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July 2005

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OAC receives funding from:

U.S. Department of Health
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U.S. Department of Education
Social Security Administration
Oregon Law Foundation

DIRECT FROM THE DIRECTOR

If it's summer, it's the time when OAC asks for your comments and suggestions about our proposed Goals and Priorities for the coming year. Every response and comment we receive will be reviewed by the OAC staff and Board of Directors before setting our direction for 2006. Please let us know what you think.

As I write, the Oregon legislature is entering the last stages of its session. While the debate over a state budget continues, it's important to remember that Oregonians with Disabilities have a stake in all portions of that budget. The big ticket items, schools and human services, are both vital to children and adults with disabilities and their families. Unfortunately, as the percentage of people with disabilities in the correction system nears one quarter, we must be concerned that the budgets of the Department of Corrections and Oregon Youth Authority allow for adequate provision of health and mental health services. Higher education is essential for individuals with disabilities to develop the skills and knowledge that are necessary to compete effectively in the work world. Law enforcement and the courts are essential to assure safety and rights enforcement for vulnerable people. Protection of the environment enriches us all.

I am suggesting that while we focus on funding programs that are nearest to us, people with disabilities have a major stake in the whole pie. And we need to be thinking not only about the amount of resources but the manner in which they will be spent.

Bobby Silverstein, the director of the Center for the study and Advancement of Disability Policy recently visited Oregon. Bobby has worked on Capitol Hill to fashion much of the federal disability policy that we have today. One of his key messages is that the whole framework of disability policy in America is changing; and not a moment too soon. We are moving from a time when people with disabilities were treated as "defective" and in need of "fixing." New policies are based on the recognition that disability is a natural and normal part of life that in no way diminishes a person's right to full participation in society. The focus of new policy is not to fix individuals but to fix the physical and social environment to provide opportunities for people with disabilities.

Bobby suggests that there should be four goals of disability policy:

- A) Equality of Opportunity
- B) Full Participation
- C) Independent Living
- D) Economic Self-Sufficiency.

Check out Bobby's web site at: www.disabilitypolicycenter.org

And please let us know your thoughts about OAC Goals and Priorities.



WORKING FOR THE RIGHTS OF INDIVIDUALS WITH DISABILITIES

PROGRAM GOALS & PRIORITIES SURVEY

Fiscal Year 2006

Each year, Oregon Advocacy Center (OAC) sets goals and priorities for its work in the year ahead. Goals are broadly stated to express where we want to be heading. Priorities are more narrowly defined in order to help us choose which cases or issues to staff when we are unable to respond to all advocacy needs.

The draft goals and priorities are set through a process in which OAC staff evaluate the current demand for services, staff resources and issues emerging in Oregon's disability community. OAC's Board and PAIMI Advisory Council review the draft. The staff collect additional information from public comment and ideas from interested persons, organizations serving the disability communities and agencies. After assembling and reviewing public comment, OAC staff and advisory council submit a recommendation of goals and priorities to the OAC Board of Directors for approval.

**Please help us determine our priorities for 2006
by answering the questions on the enclosed form.**

Preface: The order of the Goals and Priorities of the Oregon Advocacy Center do not indicate a level of importance; they have equal importance. They are integrated goals and priorities that reflect the needs of individuals with disabilities in Oregon and that guide the types of cases accepted by all of OAC programs. In providing services, we try to balance the types of advocacy we use to best meet the needs of individual clients with the need to create systemic changes for the larger client community. We strive to reach out into underserved populations and to provide culturally appropriate services statewide.

GOAL #1 COMMUNITY PARTICIPATION - OREGONIANS WITH DISABILITIES HAVE FULL ACCESS TO THEIR COMMUNITIES

PRIORITIES:

- A. Removal of access barriers in public accommodations with emphasis on education, transportation, and the court system.
- B. Getting accessible housing for Oregonians with disabilities.
- C. Receipt of reasonable accommodations by tenants with disabilities.
- D. Freedom from inappropriate guardianship restrictions on rights and liberty.
- E. Getting and retaining in-home supports.
- F. Ensuring full participation in the electoral process for individuals with disabilities, including registering to vote and casting a vote.

