

Comment [JPE1]:



# Kentucky P&A

## *2016 Priorities*

Our Mission: 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. IAN will review all reports of suspicious deaths made to or that P&A becomes aware of then send, as appropriate, to team leaders for case opening/assignment. (PADD, PAIMI, PAIR, PATBI).

(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. IAN will review all reports made to or that P&A becomes aware of then send, as appropriate, to team leaders for case opening/assignment. (PADD, PAIMI, PAIR, PATBI).

\*suspicious death and serious injuries of individuals currently represented by P&A will be investigated by the advocate or attorney that represents the individuals.

### **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. (PADD, PAIMI, PAIR, PATBI)

(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. (PADD, PATBI).

(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. (PADD, PAIMI, PAIR, PATBI).

(d)P&A will conduct site reviews, per the direction of Social Security Administration, for monitoring/investigating both living and working conditions of beneficiaries with disabilities. P&A will report findings of the site reviews conducted to SSA and relevant state agencies in cases where abuse, fraud, and mismanagement are discovered. (Rep Payee Project)

(e)P&A will research options so that deaths in personal care homes are reported and reviewed. (PAIMI, PAIR).

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

(g.)P&A will create a memorandum gained under the monitoring efforts at a Level I Psychiatric Residential Treatment Facility (PRTF). (PADD, PAIMI, PAIR).

## **II. Olmstead/Community Integration**

### **Individual Advocacy**

- (a)P&A will represent or provide TA to parent/guardian of **6** Medicaid eligible children/youth with disabilities who are institutionalized or at risk of institutionalization due to denial of or inability to access Medicaid services, including but not limited to EPSDT, and waiver services. (3PADD and 3PAIMI)
- (b)P&A will represent **15** adults living in Personal Care Homes (PCH) seeking to receive services and supports in a more integrated living arrangement. (15 PAIMI).
- (c)P&A will represent or provide TA to parent/guardian of **2** children and **10** adults living in a nursing home regarding services and supports available to allow them to live in a more integrated living arrangement. Strategies include filing OCR complaints. (8 PADD, 2 PAIMI, 3 PAIR).
- (d)P&A will represent **3** adults with brain injuries residing in psychiatric facilities or nursing facilities or Personal Care Homes (PCH) seeking to receive services and supports in a more integrated living arrangement. (3 PATBI) .
- (e)P&A will represent **12** adults with disabilities at risk of institutionalization and in need of community services and supports under Olmstead, who do not meeting the above individual advocacy priorities. (4 PADD, 4 PAIMI, 2 PATBI, 2 PAIR).

### **Systemic Advocacy**

- (a)P&A will monitor children's psychiatric hospitals annually, including a monthly visit to Our Lady of Peace Hospital. (PADD, PAIMI, PATBI)
- (b)P&A will monitor **ALL** PRTFs and **10** private child care facilities. (PAIMI, PADD, PATBI)
- (c)P&A will continue to visit nursing facilities in each of the **14** Community Mental Health Center regions, up to **100** (**1/3** of Kentucky's nursing facilities) to obtain information and data regarding children and adults with disabilities living there to identify barriers to those individuals moving into the least restrictive environment. (PADD, PAIMI, PAIR, PATBI)..
- (d)P&A will monitor Cabinet for Health and Family Services (CHFS) implementation of any Settlement Agreement regarding individuals living at PCHs and those at risk for return to a PCH. (PADD, PAIMI,PABSS).
- (e)P&A will have a presence at the new on the Neurobehavioral Unit at Eastern State Hospital. (PATBI).
- (f)P&A will attend monthly Regional Transition and Olmstead meetings at the four public psychiatric hospitals, within the CMHC Regions, that receive Olmstead funding and the Statewide Olmstead meetings to help identify trends/issues related to discharges to/from PCHs. (PADD, PAIMI, and PATBI).
- (g)P&A will educate providers and recipients of Medicaid regarding their ability to suspend Medicaid benefits. (PADD, PAIMI, PAIR, PATBI)
- (h)P&A will have a presence at all ICF-ID/DD facilities in Jefferson County. (PADD).
- (i) P&A will ensure that WSH, ESH, CSH and ARH are providing information regarding any settlement

agreement and the community integrated supplement to hospitalized patients. (PAIMI)

### III. Education

#### Individual Advocacy

(a)P&A will represent at least **25** 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). (11 PADD, 11 PAIMI, 1 PAIR, 1 PATBI, 1 PABSS).

