



August 2026 Advocacy & Legislative Update

Introduction

ATRA's advocacy activities are focused on bills, actions, or issues that directly impact the profession of recreational therapy or people with disabilities. ATRA responds to issues in a non-partisan manner to advocate and protect the recreational therapy profession and people served by recreational therapists. August is a slower month due to Congress being on recess and legislators visiting their home districts.

Important Update on DOJ Memo related to Section 504 and the Integration Mandate

The DOJ released a memo to states saying that neither the Olmstead decision nor federal disability laws (specifically Section 504 of the Rehabilitation Act) provide a right to community integration for people with disabilities. ATRA issued an action alert on June 27, 2026.

In mid-August, Senator Durbin requested clarification on the DOJ memo to which the DOJ provided a minimal response. On August 31, the DOJ officially declined to defend the Integration Mandate, which has been precedent for over 50 years.

Now, on behalf of the Department of Health and Human Services, the DOJ has joined the states in the Texas v. Kennedy lawsuit to eliminate community integration protections from all Section 504 of the Rehab Act regulations. The DOJ is asking the court to “vacate” the integration references and provisions on community integration.

What does or could this mean?

Most importantly, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act remain. However, the memo and lawsuit indicate a significant shift in enforcement by reducing pressure on deinstitutionalization and decreased guidance and support for community integration. The federal government will reduce efforts on enforcing community integration which has been precedent for over 50 years. This has the potential to impact the lives of people with disabilities, as well as funding and coverage that support people living and being active members of their communities. This could have potential impact on Medicaid waivers by providing preferred coverage for institutional care rather than home and community-based services. The DOJ memo and the lawsuit are basically saying that the federal government will no longer interpret the ADA and Section 504 as requiring states to provide services to people with disabilities in the most integrated setting, including community-based settings.

What You Can Do

1. Contact your federal legislators and share your experience with them regarding community integration and community-based services for people with disabilities.

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What You Can Do Cont.

2. Encourage clients to share their stories about their preferences for community-based services and what it means to be a part of their community.
3. If you live in one of the three states involved in the lawsuit (Texas, Alaska, and Florida), contact your governor and state attorney general expressing your disagreement with the lawsuit.
4. Contact your state legislators and request continued funding for home and community-based services.

Additional Resources

- [Memo with talking points](#) for contacting legislators regarding Olmstead Guidance and the importance of home and community-based services
- July 20, 2026 [DOJ Clarification statement](#) that the DOJ will not rely on the Olmstead Guidance to enforce Title II of the Americans with Disabilities Act
- [Statement by The Arc, Bazelon Center for Mental Health Law, and multiple other organizations](#) condemning this action.
- Department of Justice page on [ADA's Integration Mandate and Olmstead Enforcement](#)
- Easy to understand and layman's terms for clients: [Statement on DOJ memo and why it matters](#) by National Down Syndrome Society

JUST IN

2026 American Heart Association/American Stroke Association Guideline for Adult Stroke

Rehabilitation and Recovery were recently released. ATRA was asked to be a part of the development of these, and Jackson Amburn and Dr. Heather Porter represented the recreational therapy profession. You can access the information [HERE](#) and download a complete copy [HERE](#). This the first time that recreational therapy is specifically included. Check out the section on Recreational, Leisure, and Social Activity Participation. Also, under the Clinical Resources you will find "Top Take-Home Messages for Recreational Therapists." Thank you, Jackson and Heather!

ACTION ALERTS – Please take action!

- [ATRA issued an action alert on April 13, 2026](#) that continues to be an issue - [Home and Community Based Services \(HCBS\)](#) are being threatened as cuts to Medicaid and federal appropriations are being planned. Proposed federal funding cuts and state-level budget constraints are directly threatening HCBS. As states are looking to cut spending, HCBS are currently in jeopardy of being reduced or eliminated. The Action Alert encourages you to contact your state and federal legislators and provides a sample email to send.
 - [Health Affairs published an article](#) explaining HCBS growth is due to demographic changes not fraud
 - See the [HCBS Tracker Project](#) to see the impact on your state or to share information on cuts and their impact on your clients



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Advocacy Activities

- Member Posts on ATRA Connect for older adults, special education, higher education, mental health, legislation and advocacy
- **Meeting:** ATRA Current Procedural Terminology (CPT) Work Group continues to prepare for the presentation at ATRA SoCal conference in October.
- **Meeting:** ATRA's Social Prescribing Task Force continues to meet and is preparing for a general session in SoCal
- Preparation for introduction of the Access to Inpatient Rehabilitation Act by Rep. Thompson (PA) early in the fall.

What We Are Watching

- Section 504 lawsuit and DOJ activities around integration mandate
- Healthcare affordability and changes that impact people with disabilities
- Medicaid changes at the state level, including waiver activities
- Impact of Medicaid work requirements on people with disabilities and older adults
 - [Multiple states are suing CMS over Medicaid work requirements](#)
- Social Prescribing

Resources for Recreational Therapists

- Information on Section 504, IDEA, and support for students with autism, check out this [resource](#)
- Join [ATRA Connect](#) for postings throughout the month
- Follow ATRA on Social Media (Instagram, Facebook, and LinkedIn) @ATRAinAction
- Visit the [Advocacy page on ATRA's website](#) for official ATRA communications and advocacy resources

Sign On Letters During August

- Consortium for Constituents with Disabilities (CCD) opposing Medicaid community engagement requirements
- CCD on supporting inclusion of Senate bill 5046 in the FY2027 Appropriations Act
- Coalition for the Preservation of Rehabilitation (CPR) on spasticity ICD 10 code
- CPR comments on CY2027 Home Health Proposed Rule
- Disability and Rehabilitation Research Coalition (DRRC) on delays in research funding

Thank you and shout out to **Laura Holmes** (ITEM) and **Lizzie Terry** (CCD) for representing ATRA at coalition meetings. Thank you also to **Jackson Amburn** and **Heather Porter** for their involvement in the 2026 AHA/ASA Stroke Guidelines.

You are ATRA and this is ATRA in Action.

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