

DISABILITY RIGHTS

IDAHO

Protection & Advocacy for Individuals with Disabilities



ADVOCATING FOR RIGHTS

A Report to the Community



formerly

COMPREHENSIVE ADVOCACY, INC.

July 2009

A Message from Jim Baugh

Executive Director



Co-Ad was founded in 1977 (before “people first language”) as the “Coalition of Advocates for the Disabled.” Later, we changed the name to “Comprehensive Advocacy, Inc.” Co-Ad’s mission – to protect the rights of Idahoans with disabilities – has never changed. Now we think it is time to adopt a name that clearly reflects this mission. **Comprehensive Advocacy, Inc.** is changing to **DisAbility Rights Idaho**. The new name reflects our dedication to promoting and protecting the basic rights of people with disabilities in the State of Idaho.

I started with Co-Ad in 1978 as a VISTA volunteer. My son Gabe was about 6 years old then. Today he is 36 and depends on an array of support services to maintain his life in the community. Co-Ad has been essential to the development and preservation of those services, and of the rights and supports enjoyed by the roughly 130,000 other Idahoans who have disabilities.

Comprehensive Advocacy, Inc.
is changing to
DISABILITY RIGHTS IDAHO

These have been difficult times for **DisAbility Rights Idaho**. Many years of rising costs and nearly level funding have depleted our reserves and forced us to reduce our staff, freeze salaries, and cut expenses and benefits. Meanwhile the need for rights-based advocacy for Idahoans with disabilities has never been greater. We find ourselves in the all too common dilemma of needing to do more work with fewer resources.

In spite of the difficulty, **DisAbility Rights Idaho** can be proud of the accomplishments of the last year. We continue our efforts to preserve those basic services that keep people with disabilities safe and independent. We reached new levels of success in breaking down the barriers to voting for people with disabilities. We increased our efforts to assist people with disabilities to obtain employment without sacrificing essential services. We have continued our outreach and advocacy to people who are still living in institutions, and investigated cases of abuse, neglect and exploitation. We defended the rights of children to an appropriate education and of adults to effective vocational services. We battled to break down the barriers to an accessible and discrimination free society.

Co-Ad, as DisAbility Rights Idaho will continue to fulfill its leading role in educating policy makers about the impact that laws, rules and policies have on people with disabilities, and advocating for public policy that reflects respect for their rights and needs. This report will give you a glimpse of the struggle for justice that is the day-to-day work of **DisAbility Rights Idaho**, and a look at the resources we have to carry on that struggle.

You can help us! **DisAbility Rights Idaho** is a private not for profit corporation qualified for tax-deductible donations under federal and state laws. **Your contribution supports our ambitious program of advocacy on behalf of Idahoans with disabilities.**

Jim Baugh
Executive Director

Anne Newton, President Board of Directors



I first learned about Co-Ad about seven years ago when Medicaid changed the transportation rules which caused my son to lose his services. I was completely unaware that such an agency existed until a service provider suggested I contact them. With the help of Amy Cunningham, one of the amazing members of the legal team, we were able to get my son's transportation reinstated. I wanted to give back and be a part of the great work done at Co-Ad, so I applied to be a board member. Now, six years later, I am honored to be serving as Board President of **DisAbility Rights Idaho**.

I am excited about the decision to change our name from "Comprehensive Advocacy" to "**DisAbility Rights Idaho**", because regardless of what Shakespeare said, a lot of importance should be placed in a name. I have no doubt that there are people in need of **DisAbility Rights Idaho's** services who, like me seven years ago, are unaware of the great work we do. Changing the name to describe our mission will help us stick in people's minds, and make us more visible to the communities we serve.

DisAbility Rights Idaho will be accelerating its efforts to generate income through additional funding sources. If you've made a contribution in the past, thank you. If you've been considering how to show support for the great work done here, please know that we are grateful for contributions of all shapes and sizes – monetary or in-kind.

Six years on the Board has proven to me that there are few, if any non-profit agencies that can make a dollar work smarter for the direct benefit of its client base than **DisAbility Rights Idaho**. The more we have, the more good we can do for Idahoans with disabilities.

