

Kentucky Protection & Advocacy

2018

*OUR MISSION IS TO PROTECT AND PROMOTE THE RIGHTS OF
KENTUCKIANS WITH DISABILITIES THROUGH LEGALLY BASED
INDIVIDUAL AND SYSTEMIC ADVOCACY, AND EDUCATION.*

I. Abuse, Neglect, and Exploitation

Individual Advocacy

(a) P&A will investigate all suspicious deaths. The IAN Team will review all reports of suspicious deaths reported to P&A or that P&A becomes aware via The Office of Inspector General, media outlets, monitoring efforts, etc. The IAN Team will send, as appropriate, to team leaders for case opening/assignment.

(b) P&A will investigate all *serious injuries, including those sustained during the use of physical restraint/seclusion at schools and other facilities/community programs providing services to individuals with disabilities. The IAN Team will review all reports made to P&A or made by other entities, including The Office of Inspector General, media outlets, and monitoring efforts. The IAN Team will forward, as appropriate, to team leaders for case opening/assignment. (

(c) P&A's CYT will conduct up to 5 investigations of injuries of children with disabilities resulting from alleged abuse and/or neglect in schools or facilities, including injuries incurred during the use of restraint or seclusion, where the referral does not meet IAN criteria and where parent/guardian requests agency review.

Systemic Advocacy

(a) IAN will review Type A/B Citations, incident reports, and other notices of alleged abuse/neglect/exploitation to determine further action, including conducting primary or secondary investigations.

(b) P&A, upon notice that a provider of SCL or ABI Waiver services has been placed under a moratorium, will contact program participants, and if appropriate, their guardian. P&A will also follow-up with BHDID regarding the moratorium status to determine if further action is necessary by P&A.

(c) P&A will participate in Project SAFE (Safety & Accessibility for Everyone) planning/educational/outreach efforts and implementation of the strategic plan and the Crisis Intervention Training (CIT) with the Louisville Metro Police and the state wide CIT program.

(d) P&A will request and review OIG facility surveys of PRTFs (10) and psychiatric hospitals (13) serving children/youth with disabilities.

(e) P&A will request and review quarterly all PRTF serious occurrence reports. P&A will compare reports provided with OIG facility surveys and follow-up all failures to report with the facility and/or CMS.

(f) P&A will monitor ALL service providers to children and/or adults with disabilities in Anderson, Franklin, Owen, Scott and Woodford counties.

(g) P&A will review DCBS policy/regulation regarding investigation of allegations of abuse/neglect arising out of the use of restraint and seclusion in schools and make recommendations on how to identify the abusive use of restraint.

(h) P&A will monitor facilities to ensure abuse/neglect reporting numbers are posted for residents as required by law and will review documents provided to children with disabilities in facilities

(psychiatric hospitals, PRTFs, and DJJ facilities) on how to report allegations of abuse or neglect and make recommendations on how to ensure children with disabilities are able to report.

(i) P&A will provide technical assistance to parents/guardians regarding responding to allegations of misuse of restraint and seclusion in schools.

Olmstead/Community Integration

Individual Advocacy

(a) P&A will provide TA to hospitals, DJJ workers, CDWs, nursing home workers, and DCBS workers regarding denial of or inability to access community services that lead to or increase a child with disabilities risk of institutionalization.

(b) P&A will provide TA to parent/guardian of children with disabilities or represent children with disabilities who are institutionalized or at risk of institutionalization due to denial of or inability to access community services.

(c) P&A will represent or provide TA to parent/guardian of 3 Medicaid eligible children/youth with disabilities who are institutionalized (including Department of Juvenile Justice) or at risk of institutionalization due to denial of or inability to access Medicaid services, including but not limited to EPSDT, and waiver services.

(d) P&A will represent or provide TA to 13 adults living in Personal Care Homes (PCHs) seeking to receive services and supports in a more integrated living arrangement.

(e) P&A will represent or provide TA to parent/guardian of 2 children (1 state/1 private) and 8 adults living in or at risk of being placed in a nursing home regarding services and supports available to allow them to live in a more integrated living arrangement.

