

Disability Bulletin Board

Disability Rights is a Civil Rights Issue

Civil Rights for People with Disabilities through Communication

(May) June 2004

Please relay this information to your membership including constituents who do not have e-mail access. Make this available in large print, tape and for others who have difficulty accessing information. View and Print this Bulletin in [RTF format](#) (compatible with most word processing software).

If you want something to appear in the next edition send it to me at jayne@kleinmanconsulting.com or jjk1009@hotmail.com
—Jayne Kleinman, 55 Corrigan Ave., Meriden, CT 06451, 203-238-9391

Calendar of Events

<i>Date</i>	<i>Event</i>	<i>Location</i>	<i>Sponsor</i>	<i>Contact</i>
June 8, 2004	Long Term Care Planning Committee	Legislative Office Building	10:00 – Noon	
Saturday, June 19	NSCIA Annual Meeting	Chauncey Building Gaylord Hospital, Wallingford	12:00 – 2:30	203-284-1045
Thursday, June 24 1 – 4 PM	Voter Registration Training Workshop	Cromwell Radisson Hotel	1:00 – 4:00	Stan Kosloski skosloski03@comcast.net
June 22, Sept. 20-23	Social Role Valorization Training	Central CT State University	DD Council and SRV Project of Worcester, MA	Yvette Johnson (860) 418-8709 Johnson@po.state.ct.us
Sat., Sept. 18	2004 Americans with Disabilities Convention	Atlantic City, New Jersey	NJ Council on DD	skosloski03@comcast.net

Don't see it? – Let me know what and when: jayne@kleinmanconsulting.com.

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Disability Advocacy Collaborative – Voter Registration Training June 24

Voter Education Workshop -- June 24 at the Cromwell Radisson Inn, 1-4 PM. If you would like more information please contact me at 203/238-9391 or ijk1009@hotmail.com. We need all our voices together.

Your Organization Can Register Voters! Feel the Power! VOTE! Most nonprofit organizations are tax exempt under section 501(c)(3) of the Internal Revenue Code and therefore cannot engage in partisan political activity. But many organizations do not understand that they can register voters as long as voter registration activities are conducted in a completely non-partisan way. In fact, the National Voter Registration Act of 1993 encourages “all nongovernmental entities” to offer voter registration services. Nonpartisan means not influenced by, affiliated with, or supportive of the interests or policies of any political party or candidate. As long as your organization is not engaging in partisan activity, you CAN: register voters encourage registered voters to vote, drive voters to the polls. You CANNOT: make statements in support or opposition to a particular candidate or party display or distribute partisan literature, buttons, posters, flyers, bumper stickers or other political propoganda while engaged in registering voters, encouraging them to vote or transporting voters to the polls. A 501(c)(3) organization

also CANNOT, under any circumstances, endorse any political party or candidate. Or more information about the do's and don'ts of voter registration for non-profit organizations, contact Americo Santiago at Democracy Works, 860-727-1157 americo@democracyworksct.org. (CABHN FEVER June 2004)

Voices of Civil Rights

Go to VoicesofCivilRights.org to add your story. This is a project of AARP, the Leadership Conference on Civil Rights and the Library of Congress. They will collect and preserve personal stories, oral histories, photographs and personal artifacts of personal accounts of America's struggle for justice and equality.

Cash and Counseling

We have been contacted by Kristin Simone from the project office and invited to participate in an inverse site visit. This means that we go to them.

They have requested that three individuals from Connecticut participate in a site visit in Philadelphia on June 10, from 1:00-4:00 p.m. Their original request was for the Medicaid director and the Elderly Services director to participate, either in person or by telephone. Both Dave Parrella and Pam Giannini have other plans on that day, but are both willing to join by telephone.

This is not a guarantee of funding, but it's a positive next step. There are 15 states that will be participating in these "inverse" site visits, and up to 10 states will be awarded.

