

Alabama Disabilities Advocacy Program

Online News

August 15, 2012

Alabama Disabilities Advocacy Program Public Meeting to Set Advocacy Objectives for FY 2012-2013 to be held on August 24, 2012

The Alabama Disabilities Advocacy Program (ADAP) provides legal advocacy services to eligible Alabamians with disabilities to protect and promote their civil rights.

To set the agency's advocacy objectives for FY 2012-2013, ADAP is hosting a meeting where members of the public are invited to share their thoughts on ADAP's work on behalf of persons with disabilities.

ADAP Public Meeting

August 24, 2012 - 12:30-2:30pm

First Presbyterian Church

900 Greensboro Avenue - Tuscaloosa, AL

Individuals wanting to attend this who need accommodations due to disability should contact Vicki Hubbard by email at vhubbard@adap.ua.edu or by phone at 1-800-826-1675 by August 20, 2012. Individuals who plan to address the group will need to sign up in advance at the meeting. There will be a five (5) minute limit.

If you cannot attend this meeting but would like to share your views about ADAP's work, you can provide comments via phone, letter, or through an on-line survey:

- To provide comments by phone, call 800-826-1675
- To provide comments by letter, write ADAP/Public Meeting Comments at Box 870395, University of Alabama, Tuscaloosa, AL 35487
- To provide comments through an anonymous on-line survey, log onto <http://www.surveymonkey.com/s/ADAP12-13SURVEY>

To print a flyer on this event to share with others, [click here](#). For additional information contact ADAP at 205-348-4928 or 800-826-1675 or find us on the web at <http://www.adap.net>

Advisory Council Meeting

Advisory Council members please mark your calendar for August 24, 2012. ADAP Advisory Council Meeting will be from 10:00-11:30am and then a Public Hearing will be held from 12:30 - 2:30pm. The meeting and the public hearing will be at the First Presbyterian Church, located at 900 Greensboro Avenue, Tuscaloosa, Alabama.

ADAP to Monitor the Alabama DMH's Closure of Two State Hospitals

In an ongoing effort to downsize its state hospital system, and increase the provision of services in more integrated community settings, Alabama's Dept. of Mental Health (DMH) announced recently that two of its remaining six state hospitals will close. Greil Hospital, with a population of approximately 60 residents in Montgomery, will cease new admissions on August 17 and close on August 31. Searcy Hospital, with a population of approximately 240 residents in Mobile County, is slated to close on

October 1.

ADAP is monitoring the development of detailed plans by DMH and community providers for care of persons formerly served within the confines of the two hospitals. For example, community providers will provide crisis services to persons who are subject to a probate commitment to the custody of DMH. A majority of persons leaving the hospitals will move to more integrated homes in the community, and some individuals will remain in longer-term settings at Bryce or elsewhere. After people leave the two hospitals, an ADAP staff person will make at least one face-to-face visit with each. Where there are issues related to the move that need to be addressed, ADAP will open a case to seek a resolution that satisfies our client.

For further information, please feel free to contact the following: Dave Slawkowski, who will lead the Searcy monitoring effort, dslawkowski@adap.ua.edu, or James Tucker, who will help monitor Greil, jtucker@adap.ua.edu.

Medicaid Expansion under the Affordable Care Act

Because the United States Supreme Court found most of the Affordable Care Act (“ACA”) constitutional, states like Alabama now have to make several crucial decisions. Alabama must decide whether to set up its own insurance exchange and/or expand Medicaid eligibility. Governor Bentley publicly stated he wants to wait until after the November Presidential election before making either decision.

The insurance exchange may be the least flexible of the two decisions. Either Alabama sets up its own exchange or the Federal government will set one up for us. If Governor Bentley decides not to establish an insurance exchange, Alabamians will simply use an exchange set up by the Federal government to shop for and purchase healthcare insurance. Cost may be a factor in this decision, but most experts believe the cost for establishing a healthcare insurance exchange will be minimal.

Alabama has more flexibility in deciding whether to expand Medicaid eligibility. In evaluating the ACA, the United States Supreme Court basically said the federal government cannot force states to expand Medicaid eligibility for purposes of the ACA. The Supreme Court left that decision up to the individual states. Some states are already on record saying they will expand, and a few have said they will not expand Medicaid. If Alabama chooses to expand Medicaid, the federal government will pay 100% of the cost for the first three years. That will be reduced gradually to the federal government’s paying 90% of the cost. Recent estimates indicate Alabama will spend about \$500 million over the first six years if it expands Medicaid, but Alabama will receive about \$10 billion (with a “b”) in federal funds in the same period if it expands. Thus, if Alabama expands Medicaid coverage we are expected to receive a 20:1 return on our state dollars in the first six years of the new program.

For more information on the Affordable Care Act and its implementation, please visit the National Health Law Program’s website, <http://healthlaw.org/>, and click on NHeLP’s “Medicaid Expansion Toolbox” link.

Alabama Last in Integrated Employment

In a new report, supported by the Federal Administration on Developmental Disabilities, and written by the University Center for Excellence in Developmental Disabilities (UCEDD) in Massachusetts, Alabama has only 5% of persons with developmental and intellectual disabilities in integrated employment. This is the lowest percentage reported in the nation.

As recently as 1999, Alabama was making more aggressive progress in this area with 16% of people with intellectual and developmental disabilities supported in integrated settings.

Neighboring states have made more progress in employment goals. Georgia, for example, has 40% of the people they serve in integrated work settings. Louisiana is serving 33% of people with developmental and intellectual disabilities in integrated employment.

ADAP staff will study the specific wages earned by Alabamians in sheltered workshops in the fiscal year beginning October 1, 2012. We will also be following the lawsuit related to Olmstead and segregated work in Oregon and policy directives from federal funding agencies, especially the Center for Medicare and Medicaid Services (CMS).