(f) P&A will represent or provide TA to 3 adults with brain injuries residing in psychiatric facilities or nursing facilities or Personal Care Homes (PCHs) or prisons seeking to receive services and supports in a more integrated living arrangement.

(g) P&A will represent or provide TA to 20 adults with disabilities at risk of institutionalization and in need of community services and supports under Olmstead, who do not meet the above individual advocacy priorities.

Systemic Advocacy

(a) P&A will monitor children's psychiatric hospitals at least annually and will increase the frequency of visits to particular facilities as necessary to address any issues that arise

(b) P&A will monitor ALL PRTFs and 3 pediatric nursing homes or private child care facilities.

(c) P&A will review all 202B petitions regarding children aging out at facilities and at-risk for institutionalization.

(d) P&A will monitor the Cabinet for Health and Family Services (CHFS) implementation of the Amended Settlement Agreement regarding individuals living at PCHs and those at risk for return

to a PCH, including ensuring that WSH, ESH, CSH and ARH are providing information regarding any settlement agreement and the State Supplementation Program to hospitalized patients.

(e) P&A will attend monthly Regional Transition and Olmstead meetings at the four public psychiatric hospitals, within the CMHC Regions that receive Olmstead funding; the Statewide Olmstead meetings help identify trends/issues related to discharges to/from PCHs. Quarterly continuity of care meetings and multiagency meetings will be attended as well.

(f) P&A will have presence at all public ICF-ID/DD facilities.

(g) P&A will produce a video on the impact of the Amended Settlement Agreement for Kentuckians with mental illness.

(h) P&A will review the status of 500 people that are waiting for services under the Amended Settlement Agreement with the Cabinet for Health and Family Services that have requested services and supports in the most intergraded setting.

(i) P&A will meet with Kentucky Medicaid and Kentucky Transitions regarding available services and the programs future.

(j) P&A will request the number of children, their location and the parents/guardian contact information of those children being served out of state and paid by Kentucky Medicaid.

III. Education

Individual Advocacy

(a) P&A will represent at least 11 children/youth in public schools who have inappropriate Individualized Education Program (IEP) or who are placed in an inappropriate educational setting. This priority will include children/youth who qualify for special education, but who are not receiving any special educational services; children for whom an IEP and or Behavior Intervention Plan (BIP) is not implemented as written; children for whom a district has failed to complete a Functional Behavioral Analysis (FBA) or manifestation determination hearing (MDH); children inappropriately restrained or secluded; and children/youth who have not received appropriate transition planning (including vocational and technical school and supported employment).

(b) P&A will complete reviews of the education records of 10 children/youth in public schools with disabilities and determine if there has been a violation of the child/youth's educational rights under state and/or federal law. Preference will be given to children/youth in institutions.

(c) P&A will provide technical assistance to the parent/guardian/caseworker of 25 children/youth with disabilities regarding addressing violations of the child's educational rights.

(d) P&A will represent or provide technical assistance to 3 SSI eligible students with disabilities aged 14 - 21 to obtain transitions services under WIOA.

(e) P&A will represent or provide technical assistance to at least 1 child (under age 21) in an ICF/ID to ensure he/she receives appropriate educational services.

Systemic Advocacy

- (a) P&A will provide information to The Arc of Kentucky and KYSPIN to be included in trainings to parents/grandparents/foster parents on special education and related topics across Kentucky.
- (b) P&A will investigate current resources available throughout the state to parents regarding educational advocacy, identify gaps in available resources, and strategize and implement ways to increase comprehensive access to information and resources necessary for parents to effectively advocate for the educational rights of their children.
- (c) P&A will work with KDE to produce a publication on guardianship and the transition to adulthood with a target audience of individuals with disabilities approaching adulthood and their parents.
- (d) P&A will monitor the development of a charter school system in Kentucky and participate as appropriate to ensure equal access and participation by children with disabilities.
- (e) P&A will monitor and participate in the development of a new accountability system in Kentucky under the ESSA.
- (f) P&A will identify 5 topics related to special education and develop publications and or webinars on those topics to post online (i.e. addressing attendance/tardiness issues with BIP, IEP, 504, etc.).