Finally, I'd like to recognize the expertise, and personal commitment of my fellow board members, and particularly the staff members making a difference for Idahoans with disabilities every day. The amount of knowledge needed to address the many different aspects of disability rights is unfathomable. Whether advocating for disability rights in schools, drafting disability rights law, investigating abuse in a state facility, or helping ensure accessibility rights, you will likely find a dedicated **DisAbility Rights Idaho** team member involved. Knowing that means our communities will continue to make positive change happen for people with disabilities.

I'd like to recognize the expertise, and personal commitment of my fellow board members, and particularly the staff members making a difference for Idahoans with disabilities.

Anne Newton
President

advocating for rights through. . .

influencing public policy

In a year of cramped quarters and even more cramped budgets, **DisAbility Rights Idaho** worked with partners to protect programs that are essential to the safety and independence of people with disabilities. We worked with the Idaho Epilepsy Foundation to protect funding for comprehensive epilepsy services when it was eliminated from the Governor's budget.

We helped to defeat a bill that would have eliminated assistance for medical treatment for adults with cystic fibrosis, and we helped to pass a resolution to continue the funding while the state reviews how the program is conducted.



Capitol Annex: Site of 2008 - 2009 legislature

We passed a bill to close a loophole in the **Idaho Sterilization Act** that allowed for sterilization of children when their parents consent to the procedure, even when they do not meet the criteria for such procedures set out in the statute.

Although we did not succeed in stopping all of the reductions in Medicaid services for people with disabilities during this budget crisis, our work with other disability organizations and providers helped to limit the size of the cuts to needed services.

DisAbility Rights Idaho is also very active in a Medicaid project to create a "**Family Directed Services**" option for children's developmental disability (DD) services. This option would give parents of children with disabilities the option of using the Medicaid funds that would have been spent on traditional developmental therapy to purchase the supports which best suit their child and circumstances. They would not be limited to the services in the Medicaid plan or to Medicaid providers.

We are also participating in the redesign of traditional services in the Medicaid plan to make them more flexible, individualized and effective for children.

Over the Years. . .

***DisAbility Rights Idaho** has played a leading role in the development of new legislation and other public policy measures protecting the rights and well being of people with disabilities.*

***DisAbility Rights Idaho** led the way in Idaho's adoption of the **Children's Mental Health Services Act**. We played a major role in passing bills protecting people with disabilities from discrimination in child custody cases. We were prominent in the passage of legislation which included disability discrimination by public accommodations within the jurisdiction of the **Idaho Human Rights Act**. We drafted and passed legislation protecting people with disabilities from involuntary sterilization. And we have worked every year to preserve funding for essential health care and for community supports for people with disabilities.*

advocating for rights through. . .

conducting outreach & self-advocacy training

Outreach and self-advocacy training occurs year round and statewide

Outreach helps educate the public about **DisAbility Rights Idaho** and helps identify issues for **DisAbility Rights Idaho** to address in the future. General information is provided at community events, statewide conferences, school fairs, business meetings and facilities.

The number of people reached through outreach and self-advocacy training from **October 1, 2007 - September 30, 2008:**

2,456

Self-advocacy aims to help people take control of their own lives and express their views. Self-advocacy includes:

- Making Informed Choices
- Telling People What You Want
- Taking Responsibility
- Fighting for Your Rights

DisAbility Rights Idaho provides **free comprehensive rights & advocacy training** statewide on issues relevant to the disability community. **DisAbility Rights Idaho** staff have traveled across the state to deliver training on such topics as:

- Disability Awareness for First Responders
- The Americans with Disabilities Act
- Navigating Service Systems
- Rights under Guardianship
- Special Education Issues
- Return to Work Issues
- Self-Advocacy Skills
- Rights in Facilities
- Voter Rights

And many more!

During 2008, **DisAbility Rights Idaho** was nationally recognized for its outreach and self-advocacy training ensuring **people with disabilities have full access to the voting process**. Non-partisan voter training and voter registration activities were conducted at the three State public mental health facilities, the Boise Veteran's Administration Medical Center, high schools and homeless shelters.



