



Connecticut Disability Advocacy Collaborative Bulletin

“Enhancing the effectiveness of disability activism by organizing and empowering individuals, families, groups, and organizations!”

Empowerment! Opportunity! Justice!

December, 2009 - January, 2010

To include information in next month’s Bulletin please contact us!

Stan Kosloski, 860-614-8351 or StanKosloski@ct-dac.org
Jayne Kleinman, 203-631-4800 or JayneKleinman@ct-dac.org
Website: <http://www.ct-dac.org/contactus.htm>

Season's Greetings!

<i>In This Issue</i>	<i>Page</i>
Governor’s Mitigation Plan Threatens Disaster	2
National Health Care Reform Moves One Step Closer	3
Network Forms to Oppose Physician Assisted Suicide	4
DOJ Joins P&A Lawsuit & YLF Deadline Nears	5
Post Secondary Scholarships Available & MFP Update	6
Info on United Way Navigator Program & Preventing Homelessness	7
National News: Disability Statistics Compendium, Obama Administration Supports Community Living, Direct Action Training in Tennessee, Restraint and Seclusion Bill Introduced, KASA Announces New Manual, & Internship and Fellowship Opportunities	7
Regional DAC contacts	10

Governor's Mitigation Plan Slashes Services to Children and Adults with Disabilities, Including Elders

It is difficult to know where to start re: the proposed new cuts to services and supports that will fall most heavily on those of us with disabilities and our families. The Governor submitted a new budget reduction plan several weeks ago, and the legislature came into session on December 15 to respond to her proposal. They gaveled the session open and then closed it shortly thereafter, without taking action. They plan to come back in this week (12-21-09), and perhaps will reveal their own plan to cover the budget shortfall.

Perhaps the best way to explain the harmful effects of the proposed budget cuts is to look at one service the state provides, the Connecticut Home Care Program for Elders (CHCPE). Younger individuals with disabilities who receive state funded services face a similar scenario.

Effective January 1, 2010, elders receiving state funding from the CHCPE will be required to pay 15% toward the cost of their services each month. For many, this cost share will be impossible and they will be forced off the Home Care Program, perhaps into a nursing facility. The following analysis of the Governor's proposal was prepared by CCCI (Connecticut Community Care, Inc.):

- It is estimated that as of 1-1-10, 4,940 state-funded elders will be required to pay 15% toward the monthly cost of their home care services.
- The average monthly total CHCPE care plan per person costs \$1,013. Under the proposed 15% cost share, individuals would be mandated to pay \$152 per month on average.
- Eighty-two percent of these individuals are below 200 percent of the poverty level.
- Sixty percent of them live alone and have an average monthly income of \$1,390.
- They take an average of eight to nine medications each month with an average co-pay of approximately \$200/month.
- Their average amount of assets total \$10,147.
- Seventy percent have been assessed at a nursing home level of care, but are able to stay in their own homes because of the support they receive from the CHCPE

The average annual cost to taxpayers to keep elders home on the CHCPE is \$12,156 per individual. The average annual cost to taxpayers if these elders need to be admitted to nursing facilities will be \$78,610. **Where is the savings?**

To make your voice heard, you can reach the Office of the Governor at: (860) 566-4840 - Toll-Free: (800) 406-1527 - TDD: (860) 524-7397 - Email: Governor.Rell@ct.gov

You can reach your legislators by calling:

House Democrats: (800) 842.8267

House Republicans: (800) 842.1423

Senate Democrats: (800) 842.1420

Senate Republicans: (800) 842.1421

You can reach legislative leaders by calling:

Speaker of the House Chris Donovan, (860) 240-8500, 1-800-842-1902 or
Christopher.Donovan@cga.ct.gov
House Majority Leader Denise Merrill, (860) 240-8500, 1-800-842-8267 or
Denise.Merrill@cga.ct.gov
Senate President Donald Williams, (860) 240-8600, 1-800-842-1420 or
Williams@senatedems.ct.gov
Senate Majority Leader Martin Looney, (860) 240-8600, 1-800-842-1420 or
Looney@senatedems.ct.gov
Senator Toni Harp, Appropriations Committee co-chair, (860) 240-0393 or
harp@senatedems.ct.gov
Rep. John Geragosian, Appropriations Committee co-chair, (860) 240-0394 or
john.geragosian@cga.ct.gov

National Health Care Reform

Will we have a Senate bill before Christmas? Call Senator Dodd and Senator Lieberman today and tell them YES! The toll free number is (800) 958-5374. Call between 8:00 am and 5:00 pm.

