



## **Disability Rights Louisiana Report to the Louisiana Developmental Disabilities Council for October 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 34 people regarding problems receiving and maintaining vocational rehabilitation services. On August 23, 2024, a CAP Advocate presented a session on the CAP Program to over 200 people at the Louisiana Governor's Conference on Disability Affairs.

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 the fiscal year, which ended on June 30, 2024, the CLOP program served 4,306 people with developmental disabilities living in 506 publicly licensed and privately run group homes in Louisiana. This encompassed 1,637 visits and 9,875 resident contacts. During the fiscal year, there were 1,495 documented complaints, including 96 allegations of abuse, 792 allegations of neglect, 344 rights violations, and 127 quality of life concerns. Among others, notably as a result of these 1,495 complaints:

- Health Standards investigated and found 162 complaints to be valid;
- 12 responsible staff were fired;
- Inappropriate treatment or medication was terminated in 5 instances;
- 28 clients received appropriate medical or psychological treatment and/or related services;
- 65 staff shortages were corrected;
- 122 clients received appropriate personal care services;
- group homes made 158 changes to enhance safety;
- 23 clients received appropriate written treatment plans;
- 60 staff were educated regarding resident rights;
- 12 clients gained access to their financial records and/or personal funds;
- 5 clients were provided service in a less restrictive environment; and



- 6 clients were employed.

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. In the fiscal year, which ended on June 30, 2024, the SILAP program served 53 individuals. During this period, SILAP helped clients: improve their living environments; obtain necessary health care; develop self-advocacy skills; establish meaningful relationships; access rehabilitation and employment services; improve relationships with support coordinators, providers, and regional offices; obtain more service hours through different waivers; relocate to new housing; coordinate visits with friends and family; and secure Medicaid and Social Security benefits.

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 Representative Payee program has a target number of 50 cases for its current grant year. As of the end of the Representative Payee year (July 30, 2024), we had finished 118% (59) of the target number of cases for the year. We were recently recognized by SSA as being 1 of 16 P&As to reach its target case goal in 2024. During this year our Representative Payee team made 185 referrals to services for beneficiaries and representative payees, created 461 Corrective Action Plans for representative payees to complete, and cited 1,787 deficiencies that they needed to correct.

### **Examples of Recent Successes**

SILAP assisted a woman in her 60s who requires 24/7 coverage for health and safety. Despite this, she was on the very limited ROW waiver which provided far fewer hours of assistance and was relying on volunteers. She had requested to move from the ROW to the NOW waiver, which can pay for 24/7 staffing, but was dealing with delays. With SILAP's assistance the client was quickly approved for the NOW waiver, and reports great satisfaction with the change. She is relieved to have dependable 24/7 staff coverage, and to be able to have the security of providing a paycheck to her workers.

SILAP received a request to assist a client gain more staffing hours. His family had been working with him on weekends and overnight to ensure his needs were met. This was causing a strain on the



family physically, emotionally and financially. The client had suffered a Traumatic Brain Injury and required more support hours than his waiver was providing. SILAP successfully worked with the family, Support Coordinator, and LGE to gain more support hours by adding a mobility clause to his current waiver.

DRLA's Representative Payee team conducted a review during one of many heat waves. The beneficiary we were trying to meet with kept putting off our in-person interview, and a family member contacted us (unsolicited) to tell us that the beneficiary was reluctant to meet with us because his home had no electricity. We were able to finally meet and assess the situation, and file a report with Adult Protective Services due to the immediate health and safety issue. APS advised us that while the representative payee had been paying his electric bills, they were unaware of an unpaid previous electric that triggered the disconnection. The Representative Payee immediately paid the outstanding account and the beneficiary was finally able to cool his home in what were dangerously hot temperatures.

### **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. The Stakeholder group continues to meet to discuss a plan to reduce the waitlist. Additionally, a subgroup committee focused on community-based services for this population has been formed.

*Tellis v. LeBlanc*: This case addresses the conditions in which individuals with mental illness in David Wade Correctional Center are being held. We received a decision regarding remedies on July 19, 2024 in which the Court found we won on all claims. The Court entered a remedial order which includes the identification and appointment of 3 experts to oversee the creation of a plan for how the prison needs to change to come into compliance with the law, and remedy the violations identified in the court’s decision. Defendants have filed an appeal to the Fifth Circuit, so we are continuing to work to get relief for the individuals housed at David Wade who continue to live in conditions that are not appropriate for individuals with mental illness.