



September 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. September was a short month of legislative activity as legislators returned to their home districts to campaign prior to the election.

Update on DOJ Memo related to Section 504 and the Integration

Mandate

Over the last several months, ATRA has shared information about the [DOJ 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.

On September 23, 2026, the court ruled in favor of Texas to “vacate” the integration references in [Section 504 of the Rehab Act](#) regulations. All references to integration will be removed despite 50 years of precedent in which the courts have upheld people with disabilities' rights to receive services in their communities. The case is now considered closed.

What this means

This is a significant setback for federal enforcement of the integration mandate in Section 504. The court agreed with the states to set aside the integration provisions. This decision does not eliminate the underlying civil rights protections. Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Supreme Court's decision in *Olmstead v. L.C.* remain in effect. The order also does not eliminate or change the remainder of HHS's 2024 Section 504 rule or other agencies' disability rights regulations. What changes is reduced pressure on deinstitutionalization and decreased guidance and support for community integration. The federal government will reduce efforts on enforcing community integration which 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. 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. Encourage clients to share their stories about their experiences and preferences for community-based services and share what it means to be a part of their community.
2. Contact your governor, state attorney general, and organizations that support people with disabilities to express your concerns about this and share your experiences regarding the benefits of community integration for people with disabilities.



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Additional Resources

- September US District Court of North Texas [ruling on the Integration Mandate](#)
- [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's 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

ACTION ALERTS – Please take action!

- Vote in the November election and make your voice heard.

Advocacy Activities

- Submitted comments to CMS regarding the **Physician Fee Schedule Proposed Rule** requesting they include recreational therapists in wellness coaching and motivational interviewing
- Meeting: Listening participant to the Centers for Medicare and Medicaid Services (CMS) **Technical Expert Panel (TEP) on Inpatient Rehabilitation Facilities (IRF) assessment process**. This six hour meeting included 12 representatives from national organizations, hospitals, and professionals discussing the development of a new assessment process for inpatient rehabilitation. ATRA, along with the American Occupational Therapy Association (AOTA) and the American Physical Therapy Association (APTA), were invited to participate as listeners, meaning we could hear the discussion but could not participate in the discussion.
- 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
- Meeting: ATRA's Social Prescribing Task Force
- Meeting: ITEM Coalition
- Meeting: CCD Task Force on Long Term Supports and Services

What We Are Watching

- What happens now after the ruling on Section 504 integration mandate
- Healthcare affordability and changes that impact people with disabilities

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What We Are Watching Cont.

- Medicaid changes at the state level, including waiver activities
- Impact of Medicaid work requirements on people with disabilities and older adults
 - An amicus brief in Mass v. Oz is **challenging** CMS' interim final rule and is brought by 25 states and the District of Columbia regarding new Medicaid work requirements. The States argue the rule improperly narrows H.R. 1's categorical exclusion for people who are medically frail by requiring that the condition also significantly impair the person's ability to comply with the work requirement, and that it imposes unworkable limits on several issues.
- Social Prescribing

Resources for Recreational Therapists

- 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 September

- Consortium for Constituents with Disabilities (CCD) supporting Money Follows the Person (MFP) and Spousal Impoverishment Protections
- Direct sign on with Senator Hillebrand's office supporting the creation of a Senate Disability Caucus
- CCD sign on to comments on the Medicaid Program Amending the Indirect Hold Harmless Threshold of Health Care-Related Taxes

Thank you and shout out to **Laura Holmes** (ITEM) and **Lizzie Terry** (CCD) for representing ATRA at coalition meetings.

You are ATRA and this is ATRA in Action.

