

Advocacy Center

Quarterly Report to the DD Council

July 18, 2019

Extended Home Health Case

AC, in conjunction with the National Health Law Program (NHeLP), has recently filed a class action lawsuit against the Louisiana Department of Health (LDH) on behalf of all medically fragile children who are recipients of Medicaid developmental disability waivers and require in-home skilled nursing. These children, as a result of their medical needs and eligibility for Medicaid, have been evaluated and approved for a certain amount (hours) of extended home health (EHH) (often referred to as “in-home skilled nursing”). Despite the determined and established level of need, and LDH’s obligation to provide for this level of need (by means of the child being a beneficiary of Medicaid) these children are only receiving a fraction of the number of hours of in-home skilled nursing that they require.

As a result of the devastatingly insufficient supports and services being provided by/through LDH, these children are subject to extreme vulnerabilities with respect to their well-being and are at heightened risk for institutionalization, irreversible medical and developmental decompensation and death. While it is difficult to fully determine the scope of this issue, AC is confident that there are hundreds of children in the State of Louisiana who are experiencing insufficient amounts of supports related to EHH. Through our pre-litigation investigations, AC has determined that between 41-59% of all medically-necessary in-home nursing services are not actually being provided despite being authorized by the LDH.

We are hopeful that the department recognizes the gravity of this issue, understands its obligations and moves swiftly to address this issue in a manner that AC believes to be satisfactory and ultimately in the best interest of these children and their families.

Louisiana Special Education Center (LSEC) Investigation

A report detailing a number of troubling allegations was brought to our attention a couple a months ago with respect to the Louisiana Special Education Center (LSEC). As a result of these cited allegations, AC has been motivated to launch an investigation into LSEC to determine to what extent, if any, these allegations (or others) hold merit. LSEC has just recently been moved from the Louisiana Department of Education to the Louisiana Department of Health (LDH). We will continue to move forward with our investigation and will work with LDH to address any findings in a manner that is consistent with our mission and in the best interest of the residents at LSEC.

Tory Rocca Named New Director of Public Policy

Mr. Tory Rocca has an extensive background in public policy as the result of serving in the Michigan Legislature for 14 years. Tory was first elected to the Michigan House of

Representatives at the age of 28, just a couple years after finishing law school at the University of Michigan. Tory served 3 terms in the Michigan House before moving on to the Senate where he served an additional 2 terms. Tory comes to us with strong recommendations from leaders on both sides of the aisle and a significant record of successful coalition building. Additionally, Tory has a strong and favorable relationship with the disability community in Michigan as articulated by the former Executive Director of the Michigan P&A. Lastly, Tory did cast the deciding vote that allowed over 600,000 individuals to have access to healthcare by establishing Medicaid expansion.

Advocacy Center Re-Branding Campaign

The Advocacy Center is excited to announce that we are beginning the planning of a re-branding campaign. The AC Board has approved a name change to “Disability Rights Louisiana”. This will begin to take place in the Fall and fully launch on January 1, 2020 (with a new website). This name is more consistent with our sister agencies in other states and we are hopeful that it will better inform the public about what we do and who we serve. More to come!