(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. (5 PADD, 3 PAIMI, 1 PAIR, 1 PATBI) .

(c)P&A will provide technical assistance to the parent/guardian/caseworker of **5** children/youth with disabilities regarding addressing violations of the child's educational rights. (2 PADD, 2 PAIMI, 1 PATBI).

#### Systemic Advocacy

(a)P&A will develop a web page and/or web-based training on transition and meaningful employment, postsecondary options and resources available for youth to gain meaningful employment. (PABSS).

(b)P&A, along with The Arc of Kentucky and KYSPIN, will provide **3** trainings to parents/grandparents/foster parents on Special Education and related topics across Kentucky. (PADD, PAIMI, PAIR, PATBI).

(c)P&A and members of the PADD advisory board will educate students and parents about transition after high school by providing information through trainings/booths to students and parents at 5 transition events/conferences. (PADD, PABSS) CYT/ITO and ITO tracks.

(d)P&A will develop a one-page publication on the use of service animals in schools. (PADD, PAIMI, PAIR, PATBI). CYT/ITO.

(e)P&A will participate in the Pritchard Committee Achievement Gap Study regarding children with disabilities in the public education system. (PADD, PAIMI, PAIR, PAAT, PATBI, PABSS).

### 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. (5 PADD, 1 PATBI, 1PAIR).

(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. (2PADD, 2PAIMI, 1PAIR).

(c)P&A will represent **5** children/youth that could benefit from augmentative communication devices and/or assistive technology to ensure they are provided the appropriate device/technology. (5 PAAT)

(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. (5 PAAT).

(e)P&A will represent **3** children/youth to ensure they are discharged from psychiatric facilities (psych hospital or PRTF) with appropriate discharge plans. (3 PAIMI)

### **Systemic Advocacy**

(a)The PADD Advisory Board will educate legislators about the impact of Medicaid waiver changes and advocating for policy revisions regarding changes to Kentucky's Medicaid waivers with specific focus on Participant Directed Services (PDS) changes and the impact to persons who choose the PDS option. (PADD, PAIR, PATBI)

(b)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. (PADD, PAIMI, PATBI, PAAT).

(c)P&A will create informational material (1-pager, web article, newsletter article) on the system of care changes and how they relate to consumers (i.e. waiver waiting lists, EPSDT, and movement of behavioral health services to managed care and new providers. (PADD, PAIMI, PAIR, PATBI).

(d)The PAC and P&A staff will monitor all legislation (federal, state and local) that impacts Kentuckians with mental illness. (PAIMI)

(e)P&A will create informational material (1-pager, web article, newsletter article) on the new law relating to the delegation of nursing duties as they relate to the administration of insulin and g-tube care. (PADD, PAIR, PATBI).

### **V. Criminal Justice**

#### **Individual Advocacy**

(a)P&A will represent **3** adults with disabilities living in jail or prison whose rights are violated due to disability. (2PAIMI, 1PATBI).

(b)P&A will represent **5** children/youth with disabilities committed to DJJ regarding lack of access to mental health services and/or use of seclusion in detention centers. (5PAIMI)

(c)P&A will provide technical assistance on **ALL** cases to DPA attorneys representing youth or adults with disabilities who interface with the criminal justice system and request assistance. (3 PADD, 3 PAIMI, 2 PAIR, 2 PATBI).

### Systemic Advocacy

(a)P&A will monitor the implementation of SB 200, juvenile justice reform. (PADD, PAIMI, PAIR, PATBI).

(b)P&A will continue to monitor the 13 Kentucky Department of Corrections facilities and units where individuals with SMI or other disabilities are housed in segregation or other special management units, including the mental health care treatment that is available to incarcerated individuals. This may include requesting and reviewing records and meeting with DOC. (PADD, PAIMI, PAIR, PATBI).

(c)P&A will collaborate with Kentucky Department of Corrections to update the Reentry Resource Manual. (PADD, PAIMI, PAIR, PATBI, PABSS)

(d)P&A will research methods for having ACA connectors available to persons currently incarcerated. (PADD, PAIMI, PAIR, PATBI).

