

## **Disability Rights Louisiana Report to the Louisiana Developmental Disabilities Council January 2022**

### **CLIENT ASSISTANCE PROGRAM (CAP)**

CAP provides assistance in resolving issues for LRS eligible clients, including LRS eligibility, employment services, and transition services.

#### Program Updates:

Dr. Ashley Volion has been appointed to the DRLA CAP seat on the Louisiana Rehabilitation Council, attending her first meeting in October 2021. Since August 1, 2021, CAP has taken on 16 new cases, represented one client at a Fair Hearing, and is scheduled to represent another client at a fair hearing in November.

#### Program Success:

The CAP program assisted an individual who was denied LRS support to obtain a PhD. The CAP advocate worked with the client and LRS to reopen the client's case, obtain approval for payment by LRS for the PhD program, get LRS to provide educational testing for the client, and obtain an IPE for the PhD program including assistive technology. The student is attending and making all "A"s in her preferred PhD program.

### **PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY (PABSS)**

PABSS provides assistance to SSI/SSDI eligible persons under the age of 65 in resolving issues between LRS eligible clients regarding eligibility determinations, the provision of employment services, and pre-employment transition services to school age youth with disabilities between the ages of 16 and 22. PABSS provides assistance to SSI/SSDI eligible persons in resolving issues with SSA that create barriers to employment as well as to individuals dealing with employment discrimination matters.

#### Program Updates:

Starting October 1, 2021, all new PABSS cases are handled by the legal department. The FY21 PPR was submitted October 29, 2021.

### **COMMUNITY LIVING OMBUDSMAN PROGRAM (CLOP)**

In this program, trained advocates, known as Ombudsmen, advocate for the people with developmental disabilities who live in the over 500 state-licensed, privately run group homes across the state to ensure their rights are protected and they are free from abuse or neglect.

#### COVID Update:

CLOP continues to adapt and develop new and innovative ways to interact with and monitor group homes and residents. CLOP staff reverted to distanced visits due to the Delta Variant surge. CLOP staff only conducted emergency, case by case visits until October 13<sup>th</sup> when CLOP staff began to perform in person visits again. Extensive safety protocols remain in place to ensure staff/resident safety. At their discretion, CLOP Ombudsmen can also remotely monitor community homes and perform driveway visits when possible to actually visually view the residents.

#### Program Updates:

The CLOP annual contract was received, completed and returned to the Attorney General's office. The CLOP annual Non-Governmental Organization application was completed and submitted to the State.

CLOP continues to expand investigations collaboratively with the Attorney General's Medicaid Fraud unit. Several CLOP staff sent complaints to agents of the Medicaid Fraud unit. CLOP continues recording resident complaints in monthly Complaint Requests/Resolutions with the new LDH reporting protocols (CRRs).

Between August 1 and October 31, 2021, the CLOP Ombudsmen filed 11 complaints with LDH's Health Standards Section, who are in charge of licensing and compliance, about the conditions in these facilities. These complaints included the following reports and observations regarding the ICFs/DD during this period:

- PRN Chemical Restraints for behavior management
- Lack of informed written consent or approval by a specially constituted committee prior to administration of chemical restraints
- Staff verbally abusing residents
- Staff physically assaulting a client
- Failing to conduct nursing assessments

Many of those complaints were also sent to the Medicaid Fraud Unit of the Attorney General's office. One complaint was submitted for informal reconsideration, as HSS had found no deficiencies, despite the client having significant burns and foreign objects in his stomach. Ombudsmen continue to engage professional development and trainings including, Community Advocacy weekly meetings and non- mandatory weekly trainings and weekly CLOP staff meetings. A CLOP manual was completed in August to streamline reporting and training functions.

#### Program Successes:

During this period, CLOP Ombudsman have continued to successfully advocate for residents in an informal manner on a wide variety of issues surrounding health, wellness, and access to HCBS Waiver services of ICF/DD residents.

One Ombudsman learned that a group home resident was being forced to attend a church of a different denomination than hers and who was being barred from visiting her husband. Through the Ombudsman's advocacy, the client can now attend mass and visit with her husband for the first time since the pandemic began.

An Ombudsman assisted newly rescued from human trafficking survivors with disabilities who were admitted to group homes with assistance from LDH. Ombudsmen helped support these residents and explain their options to maintain safe lodging. For one of these individuals who was later denied OCDD services and threatened with discharge, DRLA is representing in an appeal.

A resident's mother contacted an Ombudsman about the passing of her daughter. The Mother reported the coroner refused an autopsy because the hospital reported natural causes for the death. The Ombudsman contacted the Tangipahoa Coroner's office to appeal on her behalf insisting that autopsy be done based on current and past circumstances. An autopsy was completed and they are waiting on a toxicology report.

### **SUPPORTED INDEPENDENT LIVING ADVOCACY PROGRAM (SILAP)**

The 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.

