

KENTUCKY
PROTECTION & ADVOCACY



Friday, May 26, 2017
10:00 am – 1:00 pm
Department of Public Advocacy
5 Mill Creek Park
Frankfort, KY 40601

Meeting Agenda

Welcome	Dr. Reginald Gentry
Introduction of PAIMI Council Members	Robin Rider Osborne
Introduction of PADD Board Members	Ashley Layne
Special Remarks	Governor Julian Carroll
Words from the Public Advocate	Honorable Ed Monahan
Looking to the Future	Jeff Edwards

Recognition Luncheon

Opening Remarks	Ashley Layne
Jean Gossick Advocacy Award	Amanda Stahl
Comments on Award Recipient	Carolyn Wheeler Marie Allison Brandon Griffiths
Acceptance of Award	Nancy and Roger Chesser
Billy Cox/Victoria Scott Self Advocacy Award	Cathy Jo Edwards
Comments on Award Recipients	Dawn Lee Lisa Kirchner-Moore
Acceptance of Award	Kelly Knoop
Adjournment	Shannon McPherson

The PADD Board Belief Statement

The Protection & Advocacy for Developmental Disabilities Advisory Board believes that all Kentuckians have the right to live, learn, work, worship, and socialize in the home and community of their choosing. We believe that all Kentuckians have the right to live a life of dignity and equality, and to experience true inclusion in the community. We believe that Kentuckians with developmental and intellectual disabilities have these same rights. We believe that having to attend schools, programs or places of worship chosen by others, or being forced to live in institutions by guardians or parents or other family members is no choice at all. We believe that Kentucky has a responsibility to commit to a true system of community support. Without these supports, people are forced to live in institutions at a higher costs, without privileges, and with the increased likelihood of abuse and neglect. We believe that Kentuckians with developmental and intellectual disabilities should engage in meaningful work and be paid a competitive wage. We believe that Kentuckians with developmental and intellectual disabilities can have their needs for mental health services met in the community, and that long term institutional placement is unnecessary. We believe that the system must be responsive to and respectful of the needs, wants and desires of Kentuckians with developmental and intellectual disabilities. We believe that all Kentuckians with developmental and intellectual disabilities can be successful with the appropriate natural, community and professional supports.

The PADD Advisory Board



Amanda Stahl, Kelly Knoop, Ashley Layne, Elizabeth Hernandez, Cathy Edwards, Federal Program Coordinator– Camille Collins, Nyketa Williams, Karen Ricci, Mike Smith, Lissette Johnson, Katie Bentley, Kevin Webb. Not Pictured: Tom Malone, Grant Logsdon, Mark Newton, Frank Huffman, Jeremy Hughes, Jay Tyner-Wilson, Daniel Hathaway and Bobbi Gipson.

The PAIMI Council Belief Statement

The Protection & Advocacy Advisory Council for Individuals with mental Illness believes that Protection and Advocacy systems were created to protect and promote the rights of individuals with different abilities and to promote their social inclusion both in institutions and in their communities. The Protection & Advocacy Advisory Council believes that individuals who obtain mental health services have the right to receive services, education and treatment in a safe environment that is respectful of each person's individual need. It is our belief that individuals with challenges have the right to be treated equally and with dignity and respect, and to fully participate in their community no matter their challenge or where they live, work or socialize.

The PAIMI Advisory Council



Jackie May, Becky Clark, James Light, Mart Wilhoite, Ruth Marlatt, Robin Rider Osborne, Gayla Lockhart, Melissa Mays, Woody Moore, Robert Johnson, and Reggie Gentry. Not Pictured: Angela Childress, Lukas Saint-Clair, Heather McNeill, Shannon McPherson, Sarah Whitledge and SuAnn Williams.

U.S. rejects proposal

State to fight for plan for disabled

By SUSAN DUEKSEN
Courier-Journal Staff Writer

Federal officials have told the Kentucky Department for Human Resources that its plan for a program to protect the rights of handicapped people is unacceptable.

With the deadline for filing a final plan less than a week away, state representatives will fly to Washington today to voice their disagreement with the opinion of the officials of the Department of Health, Education and Welfare (HEW) and to discuss an alternative plan.

The program in question will protect and advocate the rights of people with developmental disabilities — mental retardation, epilepsy, cerebral palsy and autism (an illness in which an individual withdraws from reality). All states are required under a 1973 law to have such a program in effect by Oct. 1.

A final plan for the program is due in HEW's regional office in Atlanta by Monday. Margery Kirkland, HEW deputy director for developmental disabilities in Washington, said there will be an opportunity for negotiation after Monday, as long as federal officials are given ample reviewing time so the program can be in effect by Oct. 1.

If the program is not operating statewide on that date, the law says Kentucky will lose a \$55,000 federal grant for the program and the \$700,000 in federal money the state receives annually for developmental disabilities.

The disagreement over the program has been about who will be responsible for implementing it. After much debate within the state, the human resources department last month released a plan naming the consumer protection division of the attorney general's office to do the job. In so doing, the department rejected its advisory committee's recommendation that a commission be created to handle the program.

Last week, the human resources department received a letter from HEW saying, "The consumer protection division does not meet the requirements for independence to pursue legal, administrative and other appropriate remedies to insure the protection of the developmentally disabled." The letter was signed by Ms. Kirkland and dated July 13.

The guidelines for planning the program say, "A state's attorney general's office could NOT be designated as the

implementing agency since it may have to represent the state to defend the validity or constitutionality of any challenged state law, rule or regulation affecting the developmentally disabled."

But department spokesmen had said they thought they had a good case for the eligibility of the consumer protection division. "They presented counter-arguments," Ms. Kirkland said, "and we presented counter-counter-arguments."

She said HEW disagreed with the human resources department's "interpretation as to the attorney general's responsibilities and the limits of what he can do."

"We do not believe HEW can lawfully approve any element of the Kentucky attorney general's office," her letter said.

Nevertheless, the human resources department has not quite given up on its original plan. Joan Riehm, executive assistant to Secretary Peter Conn, said the department representatives going to Washington will discuss the use of the consumer protection division as the implementing agency, or as an alternative, the state public defender's office.

The public defender's office was suggested by the advisory committee, which met Monday to help the human resources department figure out alternatives for its plan. Committee members said they still would favor a new commission or not-for-profit private agency but said they have been told Gov. Julian Carroll will not consider creating a new body.

Perry Liljestrand, executive director of the Kentucky Association for Retarded Citizens and a committee member, said the committee voted unanimously to recommend the public defender's office as their third choice, because it is "probably as independent as a state agency can be."

"I believe we could do the job," said public defender Jack Farley, a committee member. "We are in the business of representing individual clients already.

The most basic requirement is the commitment to serve the individual person and to see that his or her rights are met."