They will ask us some questions specific to our proposal. In addition, they are interested in the following topic areas:

- ✓ Motivating forces for Connecticut's application
- ✓ Leadership and staffing plan
- ✓ Three main barriers to implementation and specific plans to address these barriers
- ✓ Consumer and key stakeholder involvement; outreach strategies
- ✓ Specific types of technical assistance needed
- ✓ Value added by receipt of innovation funds

There is not enough time to pull together an in-person meeting, so I would instead like to invite you to view the specific questions and the grant application on the DSS website at www.dss.state.ct.us. They should be posted by the end of this week. You can email us any thoughts or comments related to the site visit questions at connecttowork.dss@po.state.ct.us by June 7, 2004.

After the site visit, I will send out another message about what happened. I appreciate everyone's continued interest, and I am very excited about this next step!—
Amy Porter

Legislature Has Repealed Co pays and Premiums

You all have seen the good news that the legislature repealed the co pays and premiums passed last year for Medicaid and SAGA recipients. But some of you have asked when the repeal of the co pays, which were already implemented (\$1.50 in the case of Medicaid and SAGA drugs, \$2.00 in the case of outpatient Medicaid services), will be effective, and about the status of past unpaid co pays. Therefore, I am providing some information and guidance about this.

First, the repeal is not effective until July 1, 2004. This means that a Pharmacist or other Medicaid provider still can request the co pay at the Pharmacy counter or window. However, as has been the case since the first co pays were implemented in April of last year, a pharmacist or other health care provider may not refuse to provide services if a person cannot afford to pay a current or past co pay, and a recipient's mere statement to this effect must be accepted by the provider. (If someone needs a card stating this to be used with Pharmacists, they are available in both English and Spanish on the LARCC Website: www.larcc.org- at "Hot Topics.")

Second, once we reach July 1, even the request for the co pay will be illegal, and the state's payments made to providers per unit of service will be increased Automatically (by either \$1.50 or \$2) to account for the co pay repeal.

Third, even after the repeal is effective, many recipients will still have outstanding co pay debts, some of which will be substantial--into the several hundreds of dollars. Theoretically, this remains a debt owed by the recipient to the provider, which, though very unlikely, could be the subject of collection action. However, again, services cannot be refused because of a past co pay debt. It is also most likely that pharmacists and other providers, happy to see the co pay requirement removed, will simply ignore the debt for past co pays and effectively wipe the slate clean, especially since the administrative cost of maintaining records on the debt will likely exceed the payments he or she could ever expect to receive from the individual.

Hopefully, all problems with the co pays will cease on July 1st, but please be on the look-out for any "bad apples" who demand payment of past co pays, either before or after that date.

—Sheldon V. Toubman, New Haven Legal Assistance Association
e-mail: stoubman@nhlegal.org

Hate Crimes Bill

Dear Friends:

This is my final update on the Hate Crimes Bill we've all been working on this session (and some time before the session). This bill amended the state's hate crime statute to include disability and gender identity as protected classes. The Governor signed the bill on Friday, May 21, 2004. If you'd like to see its final language, P.A. 04-135 can be found at: www.cga.state.ct.us/2004/act/Pa/2004PA-00135-R00HB-05657-PA.htm

Thanks for all your help on getting this through this session.

—Michelle M. Duprey, Esq., Dept. of Services for People with Disabilities, New Haven.
mduprey@newhavenct.net

Supreme Court Upholds ADA in Tenn. V. Lane

"Today's decision is a welcome reversal of the Rehnquist Court's onslaught on disability rights, but this fight is not over," said Andrew J. Imparato, President of the American Association of People with Disabilities (AAPD), which filed an amicus brief in the case. "Four justices still do not understand the connection between *Brown v. Board of Education*, the Constitution's protection of individual rights, and the right to be present at your own trial if you use a wheelchair." Imparato added: "Five justices on the Supreme Court, including Justice Sandra Day O'Connor, have made an important ruling today that recognizes the history of unconstitutional discrimination against people with Disabilities by State governments. For this ruling to come down on the 50th anniversary of the *Brown v. Board of Education* decision is appropriate and welcome."