#### Program Updates:

SILAP has begun another fiscal year and has returned to conducting in person meetings and visits using COVID precautions. The SILAP annual contract was received, completed and returned to the Attorney General's office. The SILAP annual Non-Governmental Organization application was completed and submitted to the State. SILAP had an increase with intakes and referrals over the past quarter from various referral sources. SILAP advocates contacted clients and providers prior to Hurricane Ida to ensure clients had a disaster plan in place. Following Hurricane Ida SILAP maintained contact with clients and providers for any post-hurricane issues.

#### Program Successes:

SILAP was contacted by a client who had received an involuntary discharge letter from her provider agency. The client did not wish to stay with the current agency, as she felt that the relationship had become contentious, but she and her support coordinator needed time to find another agency. The client requested assistance with an appeal, and SILAP enlisted DRLA staff. DRLA filed an appeal on behalf of the client. DRLA then drafted a motion to have the discharge letter dismissed, and it was granted. This gave the client time she needed to continue her search for a new provider agency. The client requested that SILAP participate in a conference call with a provider willing to interview her. SILAP participated in the meeting, and the provider offered to take on the client. SILAP remained in touch with the client and her support

coordinator to confirm that contracts were signed. The client reports satisfaction with her new agency, and with the assistance given by DRLA.

SILAP was contacted by a NOW waiver client who always wanted to live with his family. However, there were not supports in place to allow for a successful future. Hurricane Ida relocated his family to Baton Rouge where he lives and he was able to move in with his family and maintain his current level of supports. The SILAP advocate assisted this client in moving out of the ICF group home several years ago and was aware of his family dynamics and was able to advocate on his behalf to maintain his current level of waiver services while living with his family.

SILAP was contacted by a previous client who was having issues with staff shortages due to COVID-19. With support from SILAP and information about the Appendix K Waiver the provider hired some of the client's family to care for her and cover shifts. The client now has family around and fully staffed shifts around the clock.

### **NOLA SEA PROJECT (OVW)**

In 2020 DRLA, entered a close collaboration with the Family Justice Center, Metro Centers, and Lighthouse, Louisiana. on a project to evaluate and make recommendations regarding the intersection of services for individuals with disabilities and survivors of domestic violence through this program supported by the Vera Institute and funded by the federal Department of Justice- Office of Violence against Women.

#### Program Updates:

We are currently finishing up our needs assessment for each agency, interviewing clients, staff, and boards of the collaboration partners regarding the needs of individuals with disabilities who are survivors of domestic violence and the limitations of the agencies that currently serve them.

### **WORK INCENTIVES PLANNING AND ASSISTANCE (WIPA)**

WIPA helps Social Security disability beneficiaries understand how earnings from work can affect their benefits, including healthcare and all other public benefit programs. WIPA assists beneficiaries in accessing employment supports, ABLE accounts, and community resources. WIPA also provides technical assistance to other DRLA programs regarding Social Security, Medicaid, and other public benefit program policies.

#### COVID Update:

Social Security field office closures because of the pandemic continue to delay WIPA's access to beneficiary records. DRLA's WIPA program manager recently met with the Social Security Office

of Employment Support (OES), which administers the WIPA programs, to discuss these challenges and their effects on beneficiary services.

WIPA also continues to monitor for all updates to COVID relief programs and disseminate information through the agency as it becomes available.

#### Program Updates:

WIPA continues to build upon newly established partnerships across its new service area, including taking part in multiple training events held by the Texas Workforce Commission and a virtual employment fair for transition aged youth.

During the first quarter, WIPA received 129 referrals from the Social Security Ticket to Work Helpline (TTW) for assistance and completed initial services for 19%. Completion of initial services typically ranges from 6 to 8 weeks for most beneficiaries and the percentage of beneficiaries completing initial services normally falls between 35-45%. The reduction in the number of beneficiaries completing initial services has been the same for all WIPA programs and results from a change in the manner that WIPA receives beneficiary records that are needed to complete initial services. WIPA programs now request individual records from the Social Security field office assigned to that beneficiary, which is a change from a centralized office that provided records to WIPA.

WIPA program managers recently held a meeting with the Social Security Office of Employment Support (OES) to discuss methods to improve the process in which WIPAs receive records from Social Security. As a result, DRLA's WIPA program manager is now invited to a discussion panel with the deputy commissioner of the Office of Retirement and Disability Policy on improving these processes. This marks the first-time program managers will discuss day-to day operations with the deputy commissioner since the inception of the WIPA program upon passaging the Ticket to Work and Work Improvement Act of 1999.

### **STRENGTHENING PROTECTIONS FOR SOCIAL SECURITY BENEFICIARIES (REPRESENTATIVE PAYEE PROGRAM)**

This program provides oversight to representative payees and their services to beneficiaries as well as giving them support to better understand their role and responsibilities.