On Saturday, December 19, Democrats in the U.S. Senate reached a compromise that ensures they will have enough votes to pass a sweeping, and controversial, health care reform package. Democratic Senator Ben Nelson has agreed to support the measure after long negotiations with Democratic leaders that extended into late Friday. Nelson, who opposes abortion, gave his support after Senate Majority Leader Harry Reid agreed to include stronger restrictions in the bill on insurance coverage for abortion.

The non-partisan Congressional Budget Office said the revised bill will cost \$871 billion and provide health care coverage for about 31 million Americans while reducing the budget deficit by \$132 billion over ten years.

There are some elements of the bill that will take some time to set up, such as the new insurance marketplace - the Exchange - that allows people without insurance and small businesses to compare plans and buy insurance at competitive prices. But there are other benefits for families that proponents say will kick in during the first year if legislation is approved by Congress:

- Major insurance market reforms including elimination of pre-existing condition exclusions and annual and lifetime caps;
- Coverage of rehabilitation and habilitation services and devices in the essential benefits package for the new insurance Exchange;
- An expansion of Medicaid eligibility up to 133% of the federal poverty level;
- The Community Living Assistance Services and Supports (CLASS) Act which will establish a new nation-wide long term services insurance program that will help individuals and their families meet their needs without needing to be impoverished; and
- The Community First Choice (CFC) Medicaid option which will make comprehensive community-based services available to Medicaid beneficiaries in states which chose the option (it would begin on Oct 1, 2010 with no sunset date).

- Requiring the development of standards for accessible diagnostic and other medical equipment

The final bill hasn't taken shape yet. There are several more steps in the process, including integrating the Senate version of the bill with the previously passed House bill. We will do our best to keep readers informed.

Network Forms to Oppose Physician Assisted Suicide

An organizational meeting was held on Friday, December 11 at the Office of Protection and Advocacy for Persons with Disabilities with a number of individuals who have concerns regarding the potential legalization of physician assisted suicide in CT. Also participating in the meeting by speaker phone were Marilyn Golden from the Disability Rights Education and Defense Fund (DREDF) and Diane Coleman from Not Dead Yet. The proposals of concern are based on legislation originally adopted in Oregon ten years ago, and raised in a number of New England states, most recently in New Hampshire. Similar proposals have been defeated in Maine and Vermont.

In a free-wheeling discussion, a number of key issues were identified as leading to requests for physician assisted suicide:

- An inadequate in-home support system, such that individuals cannot get the support they need to live independent, dignified lives at home
- a broken health care system, including denials for needed medical services and treatment that would enable an individual to maintain (or retain) bodily functions and independence
- depression (fear of losing dignity and autonomy, losing control of bodily functions), often related to lack of in-home care options and the denial of needed medical treatment
- fear of becoming a burden to one's family, coupled with increasing pressure of a "duty to die"
- Little awareness of the recent developments in palliative care techniques that have expanded the knowledge base and effectiveness of these procedures

Many national organizations have gone on record as opposing legalization of physician assisted suicide, including the AMA, National Council on Disability, National Spinal Cord Injury Association, World Institute on Disability, Justice for All, the American Association of Persons with Disabilities, National Council on Independent Living, ADAPT, Not Dead Yet, Disability Rights and Education Defense Fund, and TASH. Twenty four states have already rejected physician assisted suicide.