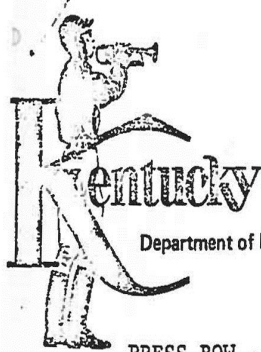
Farley said his office has handled suits against the human resources department and other state agencies — which may be a function of the protection and advocacy implementer — and has never represented the state in a legal case.

Farley said some committee members have resisted recommending any group of attorneys because they feared legal action would be overly stressed. He said if his office was named the implementer, more staff members who have worked with developmental disabilities would be hired and the attorneys in the public defender system would be on call in case legal action was needed.

Bob Bullock, assistant deputy attorney general in charge of consumer protection, said he believes HEW was wrong in saying his office doesn't have the independence to implement the program.

"We do not agree with their legal interpretation," he said. "We believe state law is very clear that the attorney general may sue for the people."

He said that in Kentucky, unlike other states, some state agencies such as the human resources department have their own counsels and do not need the legal services of the attorney general. Therefore, he said, the apparent conflict of interest in representing both the people and the state is eliminated.



news

COMMONWEALTH OF KENTUCKY

Department of Public Information

CONTACT: Joan Riehm 564-7130
Department for Human Resources

PRESS ROW - STATEWIDE

FRANKFORT, Ky. (June 15, 1977) -- Public review begins today on a proposed State program to protect the rights of developmentally disabled people in Kentucky.

The "Protection and Advocacy Program" is required by a 1975 federal law that calls for each State to establish a system to "protect and advocate" the rights of citizens with physical and mental handicaps.

The Protection and Advocacy Program includes - providing information to disabled persons about their rights; using administrative and legal means to secure these rights; and training volunteer "citizen advocates" who will promote the rights of the developmentally disabled.

The proposal for Kentucky gives authority for operating the program to the Consumer Protection Division of the Attorney General's Office. The proposal was prepared by the Consumer Protection Division and the state Department for Human Resources.

Today is the beginning of a 45-day public review period required by federal law. Any interested person, agency or organization may comment on the proposal and make suggestions for amending it.

The proposal and comments then will be sent on August 1, 1977, to federal officials for approval. The Protection and Advocacy Program is to be operational in each state by October 1, 1977.

(more)

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Peter Conn, State Human Resources Secretary, says that Kentucky's proposal contains almost all of the recommendations made by a citizens committee established by DHR to give advice on the Protection and Advocacy System.

The 14-member advisory committee included representatives of organizations now working with developmentally disabled persons, and state officials.

"We made two major changes in the committee's recommendations," Conn said. "We did not establish a new Commission to operate the Protection and Advocacy Program as the committee suggested, because we found we could operate the system more effectively and efficiently in an existing State agency.

We also made some changes in the budget suggested by the committee, to allow more funds for operating the Program."

The committee members had recommended against establishing the Protection and Advocacy Program within an existing State agency, because they felt a State agency would be reluctant to take legal action if another State agency violated the rights of disabled persons.

However, Conn said the Kentucky Consumer Protection Act of 1972 gives the Consumer Protection Division authority to take legal action when necessary, as described in the federal Protection and Advocacy Law.

He said the State's proposal has been discussed with attorneys for the U.S. Department of Health, Education and Welfare (HEW), which provides funds for the Protection and Advocacy Program. They have indicated that the proposal falls within the federal requirements.

"The State's Consumer Protection Division has a successful history of representing consumers before State agencies," Conn said. "And the

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Attorney General's Office has filed suites against State agencies when this was necessary. They will be able to do so under the Protection and Advocacy Program when the situation requires it."

Conn noted that the proposal to place authority for the Program within an existing State agency complies with Governor Julian Carroll's desires not to create new agencies, boards or commissions if they are not necessary.

"The Governor has asked all State officials to fit new programs into existing agencies whenever possible. This means we can use more money for delivering services, because we will not have to spend as much to provide office space, supplies and other operating needs."

The State's proposal estimates there are some 180,875 developmentally disabled persons in Kentucky. It lists five major goals for protecting and promoting their rights:

(1) Training and educating developmentally disabled persons; professional groups; organizations which provide services to the disabled; and the public in general on the rights and needs of disabled persons.

(2) Recruiting and training volunteer "citizen advocates" for the disabled, who would act in a variety of roles ranging from friend to legal guardian.

(3) Promoting adequate services for developmentally disabled persons, and handling complaints about services offered anywhere in the State.

(4) Providing legal services to the disabled, including representing them in lawsuits where necessary; educating the general public about the legal rights of the disabled.

(more)

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(5) Working with existing public and private agencies who now serve the disabled; coordinating work in this area and determining areas where needs are not being met.

Special projects identified in the State's Protection and Advocacy Program include publishing a newsletter; setting up a 24-hour, toll-free "hotline" to receive complaints and information; compiling a directory of services available to disabled persons in Kentucky; and providing a legal resources center to give information on the legal rights of the disabled.

Persons who want a copy of the proposed Protection and Advocacy Plan should contact:

Mr. Robert Bullock, Director
Consumer Protection Division
Attorney General's Office
State National Bank Building
Frankfort, Kentucky 40601

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THE COURIER-JOURNAL, THURSDAY, JUNE 16, 1977

Consumer agency's protection role for some disabled is questioned

By SUSAN DUERKSEN

Courier-Journal Staff Writer

The Consumer Protection Division of the state attorney general's office has been put in charge of Kentucky's new federally mandated program to protect the rights of people with developmental disabilities — mental retardation, cerebral palsy, epilepsy and autism.

The state Department for Human Resources announced yesterday that it had designated the Consumer Protection Division as the administering agency of the protection and advocacy system. It is required, under the federal Developmental Disabilities Assistance and Bill of Rights Act, to be operating by Oct. 1.

However, there is some question whether any part of the attorney general's office can legally be named to implement the program.

The federal guidelines for implemen-

tation of the protection and advocacy system say, "A state's attorney general's office could not be designated as the implementing agency since it may have to represent the state to defend the validity or constitutionality of any challenged state law, rule or regulation affecting the developmentally disabled."

George Shepard, program specialist for the Department of Health, Education and Welfare (HEW) in Washington, which has final veto power over the plan, said Kentucky is a special case. He said the question is whether the Consumer Protection Division could sue the state.

"Normally, the answer would still be the same, that the attorney general cannot wear two hats and meet the requirements," Shepard said. But he said he has never encountered a state that had its consumer protection agency under its

attorney general's office, so "this may be an exception that's protected under the law."

Shepard said the Department for Human Resources is sending him what it says is evidence that the Consumer Protection Division can sue the state without conflict of interest, and he will send the information to the HEW general counsel for a decision.

Shepard said David Curd, general counsel for the state Department for Human Resources, had told him the Consumer Protection Division already has sued other state agencies, and "if that's true, they make a good case for themselves," Shepard said.

Curd could not be reached for comment, but Robert Bullock, deputy attorney

Consumer unit named to protect developmentally disabled rights

Continued From Page One

general in charge of the Consumer Protection Division, said the division has never sued a state agency because it has never been necessary. However, he said the division has taken utility rate increases to appeals court and would not hesitate to sue the state under the protection and advocacy program.