Imparato added: "Unfortunately, the victory is narrow, however, because the majority elected not to rule on the Constitutional questions outside the specific facts of the case (which involved a criminal defendant who used a wheelchair and was forced to crawl up steps or be carried to get to his trial in a State proceeding, and other issues around access to State courthouses), and we still have a 2001 decision (*University of Alabama v. Garrett*) where Justice O'Connor and today's dissenters ruled that when the State is acting as an employer it has more rights than individual victims of disability discrimination under the Constitution." AAPD is the nation's largest membership organization representing people with all types of disabilities. Imparato's chapter on the Rehnquist Court's rulings in the area of disability rights appears in *THE REHNQUIST COURT: JUDICIAL ACTIVISM ON THE RIGHT* (Hill and Wang, 2002) (H. Schwartz, ed.).

High Court Upholds Rules in Disabilities Act

In Previous Cases, the Court Has Limited the Effect of the ADA

The Associated Press Monday, May 17, 2004; 10:40 AM

WASHINGTON—The Supreme Court upheld the rights of disabled people under a national law meant to protect them, ruling Monday that a paraplegic who crawled up the steps of a small-town courthouse can sue over the lack of an elevator. The 1990 Americans With Disabilities Act properly gives private citizens such as George Lane the right to seek money in court if a state fails to live up to the law's requirements, a 5-to-4 majority ruled. In previous cases, the high court has repeatedly limited the effect of the ADA, so Monday's outcome was unexpected. At issue in Lane's case was the right of private citizens to try to pursue alleged violations of the ADA in federal courts. Advocates for the disabled claimed that the fear of hefty damage awards was a powerful tool to force state governments to follow the requirements of the ADA. "The unequal treatment of disabled persons in the administration of judicial services has a long history"

That has persisted despite anti-discrimination laws, Justice John Paul Stevens wrote for himself and Justices Sandra Day O'Connor, David H. Souter, Ruth Bader Ginsburg and Stephen Breyer. The case began when Lane tried to sue the state of Tennessee for up to \$100,000 for what he claimed was humiliating treatment that violated the ADA. Lane crawled up the Polk County courthouse steps once for an appearance in a reckless driving case, but was arrested in 1996 for failing to appear in court when he refused to crawl a second time. Courthouse employees have said he also refused offers of help. Tennessee did not dispute that the courthouse lacked an elevator, or that the state has a duty to make its services available to all. The state argued, however, that Lane's constitutional rights were not violated and that he had no right to take the state to court. The state claimed that Congress went too far in writing the ADA, because the Constitution says a state government cannot be sued in federal court without its consent. Stevens said Congress had ample evidence of discrimination. When it wrote the part of the law at issues in Lane's case. Called Title II, it guarantees that the disabled will have access to government services. "It is not difficult to perceive the harm that Title II is designed to address," Stevens wrote. Congress enacted Title II against a backdrop of pervasive unequal treatment in the administration of state services and programs, including systematic deprivations of fundamental rights."

The case is the latest in a series of conflicts over states' rights and the powers of Congress, but it did not come out like most of the others. In a series of cases since the late 1990s, O'Connor has sided with the court's core conservatives to form a five-Member majority that has gradually expanded the sovereign rights of state governments while limiting federal control and congressional power. Chief Justice William H. Rehnquist, chief architect of that states rights push, dissented in Monday's case. Justices

Antonin Scalia, Anthony M. Kennedy and Clarence Thomas also dissented.
<http://www.washingtonpost.com/wp-dyn/articles/A33074-2004May17.html>

Government Assistance to Pay for Housing

If You Rely On Government Assistance To Pay For Housing, This CT Law May Protect You!

