

Advocacy Center
Report to Developmental Disabilities Council
July, 2009

Facebook and Disaboom – AC’s Facebook page currently has 281 “fans”. Some of the most recent postings include information about: abuse and neglect of persons with disabilities. Our report about abuse and neglect at NESSC generated a great deal of conversation; polling place accessibility; eye care for people with disabilities; taxes and special education, and many other topics. People can link to each of these pages via the AC website at www.advocacyla.org or they can go directly to the sites.

AC issued a report on abuse and neglect at Northeast Supports and Services Center in Ruston, Louisiana. The report details seven instances of abuse and neglect ranging from murder to an attack resulting in paralysis. The report, *Beyond Repair*, can be accessed on the ac website.

AC’s Community Living Ombudsman Program was slated for a 40% cut. We were successful at reducing the cut to 30%, which is still a significant decrease in funds for this program.

Some cases:

Client #1 has paraplegia and contacted the Advocacy Center for help in getting prior authorization for a power wheelchair. Client was using an old manual chair that was given to him; it was much too wide for him, and was in bad shape.

The power wheelchair, however, was not suited to the client's needs, because the client had sufficient upper body strength for a custom manual chair. This custom manual chair would be fitted for the client and would include supports which would much improve his maneuverability.

AC located a vendor who agreed to a seating evaluation by an outside physical therapist. The vendor then worked with the client to get a custom manual wheelchair that fit the client properly. The client is very happy with his new wheelchair.

Client #2 contacted AC for help in having her VA spousal benefits reinstated. Client's benefits were suspended due to misstatements made by her spouse. The VA reviewed client's claim and client received back pay in the amount of \$5000 in April, and her monthly benefits have been reinstated.

Client #3's Long-Term Personal Care Services were terminated due to "lack of need of limited assistance in one activity of daily living." Client is paraplegic, has numbness in his hands, and needs assistance in at least 3 activities of daily living. We were able to have another assessment done to determine client's actual ADL

needs. Due to the AC's intervention, client's LT-PCS hours were reinstated and client was able to remain in the community.

Client #4 was receiving Long-Term Personal Care Services at the rate of 29.5 hours per week. Her hours were terminated due to: "not meeting a nursing facility level of care." Client was granted a reassessment and her hours were reinstated. Due to AC's intervention, the client was able to continue to receive services in her home and to remain in the community.

Client #5 contacted AC for help in obtaining Medicare funding for a scooter. Her physician was not cooperating with the prior authorization paperwork. We were able to discuss prior authorization with her primary care physician who then completed the paperwork properly. Client's claim was approved and her scooter has been delivered.

Client #6, who suffered a brain injury in a car accident in high school, received 32 hours per week of Long-Term Personal Care Services. Client has help with most of her activities of daily living, and needs these services to be able to remain at home. These services were terminated on reevaluation due to the "client having natural supports in her home and due to her not needing assistance with her Activities of Daily Living." This was based upon an assessment that was not properly done according to the MDS-HC manual; both of the client's parents work full time. We were able to have client reassessed with a competent assessor, and client's hours were reinstated in full.

Client #7, age 23, is bi-polar and has schizophrenia. He has been on the NOW waiver since 2002. He received a letter from OCDD stating that he no longer qualified for OCDD services because he did not meet the criteria for developmental disability as defined by the MR/DD law. His services, including the NOW waiver, would be terminated. One of the stated reasons for the termination was that he does not have a diagnosis of MR/CP, epilepsy, autism or a related condition, which is no longer the language used in the state statute defining developmental disability.

We subpoenaed all of client's records and found that OCDD made its decision based upon forms that were taken from a version of the developmental disability statute that has been superseded. Hearing was held and we elicited testimony from the state representative that she believed the forms to be correct under the law. We then presented sufficient evidence for the client to qualify under the newest version of the statute. We asked that the client be reinstated or in the alternative that he be assessed fully under the correct version of the statute. The ALJ overturned DHH's decision outright and the client maintained his NOW waiver services.