



June 29, 2026—APsA Statement on Office of Legal Counsel Memo Undermining Safeguards for People with Mental Health Conditions and Other Disabilities

On June 18, 2026, the Office of Legal Counsel (OLC) issued a [Memorandum Opinion](#) titled “Application of the Rehabilitation Act and Americans with Disabilities Act to State Institutionalization of Patients with Severe Mental Illness or Disabilities.”

The Opinion reads as potentially undermining protections that have existed for over a quarter of a century for people with mental health conditions and other disabilities. Its language and caselaw citations are strongly suggestive of an Executive Branch shift which could herald the rescission of longstanding civil rights protections for people with mental health conditions and other disabilities.

The practical consequence of the Opinion is rolling back decades of enforcement pressure on states to deinstitutionalize mental health patients, potentially enabling states to keep more individuals in institutional settings without facing federal discrimination liability. This would have significant implications for mental health policy, ongoing consent decrees, and the rights of people with disabilities nationwide.

The OLC Opinion asserts that neither the [Rehabilitation Act](#) nor the [Americans with Disabilities Act](#) (ADA) legally requires states to treat mentally disabled patients in “the most integrated setting.” This reading repudiates the prevailing interpretation of [Olmstead v. L.C. ex rel. Zimring, 527 U.S. 581 \(1999\)](#), a landmark Supreme Court ruling affirming that “unjustified institutional isolation of persons with disabilities is a form of discrimination” under the ADA. The Opinion further holds that Olmstead only prohibited “unjustified institutionalization,” not institutionalization broadly, and that the Department of Health & Human Services (HHS) and Department of Justice (DOJ) regulations imposing a universal “integration mandate” exceeded statutory authority.

Consistent with its longstanding [position against the misuse of psychiatric hospitalization](#) as a political device, The American Psychoanalytic Association (APsA) is concerned that the effects of this Opinion will increase stigma and create obstacles for individuals seeking and obtaining appropriate mental health treatment.

APsA opposes any governmental action that discriminates against and increases the stigma of individuals with mental illness.

APsA affirms its view that it is vital that trained and licensed mental health experts help guide policy and practice for the best care of patients with an eye to decreasing stigma and increasing access to effective care at the most appropriate level.

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