GOAL #2: HEALTH CARE - OREGONIANS WITH DISABILITIES HAVE ACCESS TO ADEQUATE HEALTH CARE

PRIORITIES:

- A. Removal of access barriers to medical care and information.
- B. Access to medically necessary services, including assistive technology.

GOAL #3: DD SERVICES - OREGONIANS HAVE ACCESS TO QUALITY DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES

PRIORITIES:

- A. Implementation of self-directed support for adults.
- B. Getting DD services for applicants who have been found ineligible despite substantial evidence of disability.
- C. Getting adequate training and support for individuals and their families to be effective self-advocates

GOAL #4: EDUCATION - OREGONIANS WITH DISABILITIES RECEIVE A FREE AND APPROPRIATE EDUCATION.

PRIORITIES:

- A. Preventing exclusion of students from school because of their disabilities.
- B. Implementation of appropriate special education services for minority children.
- C. Implementation of appropriate transition plans.
- D. Implementation of a fair, parent-friendly dispute resolution process.
- E. Resolution of extreme failures to provide services in the most integrated environment
- F. Getting assistive technology devices and services, appropriate assessments, implementation of AT recommendations and training necessary to ensure implementation
- G. Eliminating the inappropriate use of restraints, seclusion, aversive techniques and police involvement to address behavior of children with disabilities in educational settings.

GOAL #5: MENTAL HEALTH SERVICES - CONSUMER/SURVIVORS/EX-PATIENTS HAVE ACCESS TO QUALITY COMMUNITY MENTAL HEALTH SERVICES.

PRIORITIES:

- A. Getting adequate training and support for individuals to be effective self advocates.
- B. Presence of a legal rights perspective and consumer participation on state and county policy making bodies.

- C. Enforcement of anti-discrimination laws to remedy unnecessary institutionalization.
- D. Getting adequate mental health services for individuals found unable to proceed in defending criminal charges.
- E. Getting adequate comprehensive mental health services for children living in community settings.

GOAL #6: INSTITUTIONS - INDIVIDUALS IN INSTITUTIONAL CARE SETTINGS OR AT RISK OF INSTITUTIONALIZATION ARE FREE OF RIGHTS VIOLATIONS.

PRIORITIES:

- A. Getting desired treatment, care and services including appropriate continuity of care provisions.
- B. Protection of the rights of children in institutions.
- C. Diminished use of forced medication, forced hospitalization and court procedures to restrict individual liberties.
- D. Getting information regarding client rights and the availability of advocacy services.

GOAL #7: EMPLOYMENT/INCOME - OREGONIANS WITH DISABILITIES HAVE ADEQUATE FINANCIAL RESOURCES AND OPPORTUNITIES TO ACHIEVE AND MAINTAIN SELF-SUFFICIENCY.

PRIORITIES:

- A. Proper and adequate services provided to Social Security and SSI recipients with disabilities by a service provider, employer or other entity involved in the recipient's employment effort.
- B. Proper and adequate services and benefits are available to clients and client applicants of programs authorized under the Rehabilitation Act of 1973, as amended.
- C. Getting assistive technology devices and services including appropriate assessments and implementation of AT recommendations.
- D. Protection from termination of eligibility for Social Security or SSI disability benefits and information to appeal improper overpayments.
- E. Access to reasonable accommodations in the workplace and employment related licensure.
- F. Getting information to individuals receiving SSDI or SSI who want to understand their benefits and learn how their benefits could be affected by work.

