

Disability Rights Louisiana Report to the Louisiana Developmental Disabilities Council for January 2024

Program Updates

DRLA's Client Assistance Program (CAP) helps people with disabilities who are receiving or applying for services from Louisiana Rehabilitation Services (LRS) and American Indian Rehabilitation Services (AIRS) to understand all their benefits and rights under the Rehabilitation Act of 1973. CAP may assist consumers and applicants in pursuing legal, administrative or other appropriate avenues to protect their rights. The CAP program is currently assisting 18 people with obtaining appropriate and necessary services from LRS, including assistance in accessing licensing exams, obtaining computers, linking to job training problems, accessing college, and getting adaptive work equipment.

In DRLA's Community Living Ombudsmen Program (CLOP), trained advocates, who are known as ombudsmen, advocate for the people with developmental disabilities who live in state-licensed, privately-run group homes (ICFs/DD) across the state to ensure their rights are protected and they are free from abuse or neglect. In October 2023, CLOP Ombudsmen visited 134 ICF/DD facilities across the state. During this time period, DRLA's Community Living Ombudsmen received 60 requests for assistance, and took action on all of the 60 requests. As a result of these actions, ICF/DD residents: learned techniques of self advocacy for when they want to move independently; got needed haircuts; were assisted in the waiver process; gained independent community access; had staffing shortages in their home corrected; had their staff educated about residents' right to privacy and respect; obtained needed clothing and furniture; received change in daily routine with activities beyond watching television; had the safety of their environment enhanced; received an LRS referral; and got support to take their dog to the veterinarian.

Between July 1, 2023 and November 30, 2023, DRLA's Work Incentives Planning and Assistance Program (WIPA) program's three Community Work Incentives Coordinators (CWICs) received 238 referrals for assistance. The WIPA program serves people who are already working, or who are about to start work. It helps beneficiaries by providing information about the

availability of work supports. It also provides accurate and individualized information about the effect of work on benefits and health insurance. WIPA's CWICs verify a person's benefits to make sure they give information about the right programs, and they provide in-depth counseling about benefits and discuss the effect of work on those benefits.

DRLA's Supported Independent Living Advocacy Program (SILAP) serves individuals with developmental disabilities who are receiving OCDD waiver services and supports in order to live in their homes in the community. SILAP provides free services to persons residing in supported independent living environments in the State of Louisiana Human Services Districts I, II, and X, which encompass the greater New Orleans and Baton Rouge areas. The SILAP program is currently assisting 27 people with obtaining and maintaining appropriate and necessary supports so that they can remain in the community on their waivers.

DRLA's Representative Payee Program strengthens protections for social security beneficiaries. The program provides oversight to representative payees regarding their services to beneficiaries, as well as giving them support to better understand their role and responsibilities. The Rep Payee program has a target number of 50 cases for its current grant year. As of 11/27, Representative Payee staff had finished 52% (26) of the target number of cases. Additionally, they have another 25 in progress, and anticipate exceeding their target number during the current grant year.

Example of Recent Client Success:

A Representative Payee Program investigative advocate completed a review of an organizational Representative Payee who serves less than 10 beneficiaries. During the course of the review, she uncovered that this organization was charging a fee to beneficiaries for which they provided representative payee services. While this is allowed by Social Security, it does have to be approved. This agency never went through the approval process. As a result of the advocate's diligence and our reporting, Social Security has required that the organization repay the beneficiaries for this unauthorized charge. We estimate the beneficiaries will need to be reimbursed over \$1,000. Without the Representative Payee program and the reviews we conduct, this sort of practice would have never been uncovered.

Legal Work

DRLA's legal department continues its day-to-day work of advising callers with disabilities about their rights under applicable law in areas such as waiver benefits, discrimination in housing and employment, education, and interdictions/supported decision making. We continue to experience a high number of callers seeking our services. Each of these contacts received a referral, self-advocacy information, or were referred to a DRLA attorney for further consultation and potentially full representation.

Litigation Highlights from the Last Few Months

Protection and Advocacy for Individuals with Developmental Disabilities (PADD): DRLA had opened an investigation into an incident with a young man at a group home about a year ago. The young man had suffered severe burns, and later the hospital discovered he had ingested a number of objects, including a small wrench and some screws. DRLA partnered with an outside law firm to file a personal injury suit, with the outside law firm as lead counsel. On the eve of trial, the parties were able to reach a settlement that the young man and his family are pleased with.

Special Education: DRLA continues to manage a large caseload of special education cases, particularly issues of children facing expulsion for behaviors related to their disabilities or children not receiving necessary services to ensure they receive FAPE. DRLA staff have achieved some positive results including findings that a behavior was related to a disability and therefore a student should not be expelled; obtaining needed services in school so a child could receive FAPE; and attending an IEP with the parents to ensure the school included all the services the child needs.

Protection and Advocacy for Individuals with Mental Illness (PAIMI): Along with our partners at the MacArthur Justice Center, as part of the settlement in the ongoing *Cooper* matter, a stakeholder group has been created so that discussions may take place to address the ongoing delays in people transferring from jails into Eastern Louisiana Mental Health System (ELMHS). DRLA is part of the group both because we are counsel for the case, and also because

it concerns our client base. Additionally, a member of DRLA's PAIMI Advisory Council and its Board of Directors is a member of this group. The group met on Friday, December 1, to discuss ongoing issues with mental health care generally and what can be done to reduce the waitlist of people awaiting transfer from jails into ELMHS.

Investigations: (1) Our investigation of a juvenile facility is ongoing. We are currently waiting on a response to our request for records, and will need to schedule another visit to the facility to collect our records. (2) We have resumed regular visits to ELMHS to meet with patients, address concerns, and ensure individual rights are protected.