



*Speaking out for people with  
intellectual & developmental  
disabilities*



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## Reminders: Help VOR Grow!

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end donation.

December 5, 2014

# VOR Weekly News Update

*News and views for VOR Advocates*

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There is still time to make your year-end gift to VOR

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## About VOR

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#### VOR and YOU

1. **THANKS** to all who participated in #Giving Tuesday! There is still time to make your year-end gift to VOR
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The spirit of #GivingTuesday – this year on December 2 - is to mark one day on the calendar where you take a moment give back by paying forward your time and donations to a charity of your choice.

To all those who supported VOR on #GivingTuesday, THANK YOU. Some of you captured the moment by sending a picture to VOR, which we shared on [Twitter](#) and [Facebook](#).

As the vast majority of VOR's members, donors, advocates and friends recognize, the charitable spirit should not be limited to a single day on the calendar. For most of you, advocating for a loved one and their peers with intellectual and developmental disabilities is a year-long, daily effort.

We are very grateful, as these efforts are a major part of achieving VOR's mission nationally on behalf of our shared consistency.

If have not already [donated, please now consider a year-end donation to VOR](#). We can't survive on grassroots energies alone. **Your gift will make a difference** in the lives of people with intellectual and developmental disabilities. **We promise.**

To **donate**, check out VOR's [donation page](#) for an easy and secure [online form](#), or for a [print form to mail](#).

**Thank you!**

2. **SHORT SURVEY:** Your Opinion on the American with Disabilities (ADA) and *Olmstead* will reach thousands of journalists
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#### From the Public Insight Network:

Next year will mark the 25th anniversary of the Americans with Disabilities Act (ADA). As newsrooms gear up to cover this issue, The Public Insight Network of American Public Media wants to know what it is like to live with a disability 25 years after the Americans with Disabilities Act was passed?

Have you seen things change since the ADA became law? Do you or someone you know still face discrimination because of a disability?

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## About VOR

Share your insight. [This link will take you to the Public Insight Network \(PIN\) survey page.](#)

Sharing your experience will help shape how PIN partner newsrooms cover this issue. We will not publish your response without your permission.

### Why this is relevant to VOR members?:

*Olmstead* is the Supreme Court decision that interprets the Americans with Disabilities Act (ADA) and what constitutes discrimination with regard to community placement. Many VOR members have faced "Olmstead implementation" actions that are contrary to the letter and spirit of *Olmstead* when these actions displace individuals from facility-based settings without regard to choice and need.

The [Public Insight Survey](#) is an opportunity to help journalists appreciate this aspect of ADA implementation. **In VOR's view, the ADA has helped many individuals with disabilities access public places and employment, thereby improving public awareness; however, many individuals who require access to specialized residential, employment, health care, education, therapies and other services have suffered.** The problem is not the ADA itself, but the pursuit of a "community for ALL" ideology ("forced deinstitutionalization"), without regard to individual need, choice or quality of care. These "deinstitutionalization" actions, which separate people from specialized residential, employment, and education services, are done in ADA's name but are expressly contrary to the landmark decision

interpreting ADA community placement requirements, *Olmstead*. News stories too often focus on the community v. institution debate (surface level) without considering HOW people are being served.

In your responses, you are encouraged to include [www.vor.net](http://www.vor.net) as a resource for journalists.

Your survey responses should be your own, whether or not you share VOR's perspective.

[Take the SHORT survey here](#)

## FEDERAL NEWS

### **3. CMS "Community" Rule: States Will Have a Hard Time Getting Medicaid Reimbursements for Care Outside of Nursing Homes**

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*Governing Magazine \* Stateline \* November 19, 2014*

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## About VOR

Starting this year, a new federal rule will require states to ensure that long-term care alternatives to nursing homes—such as assisted living facilities, continuing care retirement communities, group homes and adult day care—work with residents and their families to develop individual care plans specifying the services and setting each resident wants. The overarching goal is to create a “home-like” atmosphere, rather than an institutional one and to give residents choices about their care.

While nearly everyone supports the concept, states, providers and even some consumer advocates are complaining that the rule could make it difficult for health care providers to fulfill increasing demand for long-term care outside of nursing homes.