Compassion and Choices (formerly the Hemlock Society) is promoting legalization of physician assisted suicide in states across the country. In early October, lawyers from Compassion and Choices filed a lawsuit in State Superior Court on behalf of two Fairfield county doctors who

want to be able to prescribe lethal prescriptions to patients who have terminal diseases and want to commit suicide. Captioned as *Blick v. Criminal Justice Division*, the suit targets the Connecticut statute that prohibits intentionally assisting another person to commit suicide.

For further information on physician assisted suicide, you can access the DREDF webpage at: www.dredf.org/assisted_suicide/index.shtml. If you wish to join the CT network or become better informed about physician assisted suicide from a disability perspective, contact Stan Kosloski at stankosloski@att.net, or 860-614-8351.

DOJ Joins P&A Lawsuit

The United States Department of Justice (DOJ) has filed an Amicus Curiae brief supporting the state Office of Protection and Advocacy's position in a federal lawsuit aimed at the warehousing of people with psychiatric disabilities in certain Connecticut nursing homes. *OPA v. Connecticut* was originally filed in early 2006. It was subsequently re-filed as a class action suit naming specific individuals as plaintiffs along with P&A. Applying principles adopted by the U.S. Supreme Court in its famous Olmstead decision, the complaint asserts that, "[i]ndividuals with mental illness are needlessly isolated, segregated, and institutionalized in these facilities" in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The state agency defendants have moved to have the case dismissed. In its amicus brief, DOJ argues against dismissing the case, and also urges the Court to find that P&A has "associational standing" to act as a plaintiff in its own right. P&A and the individual plaintiffs are being represented by P&A's in-house counsel, by pro bono counsel from the firm of Strook & Strook & Lavan, and by lawyers from the Judge Bazelon Center for Mental Health Law.

The DOJ brief is posted on OPA's website at:
www.ct.gov/opapd/cwp/view.asp?Q=452308&A=3147

YLF 2010 Application Deadline Nearing

The deadline for submitting applications for the 2010 Youth Leadership Forum is rapidly approaching. Applications must be postmarked by **January 15, 2010** and mailed to the address noted on the application. Through a competitive process, approximately forty high school students will be selected to attend the forum.

The twelfth annual YLF is scheduled for July 26 - July 29, 2010 at the University of Connecticut, Storrs campus. The program will bring together students with disabilities from throughout Connecticut for a four-day training forum focusing on enhancing community leadership skills. The forum will provide a concentrated educational and motivational experience for the students selected through a formal, competitive process.

The delegates will explore personal leadership skills, define career goals and leave the forum with a very specific action plan that describes what they will do back in their local communities to enhance the lives of people with disabilities. Students who are accepted to YLF will be required to attend follow-up sessions after the forum to implement their Community Action Plans.

Interested students may download the application by logging onto the YLF website: www.ctylp.org. If you have any questions about the program, contact Karen Halliday at (860) 633-8403 or KarenH1203@aol.com or Kathleen Kabara at (860) 424-5068 or Kathleen.kabara@ct.gov.

Post Secondary Scholarships Available

High school students who are graduating this June and are planning to enter into post-secondary education or a training program in the fall of 2010 may be able to take advantage of a scholarship provided through the Governor's Coalition for Youth with Disabilities (GCYD). Information about the scholarships and the application can be obtained at the GCYD website: www.gcyd.org. Last year \$27,000 in scholarships were given out to students with disabilities.

Here are a few important details:

- Applications are due by February 15, 2010
- Students should work with their high school's Guidance Dept or Special Education staff to complete the application
- Students must be residents of CT and have a disability as defined by IDEA or Section 504 of the Rehabilitation Act

All the information you need about the scholarship program is available on the GCYD website. If you should have any questions contact Arlene Lugo at the CT Tech Act Project - DSS/BRS - 25 Sigourney Street, 11th Floor - Hartford, CT 06106 - 860-424-4881 - 860-424-4839 (TTY) - 800-537-2549 (Toll Free, in State).

MFP Update

In October the Department of Social Services submitted a legislative update to the state General Assembly on progress made in implementing the Money Follows the Person program (MFP). MFP is funded by the U.S. Centers for Medicare and Medicaid Services and the State of Connecticut as part of a national effort to “rebalance” long-term care systems, according to the individual needs of persons with disabilities of all ages.