The program's goal is to protect the human, civil and legal rights of the 180,875 developmentally disabled persons in Kentucky. Major elements of the program include a 24-hour hotline to receive complaints, educating the disabled about their rights, training citizen volunteers to provide services, investigating agencies that provide services and providing legal services, including representation in lawsuits if necessary.

Ron Reed, program specialist in the regional HEW office in Atlanta, said he had not yet received a copy of the plan putting the Consumer Protection Division in charge. "I don't like to say anything categorically until I see it," he said, "but I doubt very seriously whether that will meet approval."

Reed said he already has plans for the protection and advocacy system from the other seven states in his region, and none has given the responsibility to attorney generals' offices "because they knew they could not go the attorney general route."

"Kentucky, with its commonwealth nature, tries to maintain an elite, independent status," Reed said.

Reed said the other states he deals with have designated an administrative department, a legislatively created body, a quasi-public agency or private non-profit organizations.

An advisory committee appointed to recommend a protection and advocacy plan had advised the human resources department last month that a new commission should be created to implement the plan. The department says it incorporated 90 per cent of the committee's recommendations.

But committee member Perry Liljestrand, executive director of the Kentucky Association for Retarded Citizens (KARC), said the designation of the implementing agency was the plan's crucial point.

Liljestrand said last night that either a commission or a private, nonprofit agency would be preferable to the Consumer Protection Division, "less subjective to political pressure."

"It seems very unlikely that any division within the attorney general's office will ever sue the Department for Human Resources or a major state agency," Liljestrand said.

Liljestrand and committee member Wayne Marshall, director of the Council for Retarded Citizens of Jefferson County, both said they will object to the designation of the Consumer Protection Division.

"There exists a great potential for a conflict of interest because the attorney general's office is the office that represents the state in litigation," Marshall said. "I don't see how you could possibly get around it."

Spokesmen for the human resources department said that the idea of a new commission was rejected because the

governor has asked all state officials to fit new programs into existing agencies whenever possible.

Assistant executive administrator Joan Riehm said the federal financing for protection and advocacy may end in two years, and the governor doesn't want the state to have to start paying for a new commission.

Marshall called that "a hollow argument." He said the state could use part of the \$700,000 in federal funds received annually for developmental disabilities to pay for the protection and advocacy program, which will receive \$54,000 a year for at least two more years.

In addition, Marshall said, "I assume the attorney general's staff has enough to keep them busy now," and additional personnel will have to be hired anyway.

Patrick Prosser, chairman of the Kentucky Bar Association Committee on Mental Disabilities and executive director of the Kentucky Foundation for the Handicapped, said he thought the Consumer Protection Division was a good choice "considering the alternatives." Prosser had also suggested that his foundation could administer the program.

Dr. June Sexton, a child development specialist at the Appalachian Regional Hospital in Hazard, Ky., said the protection and advocacy system "will be of limited benefit. I can think of dozens and dozens of cases, maybe hundreds, of people in these categories (developmental disabilities) who are not getting the services they need because the services aren't available in Kentucky."

Dr. Sexton said she thought federal money could be better used by increasing services that are in short supply, such as agencies to evaluate mental retardation, physical therapy for cerebral palsy and doctors to treat epilepsy.

The Department for Human Resources plan was made available to committee members and the press yesterday afternoon, the deadline for the plan to be announced. Federal law mandates a 45-day public review, and the plan is due in the Atlanta HEW office by Aug. 1 for that agency's 60-day review. The 1975 Developmental Disabilities Services Act requires that the protection and advocacy system be implemented by Oct. 1, 1977.

Governor Carroll's Executive Order Establishing Protection & Advocacy



JULIAN M. CARROLL
GOVERNOR

EXECUTIVE ORDER

77-862

September 13, 1977

Secretary of State

Frankfort
Kentucky

RELATING TO REORGANIZATION

Office of Public Defender, Department of Justice

Whereas, P.L. 94-103, the Developmentally Disabled Assistance and Bill of Rights Act requires each state, in order to receive federal funds for the developmentally disabled, to establish a system to protect and advocate the rights of persons with developmental disabilities; and

Whereas, Section 113 (a) (2) (B) of P.L. 94-103 requires that such system must " (A) have the authority to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of such persons who are receiving treatment, services, or habilitation within the State; and (B) be independent of any State agency which provides treatment, services, or habilitation to persons with developmental disabilities;" and

Whereas, the interim federal guidelines for development and implementation of a System for Protection of the Individual Rights of and Advocacy for Persons with Developmental Disabilities state in Section B. 2. (j) that: "The P & A System may be operated in whole or in part by a public, quasi-public, or private nonprofit agency so long as the Agency meets the requirements for independence as per Section 113 (a) (2) (B);" and

Whereas, an Office for Protection and Advocacy, attached to the Office of Public Defender, would not provide treatment, services, or habilitation to persons with developmental disabilities and under the provisions of P.L. 94-103 can properly establish a system to protect and advocate the rights of persons with developmental disabilities.



JULIAN M. CARROLL
GOVERNOR

EXECUTIVE ORDER

77-862

September 13, 1977

Secretary of State
Frankfort
Kentucky

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Now, Therefore, I, Julian M. Carroll, pursuant to the authority vested in me KRS 12.025 and in accordance with P.L. 94-103, do hereby order and direct that:


(1) The Office for Protection and Advocacy is hereby established, and attached for administrative purposes to the Office of Public Defender.

(2) The Public Defender shall head the Office of Protection and Advocacy as Administrator, without additional compensation. The staff of the Office of Public Defender shall serve as the staff of the Office of Protection and Advocacy.

(3) The Developmental Disabilities Protection and Advocacy System shall have the authority to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of the developmentally disabled and to do all other things reasonable.

This Order shall become effective September 12, 1977.


JULIAN M. CARROLL, Governor
Commonwealth of Kentucky


DREXELL R. DAVIS
Secretary of State



Judge Is Asked to Help Deaf Girl Get Education

From Page One

Jamie requires constant attention, and the school has said that it cannot take on the responsibility.

Jamie's attorney, assistant public advocate Marie Allison, told Moynahan that Jamie is entitled to attend the Kentucky School for the Deaf under state and federal laws requiring special education for handicapped children.

Ms. Allison discounted the Danville school's reasons for rejecting Jamie. Experts cannot decide whether Jamie's learning disabilities and emotional problems spring from her hearing impairment — or whether Jamie would be a slow learner if she could hear normally.

"The important consideration is that her primary disability is her hearing impairment," Ms. Allison said.

The concept on which Jamie's lawyers are relying, known as "mainstreaming," formed the basis of a 1978 federal law that gave handicapped children rights to a free, public education geared toward their special needs.

Jamie is now attending a special class at the Hearn School in Franklin County. It is, in education jargon, a "multiple-handicapped" class, according to Charles Muntz, special education director for the county's school system.

