with disabilities. DRC is the official Protection and Advocacy system for Kansas. To learn more, visit www.drckansas.org or @DRCKansas on social media.

About Center for Public Representation

CPR is dedicated to enforcing and expanding the rights of people with disabilities and others who are in segregated settings. CPR uses legal strategies, advocacy, and policy to design and implement systemic reform initiatives to promote the integration and full community participation of people with disabilities. Working on state, national and international levels, CPR is committed to equality, diversity and social justice in all its activities. To learn more, visit www.centerforpublicrep.org or follow CPR on social media @public_rep.

About Shook, Hardy & Bacon

Founded in 1889, Shook, Hardy & Bacon L.L.P. has 17 offices in the United States and London, with attorneys and professional staff serving clients in the health, science and technology sectors in areas ranging from product liability defense and business litigation to intellectual property prosecution and litigation, environmental and toxic tort, privacy and data security and regulatory counseling.