Connecticut is one of only a handful of states that have made it illegal to refuse to rent to a person who relies on government assistance to pay for housing. This law protects anyone who pays for housing with any lawful source of income. Various forms of assistance qualify as lawful sources of income" under Connecticut law, including:

Federal housing subsidies: Section 8 housing voucher is the best-known type of housing assistance used by persons seeking housing.

State housing assistance: Rental Assistance Program (RAP) and Transitional Rental Assistance Program (T-RAP) are state programs similar to Section 8.

Security Deposit Guarantee: Through the Department of Social Services, this program aids low income persons by guaranteeing that a landlord will receive a payment if the tenant causes damage to the rental property. This government-backed “IOU” is used instead of a cash payment for the security deposit. Connecticut Legal Services (CLS) is now focusing on eliminating this form of discrimination, particularly in Fairfield and New London counties. CLS attorneys hope to file several complaints against landlords who practice this type of discrimination. CLS believe that the problem of denial of housing to government-assistance participants is more widespread than it may appear. Landlords’ reluctance to participate in the program – saying their apartment or house will not pass a Section 8 inspection, for example – does not excuse them under the law, CLS attorneys note. People, who may have been victims of this type of discrimination, or their caseworkers or advocates, should contact David Stowe at the Bridgeport CLS office at (203) 336-3851, or toll free at 1-800-809-4434. Mr. Stowe can also be reached at dstowe@connlegalservices.org. (CABHN FEVER – June 2004)

ADAPT Wins Concession from Acting CMS Administrator

ADAPT, the grassroots movement of people with Disabilities that is working to change the institutional bias in the Medicaid program and to ensure that Medicaid-sponsored personal assistance is available to those who want to live in the community, has won a GREAT VICTORY as a result of its most recent national activities... As a result, the Centers for Medicare and Medicaid Services (CMS) agreed to send a letter to State Medicaid Directors that will underscore for them they currently have the ability, with no regulatory or legislative changes, to move people from nursing homes and institutions by transferring the funding to the preferred community settings. For more information, go to www.ecnv.org.

Use Your Home to Stay at Home

The National Council on the Aging, with the support of both the Centers for Medicare and Medicaid Advocacy (CMS) and the Robert Wood Johnson Foundation, is laying the groundwork for a powerful public-private partnership to increase the use of reverse mortgages to help pay for long-term care. The ultimate goal of the *Use Your Home to Stay at Home* program is to increase the appropriate use of reverse mortgages so that millions of homeowners can tap home equity to pay for long-term care services or insurance. For a fact sheet on reverse mortgages, please go to www.ncoa.org.

Nursing Home MDS Data Offer

We will provide the following MDS data for YOUR State's nursing home population as of 12/31/03. This includes both the percentage of those surveyed in the nursing homes and the number of people in the MDS categories below:

1. Residents who prefer to reside in the community;
2. Ethnic breakdown;

3. gender breakdown; and
4. Age breakdown.

We will provide this information IF YOU AGREE to use it in the following ways:

- (A) To ask your State to identify the location (city and nursing facility name) of those persons in the nursing homes who want to live in the community;
- (B) To have your Olmstead Plan identify these people as a priority population to move into the community; and
- (C) To advocate for your State to use the "Money Follow the Person" concept to fund the moving of people who want out of nursing facilities into the community.

This data is a terrific starting place for IDENTIFICATION of persons who want to live in the community. Your State collects and sends this MDS data to the federal CMS, so your State can use this information directly or with permission from CMS. How about this for an idea? Your State could either contract with disability advocates to go into the nursing homes to talk to residents who might want to move back to the community or to use State employees to identify these specific nursing home residents. Funding!! There are federal funds available for this identification process and for actual transition costs. Medicaid's "targeted case management" pays for transition services. If you want the above data and you agree to use it for A, B and C above, you should email me (stevegoldada@cs.com) with: 1. Your FAX number, 2. Indicate with what group/organization you're with; and 3. the name of your State. I will complete the template for your State and fax it to you.—Steve Gold, the disability odyssey continues.