Last year, when she would normally have been a first-grader, Jamie attended the private Educare School in Frankfort. It was at best a temporary measure, Mrs. Smith said, because the Danville school was considering her application.

When Jamie's application was denied last summer, the Franklin County system enrolled her in the special class.

Essentially, such a class is for children with various types of handicaps or learning disorders, Muntz said.

There are only five children in the class, so there is more chance for individual instruction than in a regular class, but Muntz acknowledged that the teacher is not certified to teach



Jamie Riddle

children with hearing impairments and that the class instruction is not as intensive as Jamie needs.

For Jamie, there could be another problem. Being with physically handicapped children might be causing her granddaughter additional learning difficulties, Mrs. Smith said.

"She imitates them. I don't know how she feels about children who can't walk," Mrs. Smith said. "She needs to be with children who use sign language like herself."

Jamie is also receiving special tutoring twice a week by a special-education consultant, but Mrs. Smith said that instruction is still not enough.

Muntz said that he attended a meeting during the summer of local and state officials to decide what to do with Jamie.

Everyone at the meeting he said, favored sending Jamie to the Danville school except the officials of the school.

The Franklin County system then decided to enroll the Jamie in the special class, Muntz said, in hopes that she could learn enough to eventually be accepted by the Danville school.

Testimony in the case continues today. Moynahan has not indicated when he would rule in the case.

Helping People Live in the Community

Civil rights class action lawsuit, Michelle P., et al. vs. M. Birdwhistell

Four individuals who had mental retardation or developmental disabilities were tired of waiting for community services. They wanted the state to provide Medicaid services when they needed them so that they could live in home-like settings in the community rather than nursing homes or large state-run intermediate care facilities. They filed a lawsuit and agreed to represent an entire class of people in the same situation.

We settled the lawsuit in March 2006. The settlement called for more funding for Medicaid services for people with developmental disabilities. It also said the Commonwealth would move away from Medicaid's institutional bias toward a preference for community-based services.



In This Photo

Foreground: Michelle P. receiving an advocacy award for standing up for the rights of thousands of individuals with disabilities, with Michelle's grandfather and a friend.

Background: Ken Zeller, P&A attorney, and Jon J., another plaintiff.

Plan 'opens the world' of disabled Kentuckians



Michelle Phillips, center, lead plaintiff in the lawsuit that secured services for mentally disabled Kentuckians, attended the hearing, her grandfather, Jim Delsenroth, left, and his fiancée, Betty Wise. Phillips, 32, of Louisville, said later that she was ready to celebrate

Judge OKs deal for services to promote independent liv

By Deborah Vetter
dvetter@courier-journal.com
The Courier-Journal

LEXINGTON, Ky. — A federal judge signed off yesterday on a sweeping plan for the state to provide services to thousands of Kentuckians with intellectual disabilities.

The agreement, meant to help people with disabilities live inde-

pendently in their communities, comes six years after advocates filed a class action lawsuit against the state, seeking services such as adult day care, housekeeping and therapy, and two years after a previous deal fell through.

"Hopefully, by Wednesday, we'll put this baby to bed," said U.S. District Judge Joseph M. Hood, who said he expects to enter an order finalizing the agreement by

then. "I hope the services start flowing."

Advocates and some plaintiffs who filed the lawsuit burst into applause after yesterday's brief hearing ended.

Afterward, they said the settlement could dramatically improve the lives of people with disabilities, as well as the parents and other rel-

See PLAN, A2, col. 2

INSIDE
Michelle Phillips, lead plaintiff in the lawsuit, is happy to see the settlement. She is also happy to see her grandfather, Jim Delsenroth, and his fiancée, Betty Wise, at the hearing.



IF IT IS IMPORTANT
TO YOU, YOU WILL
FIND A WAY.

IF NOT
YOU'LL FIND
AN EXCUSE





*The arc of the moral universe
is long, but it bends towards
justice.*

Martin Luther King Jr.

The PCH Interim Settlement Agreement

On August 15, 2013, P&A and the Cabinet for Health and Family Services (CHFS) signed an Interim Settlement Agreement that will provide much needed community supports and services to eligible individuals living in a Personal Care Home (PCH) or at risk of living in a PCH. Personal Care Homes are long term care facilities licensed by the Office of the Inspector General. Individuals living in a PCH do not require intensive medical care provided by nursing facilities, but do require care beyond room and board. The majority of those living in personal care homes receive state financial assistance to supplement federal dollars to enable them to live outside of a higher cost facility. The Interim Settlement Agreement will change the way community based services are delivered to persons with mental illness. Persons with a mental illness now have a choice to live and receive services in the community. The Interim Settlement Agreement calls for CHFS to provide community-based supported housing assistance and services, including Assertive Community Treatment, Peer Support Services, Crisis Services and Supportive Employment to 600 individuals over a three year period. The CHFS will allow individuals currently receiving state supplement dollars and living in Personal Care Homes and those eligible to receive the state supplement to continue to receive and use the money to prevent institutionalization, regardless of their living situation.

P&A is working with the Department for Behavioral Health, Long Term Care Ombudsman's Office, Department for Community Based Services, State Guardianship, Office of Inspector General, and Community Mental Health Centers to assist in the roll out of the Interim Settlement Agreement. Individuals who were P&A's prospective plaintiffs and 100 other individuals who expressed to P&A over the past two years they would like to live in the community have been given priority status to receive services.



The Prospective Plaintiffs

Adult Abuse Registry

During the 2013 Regular Session of the General Assembly, the Senate Judiciary Committee heard testimony regarding SB 100 and the Adult Abuse Registry bill supported by some advocates. This represented significant progress although the bill was not approved by the Committee.

Two bills were filed, one in the House and one in the Senate. In July 2013, efforts began in contemplation of the 2014 session, including education of legislators, and creation and dissemination of informative materials regarding the need for a registry. Individuals who have been affected by the lack of a registry testified. Amanda Stahl, a member of the Protection and Advocacy for Individuals with Developmental Disabilities (PAIDD) Advisory Board, was applauded after her testimony. She stated "I don't want your applause. I want you to pass this bill." The bill passes and Kentucky is implementing the "Caregiver Misconduct Registry."



Amanda Stahl

Re-Entry Resource Directory

On February 19, 2013, P&A staff and members of the PAIMI Advisory Council held a reception to recognize the individuals and agencies who helped create the Re-Entry Resource Directory, a compilation of resources, services, and supports to assist ex-offenders with disabilities in making a successful return to the community.

Justice Cabinet Secretary J. Michael Brown and Public Advocate Ed Monahan made opening remarks at the reception, held at the Thomas D. Clark Center for Kentucky History in Frankfort, Kentucky.

PAIMI Program Coordinator Jan Powe provided an overview of the nearly three year project that led to the development of the Re-Entry Resource Directory. P&A recognized and presented certificates to those individuals and agencies, including the Department of Corrections, and others, for their support of the project and participation in the development of the Re-Entry Resource Directory.