“The goal was completely laudable,” said Martha Roherty, director of the National Association of States United for Aging and Disabilities, which works to help elders and people with disabilities live in their communities for as long as possible. “Unfortunately, what’s happened is that it is limiting individuals’ choice of what and where to receive (long-term care) services rather than broadening it, especially as it relates to seniors,” she said.

Some say the new rules may have unintended consequences. In addition to creating hurdles for dementia wards in assisted living facilities, limits on where assisted living and adult day services can be located may create challenges for some existing providers.

According to the rule, any facility or service located near a hospital or nursing home must be subjected to “heightened scrutiny” by state regulators, because their location alone makes them more likely to have an institutional feel.

“It is a well-intentioned rule in theory. Who can disagree?” said Matt Salo, director of the National Association of Medicaid Directors. “But in reality, I don’t know that it works.” It may not force existing providers out of business, he said, but it could discourage new ones from entering the market because of uncertainty about how each state will implement the rule.

[Read more, comment and share](#)

### **4. Bill to widen disability assistance heads to Senate for final approval after House OKs bill**

[Note: VOR [supports](#) the ABLE Act]

Supporters of legislation that would allow Americans with disabilities to open tax-free savings accounts to pay for long-term expenses [the ABLE Act] are urging a swift vote in the Senate after the House overwhelmingly passed the bill.

The Republican-led House voted 404-17 Wednesday to approve the most sweeping legislation to help the disabled in a quarter-century, paving the way for creation of the savings accounts next year. It was an unusual moment of bipartisanship in a Congress sharply divided over immigration, taxes and spending.

With more than 85 percent of Congress listed as co-sponsors, the measure was expected to get final approval in the Senate. Sen. Bob Casey, D-Pa., the bill's main Senate sponsor, cheered the House passage as a significant step toward providing people with disabilities "the added security they need."

[Read more, comment and share](#)

## STATE NEWS

### **5. Connecticut: Opposing Sides Clash As Debate Resumes Over Closing Southbury Training School**

*Hartford Courant* \* December 3, 2014

On the one side are advocates who have been fighting for years to close state-run facilities that cost an average of \$367,000 per person, per year. On the other side is a group representing families and guardians of many of the remaining 318 Southbury residents. They want their loved ones to remain at the Southbury campus, in large part because of the level of medical care that is provided there.

Martha Dwyer, a lawyer and sister of Southbury resident Tom Dwyer, a profoundly disabled man who has lived at the campus for 41 years, said legislators and the press should visit Southbury and witness the medical and nursing care that the remaining residents receive.

[Read more, comment and share](#)

### **6. Delaware: Two sides of disability housing debate**

*The News Journal* \* November 30, 2014

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## **About VOR**

The debate that divides Delaware's disability community, especially in matters of housing, has plenty of sharp edges.

Those edges have come into plain view since the federal agency that decides how to steer taxpayer support for disability services has changed the rule on how it will fund home- and community-based services.

The U.S. Center for Medicare and Medicaid Services (CMS) is increasingly steering money away from anything that looks or acts like an institution, like nursing homes, hospitals, treatment centers, and toward homes and services in community settings, with all plans centered around the persons with the disabilities.

[Read more, comment and share](#)

## **7. Texas: Corinth police investigate abuse to residents of group home**

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*Lake Cities Sun (Denton, Texas)* \* November 20, 2014

While investigating a disturbance, officers determined that the private residence also housed three mentally and physically disabled individuals.

Officers on scene discovered deplorable living conditions and later learned that the resident, Dorian Mallory, had neglected, restrained and abused the residents.

According to Assistant Chief Wilkerson, private residences are commonly used to house mentally and physically disabled individuals. There are currently no requirements for these types of care facilities to notify the city of their existence and Corinth PD is urging the community to be vigilant.