#### COVID Update:

The Representative Payee program has continued to work under specific guidance provided by the Social Security Administration (SSA) and the National Disability Rights Network (NDRN). During this period, our staff conducted reviews remotely. There has been a significant impact on the ability of the investigators to complete reviews due to COVID restrictions, specifically the amount of time it now requires to obtain records from the representative payee and the frequent need to request additional records.

#### Program Updates:

Our program staff consisted of one (1) Scheduling Advocate, four (4) Investigative Advocates, and one (1) Program Director during this reporting period. In July, one of the Investigative Advocates left DRLA. Our Year Four budget (which runs from 8/1/2021 to 7/31/2022) does include funding for the re-hiring of this Investigative Advocate position. We began active recruitment for this position on 1/1/2022.

During this reporting period, our team has worked exclusively on completing large volume organizational reviews from program years Two and Three. We have essentially all of those currently being worked. We anticipate beginning to work on Year Four reviews this month. In that these reviews are large reviews (10 beneficiaries), most of the work will be done in teams of two advocates. This will impact the number of reviews we are able to perform; however, these type of reviews (periodic) are the highest priority set by the Social Security Administration (SSA).

#### Program Successes:

The Representative Payee team has been actively involved in the aftermath of the transfer of beneficiaries from one of seven nursing homes in the New Orleans area to a warehouse in Independence, Louisiana. Our team quickly informed NDRN of the situation and has continued to work to ensure these beneficiaries have access to their conserved funds as well as to receive their monthly Personal Needs Allowances. Additionally, DRLA has requested that we be allowed to conduct reviews on all seven of these nursing homes. That request is currently pending with SSA.

Also, during this reporting period, one of our Investigative Advocates conducted a Representative Payee review of a community provider which offers a wide variety of services needed by individuals with developmental disabilities including personal care assistance and money management. This representative payee admitted that s/he did not have the records requested and could not produce them. As a result, our Investigative Advocate submitted an immediate request to SSA to re-evaluate this payee. We are pleased to report that the payee was suspended from the role of representative payee and another payee was assigned to the beneficiary.

### **FINANCIAL ACCESS INCLUSION & RESOURCES (FAIR)**

FAIR provides financial coaching and case management services to formerly incarcerated people with disabilities in Orleans and Jefferson Parishes, in order to improve their employment and financial outcomes and to reduce their recidivism rates.

#### Program Updates:

Since it started serving clients in June 2019, FAIR has provided financial coaching and case management services to approximately 100 formerly incarcerated people with disabilities. Fifty-one percent of these clients achieved employment, 62% increased their income by a

collective total of \$65,163 per month, and 55% have reduced their debt by a collective total of \$62,646.

Hurricane Ida impacted all of FAIR's staff and clients, leaving them displaced or without power for almost two weeks. Despite that, by August 31st, within two days of the storm, FAIR staff were contacting all of their clients to understand their most immediate needs and to connect them to the assistance and resources that were available. This became vital for our clients with complex medical conditions, who largely are unfamiliar with using smartphones to access information. This work included: locating cooling centers, charging stations, food banks, and open businesses nearest to our clients; understanding if and how clients should apply for FEMA; understanding who to reach if they needed emergency medical supplies or needed disability specific evacuation services; and accessing their medications and medical services after evacuating.

FAIR staff worked with National Disability Rights Network staff to plan and present in series of Re-entry-focused trainings for P&A staff across the country. DRLA's FAIR Program was used as a model for what other P&As could be doing to engage in post-incarceration work. FAIR staff participated in a panel discussion at the Louisiana Building Savings Summit, hosted by Asset Funders Network, to share the impact of financial coaching on formerly incarcerated people with disabilities, with an audience of funders and non-profits. FAIR staff conducted program outreach with staff from Urban League, Council on Alcohol and Drug Abuse, Orleans Parish Mental Health and Drug Courts, and the Restoration Initiative for Culture and Community.

#### Program Success:

Mr. P joined the FAIR program in January 2021. He was 21 years old, had recently been released from incarceration, and needed support to finish his GED, find long-term employment, and to get a driver's license, which he had wanted for a long time. As an individual with autism and ADHD, he expressed having trouble focusing on exams, which led him to fail the writing portion of the GED exam. His FAIR case manager, Pat Holmes, helped him connect to Louisiana Rehabilitation Services (LRS) and Delgado's Accelerated Career Education services so that he could get the educational support he needed. This past August he finished Delgado's Adult Education Program, and got his GED and his driver's license.

Mr. P has skills in computer science and wants to pursue a career in that line of work, but he often times struggles with confidence in his ability to do the work. Furthermore, he felt that LRS' employment process was taking too long, so he secured a job at a restaurant earning \$1,320 monthly, instead of pursuing a tech-career with LRS. However, he is happy to be out of the house, earning income, and not purely relying on SSI benefits. Recently, FAIR developed a new partnership with Urban League, who has a computer science program for youth, which might be what Mr. P is looking for. The top three goals that Mr. P identified with his FAIR case manager were accomplished, but Pat is looking forward to helping him pursue a long-term career in the computer science industry.