Tedde Smith-Robillard, a former member of the PAIMI Advisory Council, shared her personal and inspiring story of interface with the criminal justice system with those in attendance including the news of the recent restoration of her right to vote.

Department of Corrections Commissioner LaDonna Thompson made closing remarks at the reception.

P&A and the Department of Corrections have entered into a Memorandum of Understanding to ensure the directory will be made available to individuals exiting the corrections system and re-entering the community.

The directory can be found at <http://corrections.ky.gov/reentry/Pages/Pre-ReleaseCommunityResources.aspx>.



Participants in the development of the Re-Entry Resource Directory



Justice Cabinet Secretary J. Michael Brown, Department of Corrections Commissioner LaDonna Thompson, P&A Marsha Hockensmith, and Public Advocate Ed Monahan

MENTAL HEALTH ACCORD PRAISED

State to extend community-based housing to 600 of the mentally ill

By Tom Loftus

tloftus@courier-journal.com
The Courier-Journal

FRANKFORT, Ky. — Hundreds of Kentuckians with serious mental illness will be able to receive treatment within a community setting rather than be sent to personal-care homes as a result of an agreement Friday between the state and a state watchdog group.

Under the agreement between Kentucky Protection and Advocacy and the Cabinet for Health and Family Services, the state will provide community-based housing assistance and services to 600 affected residents at a cost of \$19 million over the next three years.

The services will include community treatment, case

DIFFERENCES

» Personal-care homes are long-term care facilities for people who don't require intensive medical care but need care beyond just room and board.

» Community-based housing services will include community treatment, case management, peer support, crisis services and supported employment.

"This agreement will afford choice."

MARSHA HOCKENSMITH,
Kentucky Protection and

Training at Personal Care Homes

During fiscal year 2016, the Kentucky PAIMI Advisory Council along with technical assistance from Kentucky P&A staff members provided training to 170 persons living in 15 Personal Care Homes (PCHs). Information about Long Term Care Rights, services available through Amended Settlement Agreement (ASA) provided by the 14 Community Mental Health Centers, including supported employment, as well as any other topics participants wished to discuss about retaining benefits. The Kentucky PAIMI Advisory Council distributed written information on each topic to all of the residents who were not able to attend the trainings.



Robin Rider Osborne providing training to residents of personal care homes

Ruth Marlatt providing training to residents at a personal care home.



PAIMI Council member Gayla Lockhart doing Self-Advocacy Training for the residents at Trigg County Manor.

Accessing Your Power Supporting the Rights of Kentuckians with Disabilities

"We have made voting more accessible to all," so said Secretary of State Trey Grayson at the "Accessing Your Power: A Celebration of the ADA and Your Voting Rights" event held in August. Over 100 people – individuals with disabilities, service providers, and interested community members– filled the Robert Cherry Civic Center to learn about accessibility and other federally protected disability rights. This event was the result of collaboration between Protection & Advocacy and the Center for Accessible Living (CAL) in Murray. Local radio personality 24 Carrot Country's Bear on the Air served as the smooth-voiced and funny master of ceremonies. He led attendees through a program that encouraged everyone to reflect on the changes made since the passage of the Americans with Disabilities Act twenty years ago – including the passage of the Help America Vote Act. Attendees were also challenged to look ahead at what work still needs to be done. In addition to Secretary Grayson, attendees also heard presentations by P&A Director Marsha Hockensmith and Center for Accessible Living Associate Director Keith Hosey. However, the most powerful part of the program was a panel of self-advocates who told their own stories. Barry Gilbert, Jeremy Hosford, and Sheina Murphy answered questions about rights including: changes they have seen since the passage of the ADA, accessing their civil rights, and what voting means to them. The speakers' empowering messages inspired three people to register to vote at the on-site registration table. Seven people requested assistance from P&A regarding voting rights and guardianship. Countless other individuals asked questions about rights to the speakers, P&A staff, and CAL staff.



When a reporter for Murray State Public Radio asked a newly registered voter why she was registering, the response received reflected the reason for holding this event– "To make a change."



“Accessing Your Power: A Celebration of the ADA and Your Voting Rights”

The passage of the Americans with Disabilities Act (ADA) in 1990 paved the way for other civil rights laws including The Help America Vote Act (HAVA) of 2002. HAVA outlined improvements to voting standards, including improving accessibility to the voting process for individuals with disabilities. In celebration of the 10th anniversary of the passage of HAVA, P&A held “Accessing Your Power: a Celebration the ADA and Your Voting Rights.” The more than 80 attendees heard from Secretary of State Alison L. Grimes, Kentucky ADA Coordinator Norb Ryan, and a panel of self-advocates who shared their personal stories about accessibility and voting. Attendees were also provided with information about restoration of voting rights for individuals with disabilities and utilization of on-site voter registration.



Andrew Venetianer, Gloria Dorsey, and Chastity Ross



Secretary of State Grimes and Beth Metzger, P&A Advocate

Video Public Service Announcement about Voting

P&A facilitated the development of a Public Service Announcement (PSA) about the importance of voting. Secretary of State Grimes, a member of the Protection & Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council, and a member of the Protection & Advocacy for Individuals with Developmental Disabilities (PADD) Advisory Board, starred in the PSA that was filmed at the Capitol Annex.



From left to right, PAIMI Advisory Council Member Audrey Jones, Secretary of State Alison Lundergran Grimes, and PADD Advisory Board Member Kelly Knoop.

P&A Issued a Report About Personal Care Homes in Kentucky

On March 19th, 2012, P&A released a 42 page report that concluded that Personal Care Homes (PCHs) are congregate and segregated living arrangements subsidized by the Commonwealth and that continued placement of persons with mental illness in them is a violation of the Americans with Disabilities Act and the Olmstead decision.

The report included information obtained during interviews conducted with 218 individuals living at 20 of Kentucky's more than 80 free standing PCHs. Also included in the report are observations of the physical structures of the PCHs.

P&A has and will continue to meet with Cabinet for Health and Family Services (CHFS) officials and others regarding the continued use of state dollars to serve persons with mental illness in congregate and segregated settings in Kentucky. The United States Supreme Court held in Olmstead v. L.C. that unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act (ADA).



P&A Issued an Investigative Report About Golden Years Rest Home

On August 14, 2012, Protection & Advocacy released an Investigative Report of Golden Years Rest Home in Jenkins, Kentucky. The report provided an example of how one personal care home in Kentucky failed to protect and adequately meet the needs of our citizens with mental health diagnoses and/or intellectual and developmental disabilities.

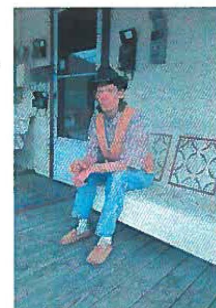
Observations about the response of the system responsible for providing oversight of licensed PCHs in Kentucky were also included in the report.

