



Disability Rights Louisiana Report to the Louisiana Developmental Disabilities Council for April 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 31 people. The program has recently successfully advocated for two clients to gain necessary supports for tuition and maintenance, and is filing a case in State Court regarding a piece of equipment needed to access the client's entire farm property.

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 March 2024 alone, CLOP Ombudsmen visited 136 of these facilities, received 67 requests for assistance, and took action on all of the 67 requests. As a result of these actions, ICF/DD residents had opportunities to visit with family, no longer had a staff person in the home who was physically and verbally abusive, received updates on their Waiver status, received information on their rights, received a desired transfer to another facility; received improved personal care, and received improvements to their physical environment.

Between January of 2024 and March of 2024, DRLA's Work Incentives Planning and Assistance Program's (WIPA) three Community Work Incentives Coordinators (CWICs) received 108 referrals from the Ticket to Work Helpline and had 164 active cases. 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 30 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 5/13, Representative Payee staff had finished 100% (50) of the target number of cases. We anticipate that the program will significantly exceed its target number by the end of the grant year.

Examples of Recent Successes

A DRLA Community Living Ombudsman was contacted about the possible placement of a gastronomy tube (G-tube) for a group home resident and the need to seek alternate placement for him, if that were to happen. The resident is 57 years old, and has significant issues with verbal communication. The hospital had concerns and questions regarding medical consent. During the conversation and upon providing information to them on medical consent laws, it was discovered that the resident had not even been given a swallow study to confirm the need for a G-tube.

After explaining that, if a G-tube were placed, the resident would lose his placement at a home he had lived at for almost 20 years, nurses and social workers went to his doctor to explain the DRLA Community Living Ombudsman's concerns with him not having an actual swallow study. After further conversations with the group home Administrator and one-on-one advocacy with the doctor, a swallow study was performed, the resident passed, and no G-tube was needed.

This means the resident is able to return back to the group home he has lived at for almost 20 years with those who know him best, and an unnecessary and highly invasive procedure was avoided.



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

Chisholm: The current focus of this case is the receipt of ABA services for children who are on a waitlist for a waiver, and the evaluations required to qualify for ABA services. We are meeting with LDH on a monthly basis regarding the issues in this case.

AJ v. Gee: This case addresses children who have been approved to receive specialized nursing services in home, who are not receiving what they are approved for. The settlement agreement has a natural end date in May 2025. We have been actively reaching out to affected families, reviewing reports and materials provided by LDH, and meeting directly with LDH.

A.A. v. Gee: This case addresses the lack of mental health services for children. A third appeal regarding class certification has recently been taken to the Fifth Circuit, and we are waiting on the outcome of that. In the meantime, discovery is moving forward.

Cooper: This case addresses the waitlist for people who are in jail, and waiting to transfer to Eastern Louisiana Mental Health System ("ELMHS") after a finding of NGBRI or incompetence. We have been monitoring the monthly reporting regarding the waitlist as well as requesting additional documents. We are currently working under provisions from the most recent settlement agreement as well, which provided for the creation of a stakeholder group to meet and discuss ways for the State to reduce the waitlist by identifying more inpatient beds and creating more community-based placements.

Investigations



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.

DRLA has been conducting monthly monitoring visits at ELMHS again. These visits have been productive, even if to have a renewed presence at the facility again. We are addressing issues as they arise there, and are tracking the issues reported to us so we can identify any trends.