As of September 30, DSS had received 946 applications for MFP services since the program began in December, 2008, representing residents in 157 different skilled nursing facilities. Of these, 801 applications were screened by the Department of Social Services and referred to contracted community partners for follow up (i.e., independent living centers and Area Agencies on Aging). 601 applicants had received at least one visit from field staff, signed an informed consent to participate in MFP, and initiated the transition planning process. 248 applicants had completed a clinical assessment, had an approved care plan and were in final stages of transition – hiring staff, looking for housing, waiting for completion of home modifications. A total of 95 persons transitioned from 54 different nursing facilities during the December, 2008-September, 2009 period. There were also 211 care plans in development and not yet approved.

The goals of MFP include:

- Transition 700 people from institutional settings to the community by December, 2012
- Increase hospital discharges to home and community services rather than institutions
- Increase percentage of persons receiving long-term care services in the community
- Increase probability of returning to community within first 6 months of admission to an institution through existing Medicaid programs

For more information on MFP go to: www.ct.gov/dss/cwp/view.asp?Q=414524&A=2345

United Way Navigator May Help Obtain Benefits

The 2-1-1 Navigator is an online tool that instantly screens for eligibility for various state and federal benefit programs. Eligibility criteria for some of those programs have changed in recent months and the Navigator is always kept current to reflect those changes. In 2009, the 2-1-1 Navigator has averaged approximately 1,000 inquiries per month. During these challenging economic times, the United Way 2-1-1 Navigator provides an up-to-date resource that can help Connecticut's residents get connected to the benefits they need.

For more information visit <http://navigator.211ct.org/>.

Preventing Homelessness

In October, United Way 2-1-1 began participating in the Homelessness Prevention and Rapid Rehousing Program (HPRP) funded by federal stimulus money. Working with the Connecticut Department of Social Services, the Connecticut Coalition to End Homelessness (CCEH) and many housing and shelter providers, 2-1-1 is serving as the entry point in a strategy intended to prevent people from losing their homes or to move people out of shelters and into housing quickly. Since the program began in October, CCEH has screened over 1,500 individuals and families, most were referred through 2-1-1.

For more information go to: www.211ct.org/Documents/HPRPInformation.pdf .

Disability Statistics Compendium

The Disability Statistics Compendium is the first of what is intended to be an annual publication of statistics on people with disabilities and government programs that serve them. The Rehabilitation Research and Training Center on Disability Statistics and Demographics compiled the data, which include statistics from federal sources and surveys on disability prevalence, population size, including break-downs by state and disability type, employment and earnings, education, health and health care coverage, rehabilitation, and participation in benefit programs.

This information has recently been updated, and can be read by visiting this link:

http://www.disability.gov/employment/research_%26_statistics

Obama Administration Supports Community Living

Community-based living for people with disabilities got a boost recently when the Department of Justice filed friend of the court briefs in lawsuits against three states. The briefs were filed in support of the Supreme Court's decision in *Olmstead v. LC and EW*. In that decision, the court said that states have an obligation to give people with disabilities the option to receive care in a community setting, where medically possible.

President Barack Obama said earlier this year that his administration would beef up enforcement of the court decision, which dates back to 1999. And, in late November the Justice Department took action by filing briefs in lawsuits against the states of Connecticut, Virginia and New York. [See article above about CT P&A lawsuit.]

The brief filed in Virginia supports an effort by the ARC of Virginia to block the state from spending millions of dollars on a new, segregated facility for people with intellectual disabilities. The ARC is asking that the money be spent on community-based options instead. And in New York, the Justice Department is supporting a proposal to provide new living options for adults whose placements in large homes were deemed to be in violation of the Americans with Disabilities Act earlier this year.

Direct Action Organizing Training

The ADAPT Community will be hosting a "Direct Action Organizing Training" in the Spring of 2010 in Memphis, Tennessee. Topics to be covered include:

- The power relationship
- Picking an Issue
- Winning Strategies/Tactics
- Organizing a "Direct Action"
- Negotiating Getting to yes
- Pitchfork Approach to Social Change
- Forming an ADAPT Group

For information contact: Bob Liston at adaptbob@gmail.com, 406/544-5137 (cell), or 406/829-9495. For more information about ADAPT, go to www.adapt.org.