The twenty-one page report concluded that the closure of Golden Years Rest Home does not address or change the current service system in place in Kentucky, a system that does not effectively and appropriately support persons with mental illness.

Personal Care Home:
An Investigative Report
of Golden Years Rest Home
Jenkins, Kentucky



A Report by Kentucky Protection & Advocacy



Former resident of GYRH

The Near-Death of Brennan Long: Autopsy of an Abusive Restraint



On November 11, 2014, Sherman Williams, an aide at Brennan Long's school, broke Brennan's femur bones. Brennan, who was 16 years old and has autism, suffered severe injuries—he spent eight days in the Pediatric Intensive Care Unit at Kosair Children's Hospital¹ where doctors surgically implanted titanium rods in each of his legs. He suffered multiple complications, including a partially collapsed lung and massive blood loss. After his discharge from Kosair, he spent the next 25 days in a rehabilitation facility. Brennan's injuries were so severe that Kosair's Forensic Medical Team and Child Protective Services both classified his case as a near-fatality.

Restraint and Seclusion Regulation in Kentucky Schools

For the last three years, P&A has advocated for regulation of the use of restraint and seclusion in schools. Kentucky did not have any law or regulation regarding the use of these dangerous interventions. Not only did the lack of regulation open the door to the abuse and misuse of restraint and seclusion, but it effectively prevented parents from getting any recourse when restraint and seclusion were misused or abused—even when kids got seriously hurt. Since there was no law requiring schools to even tell parents when restraint or seclusion was used on their child, many injuries went unexplained and parents continued—sometimes for YEARS—to be unaware of what was happening to their children in school.

Since September 2009, P&A has served on an advisory committee to KDE that provided input regarding the regulation of restraint and seclusion. P&A worked alongside parents, teachers, school administrators, school safety experts, law enforcement, school psychologists and behaviorists, and child advocates to create regulatory language that provides strong protections for kids. KDE filed the proposed regulation in September 2012.

The proposed regulation met with some resistance from the Kentucky School Board Association and school administrators, who took the position that kids were not being hurt by restraint and seclusion and that it was necessary to ensure classroom discipline and school safety. P&A and The Commonwealth Council on Developmental Disabilities published “Restraint and Seclusion: The Reality in Kentucky’s Schools,” which provided general information on the proposed regulation, alternatives to restraint and seclusion, and highlighted stories of Kentucky children who were hurt by restraint and seclusion in schools. The publication also highlighted the fact that P&A has received over 100 complaints regarding the use of restraint and seclusion and has investigated over 80 cases of injuries allegedly caused by restraints in 63 Kentucky counties.

After some last-minute revisions to the regulation, 704 KAR 7:160 was heard by the Administrative Regulation Review Subcommittee (ARRS) on December 17, 2012.

At that Subcommittee meeting, P&A, individuals with disabilities, parents, and the Kentucky School Board Association and school administrators testified that the regulation would provide much needed guidance to the school districts and would help keep kids safe. It was approved by ARRS and went into effect on February 1, 2013.



Lucy Heskins, Katie Bentley, Marsha Hockensmith and Will Bentley, photo taken following the December meeting of ARRS



The Cabinet for Health and Family Services incorrectly charged many Kentuckians, like Nancy, a fee—called patient liability—for their Medicaid Home and Community-Based Waiver services. P&A met with the Cabinet and it agreed to revise its patient liability policy. The incorrect charges are being halted and those affected will get a refund.

Patient Liability Charges and Waiver Recipients

Protection & Advocacy became aware that certain groups of Medicaid recipients were being incorrectly charged a patient liability to obtain waiver services. These groups include individuals who are deemed to be otherwise eligible for SSI payments for Medicaid purposes because they (1) are disabled adult children who receive title II (SSDI/RSDI) benefits from a parent;

(2) are protected by the Pickle Amendment; (3) are in 1619(b) status; or (4) have earned income but continue to collect SSI because they make less than the SSI standard. P&A wrote a letter detailing those groups and the law that said they should not be charged patient liability. The Cabinet for Health and Family Services which includes the Department for Medicaid Services and the Department for Community Based Services met with us, reviewed the information we provided, and agreed that it had “inadvertently” assessed the patient liability. P & A continues to work with the Cabinet to ensure that persons who incorrectly paid the amounts are reimbursed without it effecting their continued receipt of either SSI or waiver services. We believe that more than 8,000 Kentuckians may receive reimbursement.



Frankfort State Hospital and School Cemetery Project

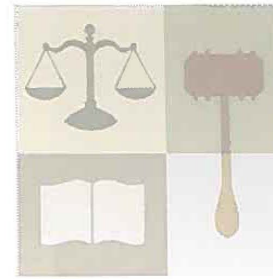
To honor and remember the Kentuckians who are buried at the Frankfort State Hospital and School Cemetery, a committee of the Protection & Advocacy for Individuals with Developmental Disabilities (PADD) Advisory Board submitted an application for a historical marker through the Historical Marker Program, administered by the Historical Society of Kentucky. The request for a marker was approved by the advisory committee of the Kentucky Historical Society. This marker will honor and remember the many Kentuckians that lived and died at the Frankfort State Hospital and School, formerly the Institution for Feeble-Minded Children.



The PADD Advisory Board was joined by over 50 volunteers including members of Kentucky Self Advocates for Freedom (KYSAFF) and the Council for Developmental Disabilities for the second annual Frankfort State Hospital Cemetery Clean Up event on May 23, 2013. There are over 411 Kentuckians buried in this cemetery. Most of the graves are marked "unknown." At the end of the day the cemetery was mowed, the graves were cleared, and an American Flag was placed on each grave. A Memorial Day Wreath was placed on the front gate of the cemetery.



Supports for Community Living Waiver Eligibility and Release of Recommended Orders



After receiving an increased number of calls from persons with disabilities requesting help after losing eligibility for the Supports for Community Living (SCL) Waiver, P&A opened several cases and assigned attorneys to represent persons in administrative hearings. In most of the cases, the person with the disability was denied SCL because Medicaid review doctors had determined, despite years of eligibility for SCL, these particular persons somehow did not meet regulatory level of care to qualify. These denials were disconcerting as many of the individuals had no significant changes in their need for supports or improvement in their condition. Because the SCL regulation is complex and difficult to apply, it is difficult to challenge the denials. Persons with disabilities and their families who have received SCL for years face serious life challenges without these continued supports. P&A sent an open records request for recommended orders made by hearing officers concerning SCL denials over the last two years. Our goal was to see the big picture concerning the hearing officer's interpretation and application of the regulation with real case facts and to be more prepared to analyze and evaluate SCL denial cases. In addition, the cases provide precedent for an appeal which we filed with the Franklin Circuit Court concerning an SCL denial of a client. The Medicaid hearings branch denied our open records request, so we filed an appeal with the Attorney General's office. Soon after we filed our appeal, the hearings branch called P&A's director to confirm they would release the requested decisions.