IV. Health Care

Individual Advocacy

- (a) P&A will represent 7 Medicaid eligible adults who are denied medical, dental, and other health services or whose services are reduced or terminated.
- (b) P&A will represent 5 Medicaid eligible children/youth with disabilities relating to their denial of or inability to access healthcare services, including physical and behavioral health services. Priority will be given to those children/youth committed to or at-risk of commitment to DCBS solely for purpose of obtaining services.
- (c) P&A will represent at least 3 children/youth that could benefit from augmentative communication devices and/or assistive technology to ensure they are provided the appropriate device/technology.
- (d) P&A will represent 5 adults that could benefit from augmentative communication devices and/or assistive technology to ensure they are provided the appropriate device/technology.
- (e) P&A will represent 3 children/youth to ensure they are discharged appropriately from psychiatric facilities (psychiatric hospital or PRTF), including timing and discharge plans.

Systemic Advocacy

- (a) P&A will continue to monitor the state's implementation of Kentucky's System of Care. Staff will attend state interagency meetings, review proposed regulations, and participate on other state committees and meetings as appropriate.

(b) P&A will review interpretation and implementation of PASRR policies and procedures in Kentucky.

(c) P&A will post an online training on the interplay between Medicaid Waivers and EPSDT under new Medicaid law.

(d) P&A will contact the 14 CMHCs to determine the procedure for obtaining specialized services for NF residents who have an intellectual or developmental disability.

V. Criminal Justice

Individual Advocacy

(a) P&A will represent or provide technical assistance to 5 adults with disabilities living in jail or prison whose rights are violated directly due to their disability.

(b) P&A will provide technical assistance on ALL cases to DPA attorneys, Court Designated Workers, Parole Officers, and Cabinet Caseworkers representing youth or adults with disabilities who interface with the criminal justice system and request assistance.

(c) P&A will review the records of 4 inmates with ID/DD that are DOC custody.

Systemic Advocacy

(a) P&A will continue to monitor the implementation of juvenile justice reform and investigate the ongoing changes to the juvenile justice system.

(d) P&A will monitor 5 Department of Juvenile Justice facilities (e.g. camps, detention centers).

(c) P&A will review all policies and protocols regarding interaction with people with disabilities of the Kentucky State Police, Louisville Metro Police Department, Lexington Police Department and Hopkinsville Police Department.

(d) P&A will coordinate and present at Department of Public Advocacy quarterly meeting on crisis services in the community.

(e) P&A will identify employment status of School Resource Officers (SROs) from five districts (Scott, Woodford, Owen, Franklin, Anderson) and review training requirements and policies and procedures for those SROs.

VI. Protect, Promote, and Exercise Rights

Individual Advocacy

(a) P&A will represent 7 individuals with disabilities, who are discriminated against, related to their disability, in matters related to housing, post-secondary education, employment, and other, including access to goods/services/program provided by governmental agencies or entities.

(b) P&A will represent ALL individuals with disabilities who experience barriers to casting their vote.

(c) P&A will provide technical assistance and/or represent to 5 wards seeking partial or complete restoration of their rights, including the right to vote

(d) P&A will collaborate with HDI, DAIL and private guardians on implementation regarding Supported Decision Making as an alternative to guardianship.

Systemic Advocacy

(a) P&A will have an information booth and agency exhibit at the Brain Injury and 874K rallies.

(b) P&A staff will monitor all draft and filed legislation (federal, state and local) that impacts Kentuckian's with disabilities.

(c) P&A will update the webpage during the legislative session.

(d) P&A will work with state and local partners on creating supplements on voting and citizenship for use in KY Schools.

(e) P&A will actively participate in the newly formed REV UP KY - a non-partisan, cross-disability, coalition of providers & citizens dedicated to full political participation for Americans with disabilities.