Restraint and Seclusion Bill Introduced

On December 9, the Preventing Harmful Restraint and Seclusion in Schools Act ([H.R. 4247](#), [S. 2860](#)) was introduced in the U.S. House of Representatives and Senate. These bills would prevent and reduce inappropriate restraint and seclusion by establishing minimum safety standards in schools, similar to protections already in place in hospitals and non-medical community-based facilities.

The historic legislation was prompted by a government report that found "hundreds of cases of alleged abuse and death related to the use of these methods on school children during the past

two decades. Examples of these cases include a 7 year old purportedly dying after being held face down for hours by school staff, 5 year olds allegedly being tied to chairs with bungee cords and duct taped by their teacher and suffering broken arms and bloody noses, and a 13 year old reportedly hanging himself in a seclusion room after prolonged confinement."

These abusive practices were used disproportionately on children with disabilities, including children diagnosed with autism, cerebral palsy, and learning disabilities.

For more information go to:

<http://edlabor.house.gov/blog/2009/12/preventing-harmful-restraint-a.shtml>

KASA Announces New Manual

The national organization Kids As Self Advocates (KASA) has announced that a new twenty-four page manual has been published designed to give young people interested in getting more involved in their community the information they need. The pocket guide, entitled "How to be Involved in a Board or Council: Roles and Responsibilities", covers:

- Why youth should get involved in their community
 - Questions to ask the board/council
 - Skills and/or attitudes needed to serve on a board/council
 - Roles and responsibilities
 - How to be prepared
 - Tips to deal with what might be hard
 - Suggestions for working with adults
- And many other resources!

To order the pocket guide by mail, download the form at: www.fvkasa.org or to order online visit: www.familyvoices.org/catalog.php.

Internship and Fellowship Opportunities

Each summer, AAPD (the American Association of People with Disabilities) recruits the best and brightest college students with all types of disabilities for summer internships in Washington, DC (www.aapd.com/AAPDInternship). Eight interns are placed in the offices of members of Congress and ten interns in the IT divisions of federal agencies.

Application Deadline: January 8, 2010

In addition, White House Fellowships, one of the nation's most prestigious programs for leadership and public service, are available to 11-19 exceptional young men and women. You get to spend a year in Washington, D.C. and gain first-hand experience in the process of governing the nation at the highest levels of the Federal government. Candidates need to be promising young leaders who are excelling early in their careers and are committed to leadership and public service. Thus, this is not for students but rather for individuals already into their careers. Learn

more about White House Fellowships at www.whitehouse.gov/fellows - Application Deadline: February 1, 2010

Finally, the Joseph P. Kennedy, Jr. Foundation is seeking exemplary professionals and/or family members of persons with intellectual or developmental disabilities who are currently working or volunteering in the field of inclusive services and supports for people with intellectual and developmental disabilities for an intensive one-year Public Policy Fellowship in Washington, D.C. For more information go to:

<http://jfactivist.typepad.com/files/publicpolicyfellowshipannouncement2010-2011.pdf> - Application Deadline: March 5, 2010

Disability Advocacy Collaborative Regional Contacts

To get involved with one of the Collaborative's Regional Advocacy Networks, contact the following:

Northwest — contact: Bill Knight (lackerman01@snet.net) – meetings are held at the Litchfield Arc

Southwest –contact: Carol Kana (pkana@snet.net) – meetings are held at the Norwalk Police Department

North Central — contact: Candace Low (clow@independenceunlimited.org) – meetings are held at 151 New Park Avenue in Hartford

Bridgeport Area – contact: Tony LaCava (tlacava@drcfc.org) – meetings are on the third Thursday of the month at various sites.

For four years the Collaborative was supported in a number of different ways by Communitas, Inc. To George, Pat and Bev we extend our deep appreciation.