

Advocacy Center  
Quarterly Report to the DD Council  
July 19, 2018

**Update/progress on Advocacy Center initiatives**

**1. Representative Payee Program**

A new program has been assigned to protection and advocacy agencies around the country. The program will involve investigating representative payees for beneficiaries of SSI and SSDI, to ensure that the payee is acting in the interest of the beneficiary and that abuse or neglect of the beneficiary is not occurring. Most of the payees will be designated for investigation by the Social Security Administration, but the Advocacy Center will be able to select payees as well.

Advocacy Center, along with other protection and advocacy agencies around the country, participated in a pilot program and undertook similar work for several years, but the program was suspended in 2016. The new program will equip Advocacy Center with a greater breadth of authority, enabling us to undertake investigations of abuse and neglect unrelated to the function of representative payee.

Suzanne Chevalier, who has most recently been the program director for the Advocacy Center's Supported Independent Living Program, is moving into the role of program director for the new representative payee program. Advocacy Center will staff the program with an additional 2-3 investigators who will cover the state, and will be based out of one of our offices in Lafayette, Baton Rouge, or New Orleans. The program work will begin on August 1.

**2. Client Assistance Program**

The Client Assistance Program (CAP) is Advocacy Center's program that helps people in Louisiana navigate the Louisiana Rehabilitation Services (LRS) system. CAP is seeking support from community partners to increase awareness of the CAP program among transition students, parents, teachers, other professionals and the general public. CAP recently received information on the number of transition and Pre-Employment Transition Services (Pre-ETS) from LRS. There are currently 3,671 Pre-ETS students receiving services and 1,415 receiving traditional transition services. CAP has only received a handful of requests from Pre-ETS or transition students this year. Given the number of transition students receiving services, we are concerned CAP is not receiving more requests for help from CAP. If you know of someone receiving Pre-ETS or transition services who could benefit from assistance from CAP, please have the person call the Advocacy Center at 800-960-7705. If you know of groups that could benefit from further information on CAP or outreach opportunities, please contact David Gallegos at [dgallegos@advocacyla.org](mailto:dgallegos@advocacyla.org).

**3. Protection & Advocacy for Beneficiaries of Social Security (PABSS)**

Protection & Advocacy for Beneficiaries of Social Security (PABSS) continues to assist beneficiaries of Social Security with barriers to employment. Specifically, PABSS helps

beneficiaries draft and submit complaints regarding disability discrimination to the Equal Employment Opportunity Commission, reviews and investigates allegations of employment discrimination, programmatic access issues, and other barriers to employment. PABSS can review any issues that are a barrier to employment to determine if advocacy or legal services can be provided.

In addition, PABSS staff will be undertaking phase 2 of its project monitoring sheltered employment providers in the next 2-3 months. Sheltered employment, also sometimes called 14c employment because of the section of the law where it is found, allows employers to pay employees with disabilities less than minimum wage under certain conditions. The focus of Advocacy Center's sheltered employment monitoring is to assess whether employees in sheltered employment are being paid their appropriate hourly wage under 14c policy.

In the first phase, Advocacy Center found several 14c employment providers were found not to be in compliance with the 14c Labor Law. A disproportional number of "employees" were engaged in non-work activities, like coloring, despite expressing a desire to perform competitive work. Many people interviewed reported that no one has ever asked them if they would prefer working somewhere else. Nearly everyone interviewed did not know how much money they earned.

#### **4. Work Incentives Planning and Assistance**

Advocacy Center's Work Incentives Planning & Assistance (WIPA) program continues to provide comprehensive benefits guidance to help beneficiaries make informed decisions on going to work, or working more. As intended by the Social Security Administration, many of the beneficiaries that receive benefits guidance decide that going to work is in their best interest. The majority of referrals to WIPA come directly from the Social Security Administration, followed by LRS Counselors. There are very few referrals from LRS employment vendors, and other employment support programs. If you know of someone who would benefit from benefits planning assistance as it relates to employment, please have the person contact the Advocacy Center at 800-960-7705.