(f) P&A will continue providing technical assistance to county clerks and the State Board of Elections on voting accessibility.

(g) The PADD Advisory Board and the PAIMI Advisory Council will together advocate for changes in 1 consent statute by meeting and educating legislators, which may include testifying.

(h) Kentucky P&A will staff a voter hotline during the 2018 primary and general election.

(i) P&A will collaborate with the Commonwealth Council on Developmental Disabilities to create disability-related information and referral system to develop resources and provide 6 trainings to 100 people regarding newly-created ABLE accounts available to Kentuckians.

(j) P&A will collaborate with the Office for the Blind and other organizations to have assistance dogs included under KRS 525.200.

(k) P&A with the PADD Board and the PAIMI Council will monitor Kentucky reforms to foster care through the Governor's Adoption Task Force, will create resource material explaining rights of parents with disabilities involved with foster care, and will work in collaboration with other organization.

VII. Employment

Individual Advocacy

(a) P&A will represent 7 individuals, including those exiting PCHs, attending subminimum wage programs or adult day training programs, interested in obtaining employment or who experience barriers to employment and accessing other services.

(b) P&A will represent or provide TA to at least 3 children/youth with disabilities in need of transition services to adulthood (including transition from high school to post-secondary or

vocational/technical settings, supported employment, OR independent living) and provide information on the Workforce Innovation & Opportunity Act (WIOA).

Systemic Advocacy

- (a) P&A and self-advocates will present training about employment at 4 sheltered workshops.
- (b) P&A will identify barriers to supported employment and educate settlement agreement participants about supported employment.
- (c) P&A will collaborate with KY's DD Network, HDI and CCDD, to host screenings of "Bottom Dollar" by Rooted in Rights, a documentary that exposes segregated workplaces and low wages paid to persons with disabilities. Screenings will occur in three (3) locations in KY and will include a panel discussion.
- (d) P&A and the Client Assistance Program (CAP) will meet monthly to collaborate.
- (e) P&A will continue to participate as an active member of the Kentucky Interagency Transition Council.

VIII. Self-Advocacy

Systemic Advocacy

- (a) The PAIMI Advisory Council, with technical assistance from P&A staff, will provide information about residents' rights, the Amended Settlement Agreement regarding individuals currently living at PCHs, to individuals, including supported employment at 15 PCHs across the state.
- (b) Members of the PADD Advisory Board and the PAC will participate in the annual event at the Frankfort State Hospital and School Cemetery to educate the public.
- (c) The PADD Board, the PAC and P&A staff will research how other states have effectively passed a resolution by their state legislature that apologizes to citizens for the treatment they endured in the past, due to disability, in hopes of having a similar resolution passed by 2018.
- (d) P&A staff and PADD board members will create a committee that will complete accessibility surveys at 4 public facilities and businesses.
- (e) PADD board members and the PAC will participate in fundraising activities for the beautification of the FSH cemetery.
- (f) P&A advisory bodies will work with members of the Legislative and Executive branches to adopt the new icon for accessibility on all state properties and encourage local/county governments, colleges/universities and private business to do the same.
- (i) The chairs of the PADD Board and PAIMI Advisory Council will organize an advocacy day for the 2018 legislative session.

Outreach

Individual Advocacy

(a) P&A will represent 10 individuals from underserved disability, minority, or geographic groups/populations (i.e. Appalachia, LGBTQ, Latino, Deaf/hard of Hearing).

Systemic Advocacy

(a) P&A and the PAIMI Council will participate in fundraising efforts to support Relay for Life and will participate in the annual Relay for Life Event in Frankfort.

(b) P&A will participate in two non-disability related outreach events.

(c) P&A will collaborate with the Kentucky Commission for the Deaf and Hard of Hearing, the Department for Behavioral Health and service providers to create informative ASL videos with Closed Captions to inform the deaf and hard of hearing community of the services and resources available.

(d) P&A will participate in four outreach efforts to underserved communities, including the Deaf/Hard Hearing and Latino communities.