Self Determination

The following speech was given by Georgia Governor Sonny Perdue before the 3rd Annual Immersion Learning. (Sponsored by the Center for Self-determination and Co-Hosted by the Georgia Developmental Disabilities Council).

Georgia has come a long way since its opposition to community living gave rise to the Olmstead Decision. ... I know many of you come from states that are further along than Georgia in this area. You come with good ideas, best practices, and the advantage of experience. ... We are looking forward to a good exchange of ideas. The purpose of self-determination is to help individuals with disabilities live lives more rich in relationships and community. And to share with all our citizens the opportunity to work and contribute as equal members of the society. In short, it's about empowering people and erasing the boundaries that hold people back from their full potential. And to say that in even less words...it's about freedom. ...

To be self-determined people need some pretty basic things: A place to call home. A chance to learn. A way to generate income through a job. Access to transportation. Basic things most of us take for granted...the things that give us options in life. I have a vision in which people with disabilities are engaged as full participants in all our communities. To reach that point, many people require the publicly funded system of services and supports. But we should design that system always keeping in mind the fundamental mission of expanding freedom. We should seek a system of services that supports independent living and increased quality of life. Our system should provide

individuals of all ages - and their families - with the ability to make meaningful, informed choices about the services they receive. Those services should meet standards of quality and accountability. They should be cost-effective—and consistent with the individual's values and preferences. ...

PCA Subcommittee of the Connecticut Council for Persons with Disabilities

Five forums were held around the state. For more information contact Cathy Ludlum at Cludlum01@snet.net.

Interrobust—Spring 2004

A follow up meeting was held. Contact Stan Kosloski skosloski03@comcast.net for more information. See the Fall issue of the Disability Bulletin Board to learn more about the October meeting.

Social Role Valorization Training

Participants will learn about vulnerability and social devaluation, examine service delivery actions and policies. Challenge personal beliefs and assumptions. Renew personal commitments and learn positive service delivery strategies.

- **June 22** “Overview of the Implementation of Social Role Valorization Principles Specifically within a School Context”
- **Sept. 20 – Sept. 23:** “Introduction to SRV”
Sponsored by the DD Council and SRV Project of Worcester, Mass. Contact Yvette.johnson@po.state.ct.us for more information.

What’s Happening Around the State

To find out what these groups are doing or how to connect up with them contact me at jayne@kleinmanconsulting.com. (Of course there are more groups. If you would like to be added to the list let me know).

Disability Advocacy Groups in CT : ADA Coalition of Connecticut, The Olmstead Coalition, Advocacy Unlimited, The Connecticut Alliance for Basic Human Needs and the Legal Assistance Center of CT, The Connecticut Association of Personal Assistants, CHOICE—Connecticut Has Opportunities for Independence, The National Council on Disabilities, The KEEP THE PROMISE Coalition, and People First of CT.

Health Care for All efforts: To find how to contact the following—AARP, The Center for Medicare Advocacy, The Health Care for All campaign of the Connecticut Citizens Action Group, Sheldon Toubman at New Haven Legal Aid, The Office of Managed Care Ombudsman, send me an e-mail.

Want to Write an Article?

These are just a few of the advocacy issues I would like to feature but I need your help:

- Transportation
- Voting
- Medicaid/Saga/Medicare Cuts—Cost of Living and what’s not happening
- Housing opportunities (or lack thereof)
- Closed captioning
- Children with disabilities and their families

Infoline

Infoline can be reached at 2-1-1. They offer confidential, free human service assistance.

If you know someone who wants to get this bulletin on e-mail please send me their name, address, phone number and e-mail address.

How to find your legislators: Go to <http://mygov.governmentguide.com>

Your support is needed to preserve and enhance supports for people with disabilities and their families. Call your legislators today!

Senate Democrats: 1-800-842-1420

House Democrats: 1-800-842-1902

Senate Republicans: 1-800-842-1421

House Republicans 1-800-842-1423