



**Kentucky
Protection &
Advocacy**

2017

*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. 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.

*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.

(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 annual facility surveys of PRTFs (10) and psychiatric hospitals (13) serving children/youth with disabilities.

II. Olmstead/Community Integration

Individual Advocacy

(a) P&A will represent or provide TA to parent/guardian of 3 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.

(b) 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.

(c) P&A will represent or provide TA to parent/guardian of 2 children (1 state/1pvt) and 8 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.

(d) 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.

(e) P&A will represent or provide TA to 12 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 5 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 to 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 a presence at all ICF-ID/DD facilities in Jefferson County.

(g) P&A will analyze data collected from 100 nursing facility visits during FY 2015 and FY 2016. P&A will meet with the Long Term Care Ombudsmen in all 15 Districts to continue to educate the ombudsmen

about available services to assist residents in the successful transition to the community. P&A will also meet with the volunteer ombudsmen.

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.

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 present and/or post online a training regarding special education services for children with Specific Learning Disabilities

IV. Health Care

Individual Advocacy

(a)P&A will represent 5 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 from psychiatric facilities (psych hospital or PRTF) with appropriate discharge plans.

(f)P&A will present and/or post online a presentation detailing the rights of children with disabilities regarding involuntary hospitalization as set forth in KRS 645.

Systemic Advocacy

(a)P&A will review available state resources regarding obtaining an evaluation for augmentative communication devices and how to obtain recommended devices. P&A will provide linkages to currently available resources on its webpage.

(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.

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 representing youth or adults with disabilities who interface with the criminal justice system and request assistance.

(c)P&A will monitor the cases of 3 children with disabilities impacted by SB200.

Systemic Advocacy

(a)P&A will continue to monitor the implementation of SB 200, juvenile justice reform and investigate the ongoing changes to the juvenile justice system.

(b)P&A will collaborate with Kentucky Department of Corrections to update the Reentry Resource Manual.

(c)P&A will summarize the information gathered during FY 2016 prison monitoring of mental health units and restrictive housing units.

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

(e) P&A will monitor four county jails.

(f) P&A will monitor the Kentucky Correctional Psychiatric Complex (KCPC).

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.

(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 meet with the Long-term Care Ombudsmen and the Inspector General to raise awareness about the lack of accessibility of the posting of the Long Term Care Rights Poster in long term care facilities. This will include posters that are placed in areas of the facility where residents can easily access the poster, creating a poster that is updated and uses large font and making sure residents who do not leave their rooms have an accessible copy.

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.

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

(c)P&A staff will monitor and comment on all draft (where available) and filed legislation (federal, state and local) that impacts Kentuckians with mental illness and intellectual or developmental disabilities.

(d)P&A will update the webpage daily during the legislative session regarding legislation that may or will impact individuals with disabilities.

(e)P&A will work with the Secretary of State's office on an improved high school civics campaign that emphasizes voter rights education/registration, especially for students with disabilities.

(f)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.

(g)P&A will continue providing technical assistance to county clerks and the State Board of Elections on voting accessibility in the absence of a State ADA Coordinator.

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

(I) P&A Advisory Board with the Kentucky PAIMI Council will review 1 state and 1 federal law that may discriminate against parents with disabilities to determine if there are mechanisms in the law that could result of the removal of children on the basis of disability alone.

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

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 while living in community settings.

(b)P&A will represent or provide TA to parents of 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 information Workforce Innovation & Opportunity Act (WIOA).

(C)P&A will review records on 4 beneficiaries of SSA, one each from the four geographical areas of north, south, east, and west, for the purpose of monitoring the new limitations on payment of sub-minimum wages mandated by 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 educate settlement agreement participants about supported employment

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, to individuals, including supported employment at 15 PCHs across the state.

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

(d)P&A PAC members will research and compile information about the history of Kentucky's psychiatric institutions.

(c)The PADD Board 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.

(e)P&A staff and PADD board members will create a committee that will complete accessibility surveys at 4 public facilities and businesses.

(f)PADD board members will seek out donations for landscaping for the FSH.

Outreach

Individual Advocacy

(a)P&A will represent 10 individuals from underserved disability, minority, or geographic groups/populations.

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 continue to have a DRA stationed in DPA field office in Prestonsburg. Kevin F

(d)P&A will work with the Kentucky Commission for the Deaf and Hard of Hearing and the Department of Behavioral Health Developmental and Intellectual and Developmental Disabilities to create an informative video presentation in American Sign Language to inform the deaf and hard of hearing community of the services available through P&A and identify opportunities for collaboration and the sharing of resources. .