Helipad at Marshall County Hospital

Certificate of Need (CON) Administrative Hearing for Level II Psychiatric Residential Treatment Facilities (PRTFs)

In February 2010, P&A and three parents filed opposition to four applicants for PRTF Level II facilities due to their size and violation of the "home-like" setting requirements in the state regulation. Three applicants decreased their size and opposition was withdrawn. The fourth was the Purchase Youth Village application. This application would put the beds in the old Marshall County hospital building. The Hearing Officer approved the application, noting the statute allows Level II PRTFs to be situated in a hospital and finding that the proposal "meets [the] design requirements" of being home-like.



Messners

On August 26, 2011 a P&A advocate visited the three residential dwellings operated by Ralph Messner, located in Lexington, Kentucky. One of the three dwellings is approved by the Veterans Administration (VA) as a Community Residential Care (CRC) facility. In 1998, the Kentucky Court of Appeals found that because the home was approved by the VA, Messners was exempted from state licensure and oversight requirements. This is despite the fact that not all persons living there were placed there by the VA. Thus, VA is the only agency that has any oversight of the homes. At the initial visit, we found deplorable living conditions in the back two buildings—bedbug infestation, lack of linens and blankets or extremely dirty linens, dirty mattresses, grime, what appeared to be blood on the wall and doors, and nasty bathrooms and showers. We reported our findings to the local health department, Lexington Fayette Urban County Code Enforcement, Adult Protective Services, the Office of the Inspector General, VA, and State Guardianship. We have convened numerous meetings with many of the above-referenced agencies and will continue to advocate for appropriate oversight. We have also returned to Messners on other occasions and currently represent some of the individuals living there.

Creation of the IAN Group

The Developmental Disabilities Assistance Bill of Rights Act (DD Act) and Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act authorize P&A to conduct abuse/neglect investigations for eligible individuals if incidents are reported to P&A or if P&A has probable cause to believe the incidents occurred per 42 USC § 15043(a)(2)(B); 42 USC § 10805(a)(1)(A). This is to ensure the safety and protection of all individuals with disabilities from abusive and neglectful practices in public and privately owned facilities, including institutions and community programs.

In 2010, in an effort to bring some renewed focus to P&A's response to and the handling of allegations of abuse/neglect/exploitation of persons with disabilities, P&A created the Internal Abuse/Neglect (IAN) Group. IAN Group membership includes representation from both the Children and Youth Team and Adult Team at P&A, the PAIMI and PADD Program Coordinators, the Legal Director, and an administrative staff member.

The IAN Group began by developing a protocol for P&A's response to allegations of abuse/neglect/exploitation that P&A becomes aware of including: incident reports regarding persons living at facilities and/or community programs, the media, reports from the community, observations of P&A staff when out in the field, and other.

Since IAN's inception they have met two times per month to review reports received and decide next steps.

All members of the IAN Group have attended Incident Investigation Training, "Conducting Serious Incident Investigations," a three day course about the fundamental principles of investigation offered by LRA/Labor Relations Alternatives, Inc.

The Bratcher Decision Upheld

The Kentucky Court of Appeals in *Commonwealth of Kentucky, Cabinet for Health and Family Services (CHFS) v. Bratcher* affirmed the Franklin Circuit Court's ruling that persons with developmental disabilities who have IQs higher than 70 can qualify from the Supports for Community Living (SCL) home and community based waiver. SCL provides an array of services like day programs and respite which help people with intellectual or developmental disabilities avoid institutionalization and live in the community.

The Court of Appeals, quoting the Circuit Court, held that "The Cabinet exceeded its statutory powers by grafting the regulation's mental retardation IQ requirement onto the definition of developmental disability. There is no properly promulgated regulation which requires an individual who qualifies for the SCL Waiver on the basis of developmental disability to show first that he also meets the regulation's definition of mental retardation." The Court of Appeals designated the Bratcher decision for publication.



Enhancing Communication through Assistive Technology



RM is a six year old girl diagnosed with autism. When she was in pre-school, there was a disagreement about the use of communication devices. After reviewing RM's educational records, it was found that she used a Picture Exchange System (PEC) for communication in pre-school. RM's parents wanted to use a Dynavox instead. Her parents contacted P&A for assistance to increase supports and develop a plan to use the Dynavox in her school. RM's communication ability increased and she quickly began to learn new concepts.

50th Anniversary of the Civil Rights Act

Fifty years ago, on March 5, 1964, over ten thousand individuals gathered and marched to Kentucky's State Capitol to demonstrate their support for a civil rights law that would help end segregation by making discrimination illegal in the area of public accommodations such as stores, restaurant, theaters and hotels. Many leaders in the Civil Rights Movement, such as Dr. Martin Luther King, and baseball legend Jackie Robinson, among others, helped lead the marchers and gave addresses in support for a state civil rights law. This historic march placed Kentucky in the national spotlight and helped build support for the U. S. Civil Rights Act of 1964 and gave momentum to the passage of the Kentucky Civil Rights Act of 1966.

On March 5, 2014, members of the Protection & Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council and P&A staff were honored to participate in the 50th Anniversary of the 1964 Civil Rights March. Participating in the 50th Anniversary Civil Right March was an opportunity for P&A to recognize Civil Rights leaders and activists whose courage and perseverance not only paved the way to ending segregation in the State and Nationally, but lead to the passage of laws making it illegal to discriminate against other individuals who have fought hard to have their rights protected.





On January 29, 2014, members of P&A's advisory bodies and staff joined over 700 other Kentuckians for a rally held in the Capital Rotunda to support the needs and services of Kentuckians with disabilities. The 874K Disabilities Coalition is comprised of over 80 organizations representing individuals with disabilities, their family members, advocates, providers and concerned citizens focusing on the needs of more than 874,000 Kentuckians with disabilities. Established in 2001, this coalition seeks to bring together and strengthen the voices of the growing number of Kentuckians with a disability. The advocacy event is held in Frankfort during the legislative session with the goal of giving Kentuckians with disabilities the opportunity to meet the Governor and key Cabinet officials, their state legislators and staff, and the media.



PAIMI Advisory Council members Reggie Gentry, Becky Clark and Woody Moore



PADD Board member Kelly Knoop



PADD Board member Mark Newton



Governor Steven Beshear

More Rights Expanded



Jackie May and her grandson Jeremy

Regaining Independence

Jackie May contacted P&A because she lost her Kentucky Operator's License due to her disability. Over the past six years, she has received chemotherapy to treat multiple myeloma. She was in the process of adapting her car with hand held controls to assist in her driving when she was informed she was losing her driving privileges. P&A agreed to represent Jackie before the Kentucky Medical Review Board (MRB). The MRB gives medical advice to the Division of Driver Licensing about license applicants and licensees. Prior to the hearing, P&A supplemented the medical records that the MRB possessed. This information lead the MRB to reverse its decision to deny Jackie an operator's license. As a result of the services, Jackie now has a license, is enjoying driving her car with the hand control devices, and especially enjoying being able to drive her grandchildren in her car. The renewed independence has greatly enhanced Jackie's life. She stated "if it wasn't for Bill Dolan (attorney for P&A), I would have had to go through a hearing to determine if I could drive a car. I don't know how long that would have taken and I might have lost. I am forever grateful to Bill."