GOAL #8: OREGONIANS WITH DISABILITIES ARE FREE FROM ABUSE AND NEGLECT

PRIORITIES:

- A. Investigation of deaths of individuals with disabilities in treatment, care or correctional settings.
- B. Discovery of and remedies for improper use of seclusion or restraint.
- C. Thorough and objective governmental investigation of allegations of abuse or neglect of individuals with disabilities.
- D. Investigation of allegations of abuse or neglect leading to serious injury of an individuals with disabilities when governmental investigation is inadequate

GOAL #9: OTHER COMPELLING ISSUES (Requires approval from Executive Director)

A Note about OAC Services

OAC provides information and referral services to all. OAC provides direct advocacy services only to individuals with disabilities. In order to receive representation, the individual must have a legal problem that is associated with the disability and that falls within OAC priorities. OAC only accepts cases that have a reasonable likelihood of success based upon the facts and law, and for which OAC has sufficient staff resources and expertise to offer competent representation. Cases in which a person with disabilities is at risk of severe or long-term harm and cases which impact a large number of people with disabilities are given enhanced consideration.

Disability Benefits and Employment, from page 1 who want to try work, in the form of protection from continuing disability reviews for Ticket to Work participants.

Ticket to Work also authorized the creation of highly trained groups of benefits planning specialists in the community to educate consumers about how work would affect their benefits. In 2001, OAC received a grant from SSA to provide benefits planning services in Oregon. Our program is called **Passage to Independence Project (PIP)**. PIP has provided benefits counseling to over 1700 individuals since it started.

Why work?

Although some SSI and SSDI beneficiaries have disabilities so serious that work could be very challenging, others are interested in trying work, if they don't have to risk their medical and cash benefits by doing so. For them, employment can provide advantages such as:

- a higher standard of living
- greater community involvement
- learning new things
- pride in accomplishments
- meeting new people
- starting their own business

Many PIP consumers, after learning about the effect of work on their benefits, have decided to work part time and keep their benefits. A few have made a decision to work full time and go off benefits altogether. Other individuals may not feel like working at all, and under Social Security law they are under no obligation to do so.

Concerns and Solutions

Unfortunately there is a lack of good information, as well as lots of misinformation, out in the community about benefits and work. Many beneficiaries don't know that they can work and keep their cash and medical benefits. Some consumers have told us they feared losing their benefits if Social Security found out they were even asking about work.

Furthermore, everybody seems to have heard a story of a beneficiary coming to grief after trying to work. Finally, those intrepid souls who have tried to find out about their own benefits and work by studying SSA regulations, quickly find out that the rules are very complex.

Luckily, there is an easy, safe, and accurate way for you to learn how work would affect all of **your** benefits, and about all of the SSA employment supports and safety nets now in place. And that is what you need to know to make an informed decision about work.

Call Oregon Advocacy Center and ask for assistance in learning how your benefits would be affected by work. The front desk will take some brief information from you, then send your request to one of our certified benefits planners.

An especially good time to sign up is on any Wednesday afternoon from 1:00 pm until 5:00 pm, the PIP Benefits Planning Hotline hours. During Hotline hours, our benefits planners are standing by to talk to consumers on the spot, so there is no waiting.

There is never any cost for benefits planning assistance from PIP, and we provide services around the state. You don't even have to know if you really want to work when you call us. We hope that what you learn by working with PIP will make it easier for you to make your own informed decision about work.

Anyone currently receiving an SSI or SSDI cash benefit is eligible for PIP assistance. So give us a no-obligation call at 503-243-2081 (Portland metro), or 1-800-452-1694 (toll-free). For hearing impaired individuals, the numbers are 503-323-9161 (TTY), or 1-800-556-5351 (TTY). If you like to work by e-mail, send us a message at pip@oradvocacy.org.



