Figure 1: Rates of institutionalization in the United States per 100,000 adults 1934-2000

Legend:
- Prison Rate
- All Mental Hospital Rate
- Aggregated Institutionalization Rate
Legal Webinar Series
Spotlight on Mental Health: Understanding Psychiatric Advance Directives
November 18, 2020
Integration not segregation!

Community-based Resources
Psychiatric Advance Directives

What?

Declaration for Mental Health Treatment

• Psychoactive Medications
• Convulsive Treatment
• Preferences for Emergency Treatment
Identification of:

- Medical Power of Attorney
- Veteran status
- Next of kin

Preferences Regarding Notification of Others

- Individual may not be able to contact loved ones upon hospital engagement.
- HIPAA waived for notification only
Practical Matters

• Household: Rent, bills, pets, plants, mail

• Employment/Education

• Attorney/Probation

Additional Critical Information

• Law enforcement and crisis personnel

• Medical conditions
Effective Communication

- ADA Title II
- Lawyers and Courts: Criminal and Civil
- The chicken and its egg. The egg and its chicken.

ADA and Integration:

Opportunity and Responsibility
Access to communication

Access to communication: Accommodations across disabilities
Potential barriers to access to communication:
People with serious mental illnesses (SMI)

- **Unspoken forms of communication**
  - Eye contact, body language, facial expressions, tone, volume
- **Sensory**
  - Lighting, noise, clothing, crowding (people and/or objects)
- **It is a bad time.**
  - Stress, sleep, schedule, time of day, day of week

Access to communication:
Possible accommodations for people with SMI

- **Awareness, willingness to make changes**
- **Avoid drawing conclusions based on expectations:**
  - Eye contact, body language, facial expressions, volume, clothing, hygiene
- **Sensory adjustments**
  - Lighting, noise, crowding, clothing
- **Reschedule**
  - Stress, sleep, schedule, time of day, day of the week
- **Additional time**
PADs provide the individualized information!

Access to a common language
Potential barriers to access to a common language:
People with serious mental illnesses (SMI)

- Terms of art
- Different words for the same thing
  - Coke, soda, pop; Kleenex, tissue
- Same word or phrase with different meanings
  - Restricted food; “in the country”; elopement
- Loaded words
  - Homeless, traveler

Access to a common language:
Possible accommodations for people with SMI

- Avoid terms of art
  - Definitions/descriptions rather than words
- Alternate words
- Simplify
- Remember that the same word may have different meanings
- What do you mean by _____? What do you mean by ___?
PADs provide the individualized information!

Access to physical and public spaces

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Access to physical and public spaces: Accommodations across disabilities

Potential barriers to access to physical and public spaces: People with serious mental illnesses (SMI)

- Crowding, people and/or objects
- Freedom of movement; ability to exit
- Sensory: noises and lighting
Access to physical and public spaces:
Possible accommodations for people with SMI

• Alternate space
• Less crowded area
• Access to the door
• Positioning within the room
• Sound and lighting
• Personal belongings/assists
• Advance preparation
• Additional time

PADs provide the individualized information!
Civil: Lawyers, community advocates, community providers, medical personnel

• Identify the disability manifestations for SMI.
• Provide accommodations as we would for people with other disabilities.
• Advocate for access!
• Advocate for integration!

Criminal Law: Law enforcement, lawyers, courts, probation, criminal competency

• Identify the disability manifestations for SMI.
• Provide accommodations as we would for people with other disabilities.
• Avoid escalation.
• Avoid arrest.
• Probation
• Re-entry
• Competency
Competency:

Accommodation:
People with mental illness need lawyers to provide accommodation in representation.

PADs are a tool that give us the tools to fight for integration.
Session Evaluation
Your feedback is important to us

You will receive an email following the session with a link to the on-line evaluation

Next ADA Legal Webinar Series Session:

Mark your Calendar

January 15, 2021

Top ADA Cases of 2020

Registration is available:
www.ada-legal.org