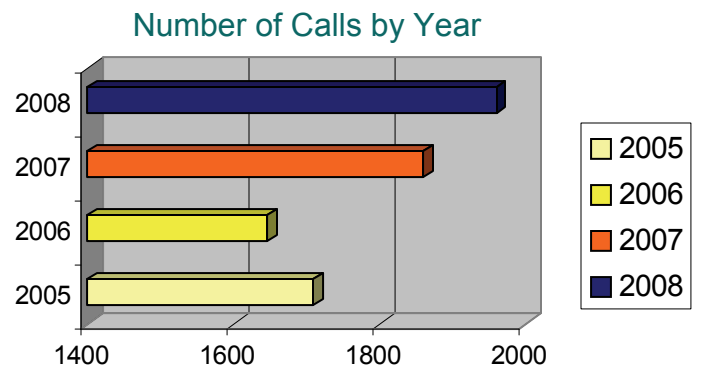
Angie Eandi, Advocate
assists student with new voting machine

670 individuals
received self-advocacy training
during the **2008 Determined to Vote**
project!

helping individuals one at a time

A 41 year old woman with traumatic brain injury, developmental disabilities, mental illness and substance abuse issues was living in a state facility. The client wished to live independently in the community with the proper supports. The facility would not approve discharge, maintaining she must enter into a community outpatient addiction recovery rehabilitation program before discharge could be approved. The programs would not accept her while she was living in the facility. **DisAbility Rights Idaho's** staff reviewed records and determined that the rehabilitation program was a requirement to release her commitment, not a discharge requirement. **DisAbility Rights Idaho** staff worked to obtain the client's discharge, to secure appropriate community programming and transportation. **The client was discharged from the facility, attended and completed the rehabilitation program and continues to live successfully in the community with proper supports.**

A 27 year old woman with a mental illness wanted to discontinue her need for Social Security benefits. The client sought information on how she could return to work and transition off of benefits. **DisAbility Rights Idaho** staff provided a work related benefits analysis and ongoing counseling regarding **work incentives and benefits planning**. The client obtained full time employment that resulted in the subsequent discontinuation of Social Security benefits.



A client contacted **DisAbility Rights Idaho** for assistance with appealing a denial by Idaho's Medicaid program of reconstructive surgery to correct significant facial deformities caused by a rare genetic disorder. Despite the client's physician's statements that the surgery was reconstructive and was needed to restore function as well as prevent psychological harm, the Medicaid program denied the request for surgery on the basis that it was cosmetic surgery. Cosmetic surgery is excluded from Medicaid coverage. The client had represented herself at an administrative hearing and requested **DisAbility Rights Idaho's** representation for the appeal. **DisAbility Rights Idaho argued on appeal that the surgery was reconstructive and convinced Medicaid to review additional evidence on this issue.** The Medicaid program accepted the new evidence and approved the necessary surgery. Obtaining the surgery was a great benefit to this young client who had been severely traumatized by this progressive disease.

DisAbility Rights Idaho assisted several children in asserting their rights to receive appropriate educational services from charter schools. Under federal and state laws, charter schools are obligated to comply with special education laws, such as the Individuals with Disabilities Education Act. This can mean providing children with special education services, all necessary related services, and alternative placements. Calls to **DisAbility Rights Idaho** alleged that a charter school had required that certain children with disabilities who

were enrolled in the school receive all their services in the children's homes rather than in a location previously approved by the school. **DisAbility Rights Idaho** assisted these parents in requesting administrative hearings on this issue and in convincing the charter school to continue the services as approved in each child's educational plan.

fostering partnerships

Fostering partnerships is an integral piece to forming a sustainable network of people who work toward a common goal. **To improve the lives of people with disabilities**, sometimes this means adversaries must come together to help remove barriers that neither has the power alone to remove. Sometimes this means parties who have worked together for years, may consider forgoing a turn in the spotlight in order to work towards a common goal. And sometimes this means new, non-traditional partnerships must be created to explore a different approach to an old problem.

