

disabilityrights | WISCONSIN

October 10, 2017

DRW seeks public comments on our proposed 2018 Goals and Priorities for our protection and advocacy for people with intellectual and developmental disabilities. These goals and priorities will determine how DRW will allocate its resources on behalf of people with IDD during the next year. These goals and priorities were developed with input from the public obtained at DRW Board listening sessions and are also based on the intake and case experience at DRW. These goals and priorities will be finalized after all public comments are analyzed.

Comments should be submitted to DRW's PADD Coordinator Mitch Hagopian via email at:

mitchh@drwi.org

or via U.S. Mail at:

Disability Rights Wisconsin
Attention: Mitch
131W. Wilson St., Suite 700
Madison, WI 53703

To ensure consideration, comments should be received by November 30, 2017.

PADD Coordinator's Comments on Changes in the Proposed 2018 Plan

Because we are the protection and advocacy system for people with intellectual and developmental disabilities, we focus our PADD work on preventing and responding to abuse and neglect, rights violations, assuring that people have access to appropriate services and supports in the most integrated settings. Within those broad areas of emphasis, we have 5 more specific goals. Each goal has at least two priorities. Our Goals for 2018 are the same as they were for 2017. Some of the priorities under those goals have changed. The changes are:

Goal 1: Priority 3: We have clarified that we can only respond to *serious* incidents of abuse and neglect when the protective service system has not responded appropriately. This is mostly a semantic change, but necessary due to shrinking PADD resources.

Goal 1: Priority 4: We removed the 4th priority, which related to trainings designed to make providers and caregivers aware of the IDD person's perspective on service receipt and educate them on providing trauma -informed care. The priority is being removed because our long-time trainer, Dr. Mark Sweet, is retiring and there are no plans to replace his position. Some of the training issues he covered may be picked up through our non-P&A funding (principally our Victims of Crime Act funding).

Goal 2: Priority 1: This priority has changed. In 2017 it was focused on preserving the right of people to self direct their long term care services and maintain access to quality services in the context of the proposal to revamp the Wisconsin long term support system known as Family Care 2.0. That priority was largely accomplished when DHS abandoned the Family Care 2.0 Initiative. Priority 1 is now focused on assuring that the rights of people with IDD are protected during any attempt to alter the Medicaid program. This requires a shift of focus from state legislators and policy makers to their federal counterparts.

Goal 2: Priority 2: The change in this priority reflects the fact that individual cases involving the long term care functional screen for adults at the administrative level will, beginning in CY 2018, be handled entirely by DRW's Family Care and IRIS Ombudsman program. The P&A will use PADD funding primarily to represent Family Care and IRIS applicants and recipients in court appeals of negative hearing decisions. The P&A will continue to work on systems issues relating to the Family care and IRIS.

Goal 2: Priority 5: This is a new priority. It reflects our initiative, cofounded with private foundation money, to do outreach on benefit programs to underserved populations in Milwaukee County.

Goal 3: Priority 1: We have clarified that we can only respond to complaints of housing and employment discrimination where the allegation of discrimination is based on the person's disability.

Goal 3: Priority 2: We have deleted the reference to monitoring of sheltered employment because we do not anticipate engaging in any formal monitoring in 2018.

Goal 5: Priority 1: We have clarified that our individual case assistance with facility closings will be focused on people who request assistance with community relocation planning.



Statement of Goals and Priorities-PADD 2018

Goal 1: Decrease the risk of abuse and neglect of people with IDD in institutions, schools and the community.

Priority 1: Reduce the use of seclusion and restraint in schools by publicizing DPI data on restraint and seclusion incidence and investigating and reporting on incidents of seclusion and restraint. Pursue policy changes to improve monitoring of seclusion and restraint.

Priority 2: Monitor all deaths of people with IDD in state centers and state mental health facilities, and children and adults with IDD in the community service system whose deaths we become aware of, for evidence of abuse or neglect as a factor in death and investigate when abuse or neglect appears to be a factor.

Priority 3: Respond, through community education and individual case advocacy, to instances of serious abuse and neglect of people with IDD in cases where the protective service system has not responded adequately.

Goal 2: Ensure that people have access to high quality, community based Medicaid services and a long term support system that promotes self-direction and care in the least restrictive, most integrated setting.

Priority 1: Ensure that people with IDD are not negatively impacted in any attempted alteration of the Medicaid program, by educating federal legislators and, as needed, state legislators on the unique needs of the IDD population and the role Medicaid plays in supporting them.

Priority 2: Ensure, through monitoring, individual case advocacy and technical assistance, that people with IDD applying for HCBS are not inappropriately denied eligibility through use of the computerized long term care functional screen and that their services are not wrongfully denied, terminated or reduced by engaging with legislators and DHS and representing selected individual applicants and recipients in court appeals of negative fair hearing decisions that are likely to have a systemic impact.

Priority 3: Improve outcomes, through technical assistance and limited individual case advocacy, for children with IDD seeking prior authorization of physical, speech and occupational services and autism services, using EPSDT when appropriate, and monitoring implementation of new “Children’s Community Options Program.”

Priority 4: Ensure, through technical assistance and limited individual case advocacy, that children with IDD and “challenging” behaviors receive all necessary services (from CLTS waiver, FSP, Wraparound, etc.) in order to live safely in the community.

Priority 5: Increase awareness and access to community based services and supports for African-American, Spanish speaking, and other underserved children with IDD and their families in Milwaukee County.

Goal 3: Reduce discrimination against people with IDD in employment and housing, promote accessibility in facilities and programming, and ensure that employment for people with IDD occurs in the most integrated setting possible.

Priority 1: Educate people with IDD (and others) on their rights under the ADA to expect reasonable accommodation of their disabilities in both employment and housing. Engage

in limited representation of people with IDD who have experienced significant housing or employment discrimination because of their disability.

Priority 2: Work to increase opportunities for competitive integrated employment through systems advocacy around WIOA.

Priority 3: Respond and provide technical assistance to complaints of inaccessibility to people with IDD in transportation, housing and public accommodations.

Goal 4: Improve the special education system's response to children with IDD by reducing the incidence of segregated educational experiences, increasing availability of adequate mental health services and ensuring meaningful, most integrated transition experiences for all students with IDD.

Priority 1: Decrease the provision of education to students with IDD in segregated settings (including at Choice schools) and classrooms through individual case advocacy, technical assistance, training and monitoring.

Priority 2: Increase availability of adequate mental health services and supports to students with IDD in order to reduce expulsion, suspension and law enforcement intervention through individual case advocacy, technical assistance, training and monitoring.

Priority 3: Ensure that transition planning requirements for children 14 and over are implemented and community vocational and other age appropriate, integrated, independent living experiences are part of the available curriculum in all districts and that all requirements of WIOA are met through individual case advocacy, technical assistance, systemic advocacy, training and monitoring.

Goal 5: Increase likelihood that people with IDD will receive services and supports in the least restrictive, most integrated setting and with the least imposition of their liberty as possible.

Priority 1: Serve on facility closing teams to ensure that people moving from institutions and community based residential facilities are going to less restrictive, more integrated community settings and provide individual advocacy to any person with IDD in a facility that is closing who requests assistance with individual community relocation planning.

Priority 2: Ensure that guardianship and protective services are being provided with the least restrictive conditions possible taking into account the person's cognitive functioning. Provide outreach and training and continue in leadership role in Wisconsin's Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) group. Provide limited case representation in cases of extreme rights violations, including in cases involving guardian neglect in end of life situations.