[Read more, comment and share](#)

## **8. Pennsylvania Report: More kids with autism getting caught up in the criminal justice system**

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*Mainline Media News* \* December 5, 2014

Newly published data indicates that the number of Pennsylvania minors with autism who are getting caught up in the juvenile criminal justice system increased dramatically from 2005 to 2011, prompting researchers to call for a deeper dive into the numbers and the implementation of more strategies to guide law enforcement and other agencies in their

encounters with individuals with autism. According to the 2014 Pennsylvania Autism Census Update — a report funded by the Bureau of Autism Services in the Pennsylvania Department of Public Welfare, and a follow-up to the inaugural Pennsylvania Autism Census Project, which was released in 2009 — the rate of juvenile justice system contact among individuals with autism grew from 659 per 10,000 people in 2005 to 1,423.4 per 10,000 people in 2011.

[Read more, comment and share](#)

## **9. Wyoming: Something smells fishy**

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*Wyoming DD News Blog* \* by Shawn Humberson, VOR State Coordinator

Last year, HDR Architects, Inc. along with Plan One Architects, completed a study of the health facilities owned and operated by the State of Wyoming under the auspices of the Department of Health. This study was commissioned by the Joint Labor, Health and Social Services Committee. Upon completion of the study, the Department of Health advised against moving the residents of the Wyoming Life Resource Center (WLRC). The Committee wanted the WLRC to operate more efficiently to cut costs.

As a result, during the 2014 Budget Session of the Wyoming State Legislature, a Joint Executive and Legislative Task Force on Department of Health Facilities was established.

The Facilities Task Force formed four options for the Joint Labor, Health and Social Services Committee to consider.

In the fourth (least popular) option, a single facility would be constructed. The existing facilities would be closed. The new, single facility would mix the population and serve the core clients: DD/ABI with exceptionally difficult behaviors, Title 25 and Title 7 commitments, “gero-psych”, high medical, and “hard to place” and emergency placements.

Just five days after the Facilities Task Force’s Interim Report was published, the Wyoming Department of Health (WDH) announced a new facilities administrator for the WLRC and Wyoming State Hospital (WSH).

The Facilities Task Force was very gracious and allowed generous time for public comment at each of their meetings. Members also asked questions of the

public in order to clarify statements made. They also provided for public comment online. This would lead one to believe that their findings were not a foregone conclusion. The WDH's move to create this new administrative position creates the question, once again; has this been an exercise in futility and the WLRC's future pre-determined?

[Read more, comment and share](#)

#### **10. Illinois: Rita Winkeler, president of Murray Parents Association, to serve on Gov-elect Bruce Rauner's Healthcare and Human Services Transition Committee**

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*Breese Journal (Clinton County, IL) \* November 30, 2014*

State Rep. Charlie Meier said this week he is thrilled with the appointment of Rita Winkeler, president of the Murray Parents Association (MPA), on Governor-Elect Bruce Rauner's Healthcare and Human Services Transition Committee.

Meier, who has worked with Winkeler and the MPA to fight recent plans to close the Warren G. Murray

Developmental Center in Centralia, said the appointment finally gives Murray residents and their families a "seat at the table" as decisions about the center's future are being made at the state level.

#### ***Quotable***

*"So long as we have enough people in this country willing to fight for their rights, we'll be called a democracy." ~ Roger Baldwin*

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#### **Calendar Reminders:**

#### **Tuesday, March 24, 2015:**

[American Health Care Association ID/DD](#)

[Washington Fly-In](#)

Congressional speakers are being invited, a legislative update will be provided, and Hill visits will follow in the afternoon. Breakfast and a boxed lunch will be provided to you. [Registration is free but required](#). VOR members are encouraged to attend.

#### **Sunday, June 7, 2015:**

**VOR Annual Conference: ADVOCATING FOR**

**CHOICE BY EXPANDING OPPORTUNITIES. [Speakers Announced](#).**

**[Registration details coming soon. Check VOR's website often for updates.](#)**

**Archives:**

- \* Thursday, March 20, 2014
- VOR's "Regional Meetings: The Need for Advocates to Act Global and Local" Webinar.
- \* **Social Media Strengths: Using Facebook and Twitter to Advance Your Cause (VOR, July 2013).** Visit VOR's website for a copy of the powerpoint presentation and an audio of the event.
- \* **How Congress Works Webinar:** Recorded - Listen Here. Tuesday, April 23, 2013 - 12:00 pm central / 1:00 pm eastern. How Congress Works: The Basics. Hosted by Peter Kinzler and Larry Innis.

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