Overcoming Barriers to Employment

Kendrick Jackson was living in a personal care home in western Kentucky, attending a local college, and working part time at a plumbing supply company when he met a P&A staff in 2012. Kendrick requested P&A's assistance with barriers to his continued employment with the plumbing supply company. He needed transportation to and from work and assistance with accommodations so that he could go to school and work at the same time. P&A referred Kendrick for evaluation and met with local providers. Kendrick was evaluated for services by the Community Mental Health Center who determined he qualified for Assertive Community Treatment (ACT) Services. One of the services provided by the ACT team is supported employment referral and follow up. Kendrick moved out of the personal care home institution and is now living in the community very close to his job and school. Kendrick's employer wrote an editorial for the local newspaper discussing how inspired they were at Kendrick's accomplishments and his value as an employee.



Kendrick Jackson at work



Commonwealth of Kentucky

**DEPARTMENT
OF
PUBLIC
ADVOCACY**

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John M. Rosenberg
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Michael D. Bowling
Crystal Rae Coel
Cortney Lollar
Darryl W. Durham
Charles English, Jr.
Robert C. Ewald
Debra S. Miller
Luke M. Milligan
Lewis G. Paisley
Mark Stavsky

Edward C. Monahan
Commission Secretary

An Equal Opportunity
Employer M/F/D

**RESOLUTION OF THE KENTUCKY
PUBLIC ADVOCACY COMMISSION**

March 31, 2017

WHEREAS the Protection and Advocacy ("P&A") system was created by federal legislation, which requires P&A systems to pursue legal, administrative and other appropriate remedies to protect and advocate for the rights of individuals with disabilities in the Commonwealth of Kentucky; and

WHEREAS the Kentucky P&A was designated as a state agency by Executive Order 77-862 (September 13, 1977) and placed within the Office of the Public Defender [now the Department of Public Advocacy (DPA)], by KRS 15A.020(1)(e)(1); and

WHEREAS the Public Advocacy Commission is a twelve-member body created by KRS 31.015 and has the authority to review the performance of the public advocacy system pursuant to KRS 31.015(6)(c); and

WHEREAS P&A will petition the Governor to re-designate Kentucky's P&A to Protection and Advocacy Inc., a charitable organization that has been/will be incorporated; and

WHEREAS the Commission has reviewed the Re-designation Plan and met with DPA & P&A; and

WHEREAS the Commission finds that the re-designation of the protection and advocacy system for the Commonwealth of Kentucky as a nonprofit organization will increase funding opportunities and maximize the agency's ability to provide protection and advocacy services to Kentuckians with disabilities; and

WHEREAS the Commission finds the re-designation of the protection and advocacy system for the Commonwealth of Kentucky as a non-profit agency will enable P&A to:

- Maximize services and dollars as a private agency;
- Expand capacity to meet the needs of the 874,000 Kentuckians with disabilities;
- Form public and private partnerships; and
- Gain access to grants and funding that are not available to a state P&A system.

NOW, THEREFORE, BE IT RESOLVED by the Public Advocacy Commission that it approves of the Re-Designation Plan and respectfully asks the Governor to re-designate the Kentucky P&A system to Protection and Advocacy, Inc.


Jerry J. Cox, Chair
Public Advocacy Commission

Path To Employment

Employment Fairs

P&A, in collaboration with the Carl D. Perkins Center in Thelma, Kentucky, representatives from the Work Incentives Planning and Assistance (WIPA) programs, and the Office of Vocational Rehabilitation, hosted a total of four employment fairs across the far eastern region of the state. The fairs were held in Thelma, Harlan, Hazard, and Ashland. A total of 400 individuals attended these events. Sites for these employment fairs were chosen based on the unemployment rate in the particular geographic area. The focus of the fairs was to assist beneficiaries of Social Security with finding employment. Participants were provided information about the Ticket to Work program, tips on using the internet to access and complete a job application, writing a resume, including documenting their work history, and tips about interviewing for a job. Additionally participants were offered the opportunity to meet with prospective employers.

As P&A was aware that a lack of transportation or lack of accessible transportation would be a barrier to persons attending the employment fairs, P&A made arrangements with transportation brokers within each of the geographic areas to provide accessible transportation to all who wanted to attend one of the fairs.





2017 Recipient of the Billy Cox/Victoria Scott Self-Advocacy Award

Pat Recipients of the Billy Cox/Victoria Scott Self-Advocacy Award:

2009 Sherry Sanders
2010 Molly Clouse
2011 Megan McCormick
2012 Cathy Edwards
2013 Susan Turner
2014 Amanda Stahl
2015 Woody Moore
2016 Robin Rider Osborne
2017 Kelly Knoop

Each year, the PAIMI Advisory Council and the PADD Advisory Board choose someone they feel epitomizes the legacies of Billy Cox and Victoria Scott. Billy Advocated for the rights of people with disabilities to make their own choices about where they lived and how they spent their time. Victoria's advocacy highlighted how person's of color were over represented on locked wards of state psychiatric hospitals.



2017 Recipient of the Jean Gossick Advocacy Award

Past Recipients of the Jean Gossick Award:

- 1998 Representative Tom Burch
- 1999 Arthur Campbell
- 2000 Gayla Peach
- 2001 Bill Stewart
- 2002 Marsha Van Hook
- 2003 Louisville METROSWEET for Access
- 2004 Tedde Matranga
- 2005 Cass Irwin
- 2006 KY CAN
- 2007 Leslie Lederer
- 2008 Mary Hass
- 2009 Judy Harrison
- 2010 Doug Riddell
- 2011 Norb Ryan
- 2012 Debbie Lanham and Tammy Mischler
- 2013 Will and Katie Bentley
- 2014 Kathy Shepard Jones
- 2015 Marsha Hockensmith
- 2016 Seven Counties Services Rural ACT Team
- 2017 Jim Chesser

Each year, P&A staff choose an individual or organization that exemplifies the advocacy of Jean Gossick. Jean Gossick served many years on the PADD Advisory Board and she was the mother of a daughter with a disability. Jean was a strong advocate not only for her daughter, but for individuals with disabilities. She fought hard to ensure individuals with disabilities received services and supports, when and where they were needed.

40 YEARS of Protecting and Promoting the Rights of Kentuckians



“There is no greater disability in society,
than the inability to see a person as more.”

-Robert M. Hensel

Mission

Kentucky Protection & Advocacy will protect and promote the rights of Kentuckians with disabilities through legally based individual and systemic advocacy and education.

Vision

Kentucky Protection & Advocacy has a vision of a just society where all people are treated with dignity and respect for their expressed choices and have equal opportunities to participate in an integrated and inclusive society where different abilities are valued.



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