#### **5. Voting – Upcoming Elections**

##### November 6, 2018: Open Primary / Congressional Election

- October 9: Deadline to register to vote in person or by mail
- October 16: Deadline to register online through [geauxvote.com](http://geauxvote.com)
- October 23-30: Early voting (excluding Sunday, October 28)
- November 2, 4:30 p.m.: Deadline to request an absentee ballot by mail
- November 5, 4:30 p.m.: Deadline for mailed absentee ballot to be received by registrar of voters

##### December 8, 2018: Open General / Congressional Election

- November 7: Deadline to register to vote in person or by mail
- November 17: Deadline to register online through [geauxvote.com](http://geauxvote.com)
- November 24-December 1: Early voting (excluding Sunday, November 25)
- December 4, 4:30 p.m.: Deadline to request an absentee ballot by mail

- December 7, 4:30 p.m.: Deadline for mailed absentee ballot to be received by registrar of voters

Advocacy Center will be conducting outreach and training to people with disabilities living in the community, in ICF/DDs, and in psychiatric facilities. If you would like to receive voting information from Advocacy Center or schedule a training, please contact Susan Meyers at [smeyers@advocacyla.org](mailto:smeyers@advocacyla.org) or 800-960-7705, ext. 138. If you know someone who is experiencing barriers to exercising voting rights, please have the person call us at 800-960-7705.

## **6. U.S. v. Louisiana – Settlement Agreement regarding Individuals with Serious Mental Illness.**

Advocacy Center is pleased to see entry of a settlement agreement between the U.S. Department of Justice and the State of Louisiana regarding the over-institutionalization, particularly in nursing homes, of individuals with serious mental illness. We have met with Louisiana Department of Health (LDH) officials to discuss how Advocacy Center might be able to assist at this stage in working to eliminate barriers that might exist to assisting individuals in leaving nursing homes. Though the settlement agreement provides for 1,000 new units of permanent supportive housing, we are particularly concerned that the lack of affordable housing will present a barrier to members of the target population actually being able to leave nursing homes, and we are committed to working with local communities across the state to advocate for more affordable housing opportunities. We will be closely monitoring implementation of the settlement agreement in the coming years.

## **7. Success Stories**

- A client in the Supported Independent Living Advocacy Program (SILAP) retained the Advocacy Center to remedy problems with his provider agency. He reported verbal abuse, withholding of spending money, medical neglect, and financial exploitation that included theft of groceries by his provider agency. The client had not been aware of his rights as a waiver client or as a person with a disability until meeting with SILAP. SILAP was able to advocate for the client with his support coordination agency to assign a new and more proactive support coordinator, who quickly facilitated a move to a new provider agency of the client's choice. The client reports satisfaction and a good working relationship with the new provider agency. The client was also provided with contact information for the Louisiana Department of Health/Health Standards Section at his and his family's request, as they wished to file a report against the provider agency.
- Also under SILAP, AC represented a man who, though receiving benefits as a child, had been reviewed as an adult and found not disabled. His Representative Payee failed to appeal this decision properly and as a result, the man did not receive continue benefits during the time in which the appeal was processed. Advocacy Center intervened with the initial reviewing agency (Disability Determinations Services - DDS) to push the appeal to be decided. As a result of this informal hearing, the individual was found to meet SSA Disability standards as an adult and received back benefits. As a result of this favorable decision, he was able to apply for Permanent Supportive Housing and has moved into his own apartment!

- The Advocacy Center represented a middle school student with attention deficit hyperactivity disorder who had a 504 Plan, a behavior plan, and documentation that he was being bullied. The mother had requested, in writing, a special education evaluation in the spring of 2017, but no evaluation was ever started. In spring 2018, the school proposed expelling the student for threatening statements. Through the Advocacy Center's representation at the Manifestation Determination review, the behavior was found related to the school's failure to follow the behavior plan, the student was immediately returned to school, and an IDEA evaluation was started.