Lane v. Kitzhaber granted class certification

Today the court **granted class certification** in the Oregon segregated employment case [Lane v. Kitzhaber](#) – 12-CV-00138 – (D. OR 2012). The class is defined as, “individuals with intellectual or developmental disabilities who are in, or who have been referred to, sheltered workshops and who are qualified for supported employment services. First Amended Complaint, ¶¶ 32-33.”

The defendants contested the class, arguing that commonality was lacking and that the class representatives were not typical, and thereby did not adequately represent the proposed members of the class. Defendants also contended that class certification is not appropriate under FRCP 23(b)(2) because a single injunction cannot possibly provide final relief to each member of the class due to the need to make individual determinations. The court analyzed the proposed class under the heightened standards of *Wal-Mart v. Dukes* and rejected the defendants’ arguments.

Subject: Supported Employment - Job Coach Training

Please see attached announcement for a certificate-based supported employment/job coach training opportunity scheduled for September 12 – 14, 2012 in Montgomery. Consultants from Virginia Commonwealth University will present this training that provides skills training for individuals working in supported employment as job coaches, job placement and development specialists, long term support providers, etc. The slots are limited so I would encourage you to register quickly. Please click on the link below to register electronically. The training is being funded by the Alabama Department of Rehabilitation Services. You can contact Tina Dortch at 334-293-7500 or Byron White at 334-353-7713 if you have specific questions. <http://events.constantcontact.com/register/event?llr=eq8in9eab&oeidk=a07e63uw14234e528e0>

U.S. Labor Department's Office of Disability Employment Policy, Administration on Intellectual and Developmental Disabilities Join Forces

Kathleen Martinez, assistant secretary of labor for disability employment policy, and Sharon Lewis, commissioner of the Administration on Intellectual and Developmental Disabilities, signed a memorandum of agreement on Tuesday, July 17, 2012. Together, the U.S. Department of Labor's Office of Disability Employment Policy and AIDD, an agency within the U.S. Department of Health and Human Services' Administration for Community Living, will work to expand and promote integrated employment as the first employment option for individuals with significant, including intellectual and other developmental, disabilities.

“This agreement is an opportunity for ODEP and AIDD to work together to further disability employment practices and support state efforts to transform public systems so that they reflect integrated employment as a priority outcome for citizens with significant disabilities,” said Martinez.

The partnership between the two federal agencies will further their coordination of resources and efforts so that the concept of “Employment First” – described at <http://www.dol.gov/odep/topics/EmploymentFirst.htm> – is more broadly embraced. Many states already have resolved to implement policies that promote integrated employment as the first option of service for individuals with intellectual and other developmental disabilities through the establishment of Employment First initiatives. Both ODEP and AIDD support these initiatives and other efforts to change states’ employment systems by providing technical assistance, training and capacity building support.

“We are very excited about working together with the Office of Disability Employment Policy to improve employment outcomes. We believe that access to competitive integrated employment is integral to our efforts at the Administration for Community Living. Without a meaningful career path, people with disabilities cannot achieve the goals of independent living, full participation in community or economic self-sufficiency,” said Lewis.

AIDD ensures that individuals with developmental disabilities and their families participate in the design of and have access to culturally competent needed community services, individualized supports and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life.

ODEP’s mission is to provide national leadership by developing and influencing disability employment-related policies and practices to increase the employment of people with disabilities.

Auburn University will be hosting the Alabama Assistive Technology Expo and Conference (ALATEC) October 22 & 23

The conference program will provide an opportunity to see the latest in assistive technologies, practices and services for persons with disabilities that will increase the ability of such persons to access education, employment, housing, transportation, health care and leisure/recreation in the community of choice. The agenda for the conference consists of two general sessions and 16 breakout sessions. Participants will be able to hear expert presenters discuss trends and issues related to assistive technologies and disabilities. There will also be exhibitors displaying many new and useful assistive technology products and services.

Dates: October 22nd & 23rd 2012

Times: Registration begins and exhibits begin at 10 and from 12-1 Lunch with the vendors on October 22nd concludes at 3:15 on October 23rd 2012

Location: Auburn University Student Center

Fee: \$125

Information and online registration at www.auburn.edu/alatec

Please note that consumer stipends are available for the first 50 Consumers!

Board to Lead Effort to Develop Guidance on Accessible Drug Labels

The Access Board will lead an effort to develop guidance on making prescription drug labels accessible to people with vision impairments under an act signed into [law](#) by President Obama this week. The "Food and Drug Administration Safety and Innovation Act" includes measures to promote drug safety and to improve FDA procedures for reviewing new medicines and medical devices.

A provision of the act (§904) authorizes the Board to convene a stakeholder working group to develop best practices for making information on prescription drug container labels accessible to people who are blind or visually impaired. This group, which will include equal representation from advocacy organizations and from industry, will develop best practices for pharmacies on providing independent access to prescription drug container labels. The working group will explore various alternatives, including braille, large print labels, and various auditory technologies such as "talking bottles" and radio frequency identification tags. The group's recommendations, which are to be developed within one year, will be advisory only, not mandatory, and will not have the force of guidelines or standards.



The law also calls upon the National Council on Disability to conduct an informational and educational campaign in cooperation with the stakeholder working group to inform the public, including people with disabilities and pharmacists, of the best practices. The Government Accountability Office will undertake a review at a later date to assess the extent to which pharmacies are following the best practices and to what extent barriers to information on prescription drug container labels remain.

For further information, contact Marsha Mazz at mazz@access-board.gov, (202) 272-0020 (v), or (202) 272-0076 (TTY). Those interested in this initiative can [sign up](#) to receive further updates.

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