DisAbility Rights Idaho
successfully partnered with:

- The **Idaho Secretary of State's** office to provide **disability** awareness training to regional poll workers and county clerks
- The **Self- Advocacy Leadership Network** to build trainings and foster leadership and empowerment
- The **Idaho Council on Developmental Disabilities** to provide **voter education** and ensure access to the voting process
- The **Department of Labor** to assist in **return to work** efforts
- The **Women of Color Alliance** to ensure services provided are culturally sensitive
- The **Department of Education** through participation on the **State Education Advisory Panel** to provide input on service to children with disabilities

- The **Idaho Division of Vocational Rehabilitation** to ensure appropriate rehabilitation services
- **Idaho Parents Unlimited** to provide information statewide about special education rights and services
- **Disability Action Center** to provide disability awareness training to law enforcement and first responders
- **ADA Task Force**, to secure the appointment of a statewide ADA coordinator as required by the **Americans with Disabilities Act**
- **Mental Health Reform Committee** and the **Medical Care Advisory Committee** to provide comments on proposed Medicaid laws and systems' revisions

DisAbility Rights Idaho Staff
have also participated on:

State Mental Health Planning Council

Region VI Mental Health Board

Regions III and VI Children's Mental Health Subcommittee

Idaho Legal Aid Services Advisory Committee

Intermountain Fair Housing Council

DisAbility Rights Idaho welcomes the opportunity to build new partnerships. If you or your organization has an interest in working with others **to advocate and protect the rights of people with disabilities**, contact **DisAbility Rights Idaho** for partnership opportunities.

promoting systems change

DisAbility Rights Idaho has a long tradition of seeking to improve the systems that affect individuals with disabilities through several avenues. These include seeking to reform services to be more responsive to individual needs, encouraging agencies to adopt new rules to better protect recipients' rights, requiring conformity with federal and state law, or reversing agency changes that tried to restrict access to services. Examples of system changes activities that **DisAbility Rights Idaho** staff have participated in over the last several months are:

Enforcing federal Medicaid requirements to **provide services to children** beyond any state-imposed time limitations

Advocating for **accessible parking lots**, providing reasonable accommodations in housing situations & providing interpreters for court related activities

Monitoring and seeking to reduce the use of **restraint and seclusion** in state run facilities and in Idaho's public schools

Recent News **DisAbility Rights Idaho** Wins Challenge To Medicaid Rules!!

In August 2008, **DisAbility Rights Idaho** initiated a court challenge to Medicaid rule changes and a "Policy Statement" interpreting these rules on the grounds that they **violated federal Medicaid law**.

On May 13, 2009, a Decision and Order in **Comprehensive Advocacy, Inc. v. IDHW**, was issued invalidating the contested rules. The rule changes had attempted to limit Medicaid funding for services provided only to children who attended public schools that were enrolled as Medicaid providers. Unless the decision is appealed, **Idaho's children will have access to Medicaid funded benefits in the educational setting of their choice.**

Preventing **law enforcement officers** from using **local jails**, rather than **treatment facilities** as required by law, to hold people who might be in need of mental health evaluations

Securing access for individuals to Medicaid funded **assistive technology**, such as hearing devices and wheelchairs, by asserting the funding decision must be based on individual need

Revenue & Expenses

October 1, 2007 through September 30, 2008

REVENUE

Federal Grant Awards	1,424,000.00
Other Revenue	192,460.09

TOTAL REVENUE \$1,616,460.09

EXPENSES

Salaries	919,169.15
Benefits	457,320.34

Subtotal \$1,376,489.49

OPERATING

Travel	5,111.84
Training/Meetings	22,114.37
Rent/Utilities	82,075.09
Telephone	15,458.73
Office Maintenance	3,863.19
Office Supplies	16,451.61
Postage	8,417.27
Printing	4,203.31
Computer Expenses	12,601.51
Library/Resource Materials	3,246.28
Equipment Maintenance	3,123.04
Board Expenses	15,109.03
Advisory Council Expenses	3,674.56
Professional Fees	8,986.07
Litigation	1,989.43
Other Insurance	10,347.07
Dues/Memberships/Licenses	12,272.32
Bank Fees	1,043.47
Public Relations	2,847.61
Other Expenses	1,675.03

Subtotal \$234,610.83

CAPITAL OUTLAY

Furniture & Equipment	2,944.00
Computers	2,415.77

TOTAL EXPENSES \$1,616,460.09

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Mission Statement

DisAbility Rights Idaho assists people with disabilities to protect, promote and advance their legal and human rights through quality legal, individual, and system advocacy

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Mel Leviton, Senior Advocate
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Suzie Hanks, Advocate/CWIC
Liz Stockwell, Advocate
James Turner, Community Work Incentives Coordinator (CWIC)

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