LITIGATION, from page 1

with the United States Department of Justice, affecting all stadium riser theaters owned and operated by Regal. The issue in this case was where wheelchair spaces are placed in the new stadium riser theaters, where most patrons sit on stepped rows to view the movie. Traditionally, spaces for wheelchairs have been placed in the very front of the theater, causing enormous discomfort and pain for patrons trying to watch the movie. In *Stewmon v. Regal*, the case brought by the Oregon Advocacy Center and the Oregon Paralyzed Veterans of America, the Ninth Circuit ordered that wheelchair spaces must have the same viewing angles as people in the stadium riser section - which means that the spaces themselves have to be up on the risers. Under the settlement, Regal will be moving wheelchair seating locations to the first row of the stadium riser seats, using ramps, and will move all front row wheelchair seating as far back on the sloped floor as possible. Further, all newly constructed theaters must provide patrons using wheelchairs with seating that is at least as good as the average viewing angles provided to non-disabled patrons - in many cases, in the back 60% of the movie theater. This is an enormous victory, and our thanks goes out to Kathy Stewmon, Tina Argetsinger and Kathy Braddy for taking a stand and seeing this case through!

Upcoming litigation includes a case against the Social Security Administration for its refusal to provide people with visual impairments with materials in alternate format. A similar issue was resolved against the State of Oregon Department of Human Services several years back, with OAC assistance. Oregon now provides Braille, large print, audiocassette and CD disks for those with visual impairments. Social Security has taken the position that it is too burdensome to provide any accommodations, other than to read the notice to the client upon request. Even this does not happen consistently. Further, these notices are sometimes as long as 9 pages, with complex calculations and specific information on how to appeal the decision -

none of which the client can easily absorb on one reading. OAC has been looking at this issue for a long time, and has already filed a legal complaint with the Office of General Counsel. No relief resulted, and now OAC is joining with the Disability Rights and Education Defense Fund and the private law firm of Heller Ehrman LLP based in San Francisco. Two Oregon residents will be plaintiffs in a class action on behalf of all persons with visual impairments who have dealings with Social Security.

Other suits include a lawsuit on behalf of people with developmental disabilities and a case brought on behalf of a client of OAC's CAP Program, which represents people who are seeking services from vocational rehabilitation services (VR).

OAC filed suit on behalf of The Arc of Oregon, Inc., Albertina Kerr Centers and several individuals with developmental disabilities who were denied dental surgery at Willamette Falls Hospital. Since the case was filed, surgeries have resumed, but there are still barriers that remain to block needed access to dental surgery for people with developmental and/or cognitive disabilities. The parties are negotiating in an attempt to resolve OAC's ongoing concerns.

Finally, OAC represents a VR client who was denied services because he refused to undergo a neuropsychological assessment. He requested a hearing on the issue, won before the administrative hearing officer, but the decision was reversed by the Director of the Department of Human Services who determined that the client had no right to a hearing. OAC filed the lawsuit to protect the rights of clients to obtain administrative hearings when adverse decisions are made by VR affecting their right to services. After the suit was filed, DHS withdrew its opinion, and issued a new opinion finding that the client had a right to hearing, but was properly denied services. OAC amended its complaint to challenge the new decision. The case was recently settled and represents a substantial victory for those who are seeking services from VR.

OREGON ADVOCACY CENTER

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If you have questions or need help in filling out the form, you can ask a friend, service provider or relative to help you. You can also call us to help you. (503-243-2081).

Choose One: (attach additional sheets if needed)

I have read OAC's draft goals and priorities for 2006 and I believe that they are sound. I encourage you to adopt them as written.

I have read OAC's draft Goals And Priorities for 2006 and believe they are generally appropriate, but I would like to see you consider:

I have read OAC's draft goals and priorities for 2006 and I think they miss the mark because: (attach extra sheets if needed)

I have used OAC services in the past yes no
(including referring others)

I am a:

- person with a disability
- family member
- service provider
- advocate
- other _____

My zip code is _____

Respond by August 15, 2005 using the method of your choice: regular mail, e-mail, or fax. (Telephone only if you require a reasonable accommodation or need help).

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