(e)P&A will monitor 5 Department of Juvenile Justice facilities (camps, dentition centers). (PAIMI, PADD, PATBI)

### 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, employment, and other, including access to goods/services/program provided by governmental agencies or entities. (2 PADD, 2 PAIMI, 1 PAIR, 1 PATBI, 1 PABSS).

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

(c) P&A will provide technical assistance and/or represent to 5 state wards seeking partial or complete restoration of their rights, including the right to vote. (3 PADD, 2 PAIMI).

(d)P&A will represent 3 Medicaid beneficiaries regarding reimbursement of patient liability from July 2008 to the present. (PADD).

#### Systemic Advocacy

(a)P&A, with input from the PAIMI Advisory Council, will monitor and respond to any proposed statutory changes to the current statute as relates to use of "agreed orders" or Assistive Outpatient Treatment (AOT) orders in Kentucky. This will include educating lawmakers and stakeholders concerning AOT orders and Kentucky's need for more intensive community based treatment for persons with SMI. (PAIMI)

(b)The PADD board will create video for P&A YouTube channel on self-advocacy, transition to work, higher education and adulthood. (PADD, PABSS)

(c)Kentucky P&A will contact state guardianship regarding the number of emergency guardianship orders and due process issues. (PADD, PAIMI, PAIR, PATBI).

(d) Kentucky P&A will create business card on individual rights. (PADD, PAIMI, PAIR, PATBI)

(e) P&A, along with members of the PADD Advisory Board and other self-advocates, will provide voter education at five SCL sites throughout the state. (PAVA).

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

(g) P&A will continue working with/advising SBE on the use of their remaining HHS monies. (PAVA).

(h) P&A will explore options of informing guardians of their rights and responsibilities under Kentucky guardianship law. (PADD, PAIMI, PAIR, PATBI).

### **VII. Employment**

#### **Individual Advocacy**

(a) P&A will represent **10** individuals, including those exiting PCHs, attending subminimum wage programs or adult day training programs, interested in obtaining employment. (10 PABSS).

(b) P&A will represent at least **6** children/youth with disabilities in need of transition services from a public high school to post-secondary settings, including vocational and technical school, and supported employment. (2PADD, 2PAIMI, 1PAIR, 1 PABSS).

(c) P&A will represent **5** beneficiaries of SSA who experience barriers to employment and accessing other services while living in community settings. (5 PABSS).

#### **Systemic Advocacy**

(a) P&A and self-advocates will present training about employment at 4 sheltered workshops. (PABSS)

(b) P&A will educate any settlement agreement participants about supported employment (PABSS)

### **VIII. Self-Advocacy**

#### **Systemic Advocacy**

(a) The PAIMI Advisory Council, with technical assistance from P&A staff, will provide information about residents' rights, any settlement agreement regarding individuals currently living at PCHs, and LGBT rights to individuals at 15 PCHs across the state. (PAIMI, PABSS).

(b) Members of the PADD Advisory Board will hold an annual clean-up event at the Frankfort State Hospital and School Cemetery. (PADD).

(c) The PADD Board and P&A staff will research what other states did in order to have a resolution passed by 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 2017. (PADD).

(d) The PADD advisory board, with technical assistance from PADD coordinator, will participate in the planning of the Unconference. (PADD)

(e)The PAC will research and compile information about the history of Kentucky's psychiatric institutions. (PAIMI) PAC is the lead.

(f)The PADD board will research the creation of a scholarship for self-advocates. (PADD).

### **IX. Outreach**

#### **Individual Advocacy**

(a)P&A will represent **10** individuals from underserved disability, minority, or geographic groups/populations. (4 PADD, 4 PAIMI, 2 PAIR)

#### **Systemic Advocacy**

(a)P&A will participate in the Relay for Life Event in Frankfort. (PAIR)

(b)P&A will participate in two non-disability related outreach events. (PADD, PAIMI, PAIR, PAAT, PATBI, PABSS, and PAVA)

(c)P&A will continue to have a DRA stationed in DPA field office in Prestonsburg. Kevin F (PADD, PAIMI, PAIR, PAAT, PABSS, PAVA, PABSS)

(d)The PAC, with assistance from P&A staff, will provide outreach services to the LGBTQ community. This will include outreach to veterans, the homeless and youth. (PAIMI).