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# Advocacy Director's Report

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**February 26, 2011 Report**

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This report represents a summary of the work Disability Rights California advocacy programs and projects reported through December 31, 2010; some activities on the legislative and press front may be more current. I would like to thank those who provided the material to make this report possible.

## COMMUNICATIONS

### Overview of Media Work

In November, we announced a settlement of our lawsuit against Sacramento County (*Napper v. Sacramento County*) for its plan to dismantle community based mental health clinics. The settlement keeps the original services in place until June 2011 while an outside expert evaluates services needed for an estimated 5000 clients. This case received in-depth coverage from the Sacramento Bee and many smaller papers and media outlets from the inception of the case in June 2010 through the settlement phase.

In Southern California, our December 16 press release attracted widespread attention when we announced that Los Angeles County would improve the safety of young people with developmental disabilities staying in juvenile hall. This followed the release of our joint study with other advocacy groups, showing that juvenile justice stays by young people with development disabilities were longer than stays by people without developmental disabilities and often in unsafe circumstances.

In December, the San Diego Union Tribune (UT) featured an op-ed piece by Disability Rights California attorney Michael Stortz and Delphine Brody of the California Network of Mental Health Clients on

why San Diego County should shore up its voluntary mental health services. On January 19, a feature in the San Diego City Beat included Disability Rights California attorney Ann Menasche's comments on the issue.

In January, Disability Rights California drew media attention to the harm the proposed California FY 2011-12 budget will do to people with disabilities, and we produced a short list of alternatives to cuts that would save the state money while improving or retaining services. The short list, released January 10, included making sure that nursing home profits are tied to improvements in care. California Healthline included our view among its four panel presentations on improving nursing home funding conditions.

On January 12, the San Jose Mercury News feature on the possible elimination of the Adult Day Health Care program quoted Disability Rights California attorney Elissa Gershon about the legal ramifications.

**Communications Goals:** Goal 2

**Disability Rights California Staff:** Barbara Duncan, Elissa Gershon, Ann Menasche, Michael Stortz

**Grant/Funding Source(s):** Trust Fund

### **Website Trends this Quarter**

Our news reports centered on updates about our lawsuits, announcements of jobs and scholarship opportunities for people with disabilities, and revisions of fact sheets with information about service and program cuts.

An average of 611 visitors used the website daily during November and December, totaling 36,633 unique visitors.

Their interests, as shown by the top five search terms, were focused on IHSS, AB 3632, regional centers, Office of Clients' Rights Advocacy and IEPs.

Many website readers consult our publications and during this period, the favorite five in English were: *Special Education Rights & Responsibilities* (SERR); *You can vote even if you can't write your*

*name* (English & Chinese versions); *Restraint & Seclusion -- a failing grade*; *Rights under the Lanterman Act*; and *IHSS Nuts & Bolts*. In Spanish, the five top ones were *SERR*, *IHSS Fair Hearing & Assessment*; *IHSS Nuts & Bolts*; *16 Tips for Getting Quality Regional Center Services*; and *Respite Fact Sheet*.

**Communications Goals:** Goal 1, 3

**Disability Rights California Staff:** Barbara Duncan, Adam Borovkoff

**Grant/Funding Source(s):** Trust Fund, Equal Access

## LEGISLATIVE ACTIVITIES

**NOTE:** Legislative activities are current at the time this report is prepared, however, the legislature moves quickly and things can change overnight. For the most current information about legislative activities reported here, check our home page and legislative website: <http://www.disabilityrightsca.org/> and <http://www.disabilityrightsca.org/legislature/index.htm>

### **Release of the Governor's 2011-12 Budget:**

Governor Jerry Brown released his proposed budget for the 2011-12 fiscal year on January 10, 2011. His budget proposes \$12.5 billion in cuts; \$12 billion in revenue extensions and changes; \$1.9 billion in other "budget solutions"; and, a \$1 billion reserve. The plan addresses an 18-month budget gap of \$25.4 billion, which includes a current year deficit (2010-11) of \$8.2 billion and a budget year (July 1, 2011-June 30, 2012) deficit of \$17.2 billion. His goal is to complete the budget process by March 2011. The proposed budget includes drastic cuts to programs for people with disabilities, some as severe as those proposed by the last administration.

Governor Brown proposes a ballot initiative to maintain the state's current tax rates for an additional five years and scales back some of the corporate tax breaks. There are also some one-time savings and borrowing, including: \$1.8 billion in borrowing from special funds; \$1.7 billion in property tax shifts; \$1.0 billion from Proposition 10/First 5 reserves; and, \$0.9 billion from the Mental Health Services Act (MHSA or Proposition 63) to fund community mental health services, Medi-Cal services for children and special education related mental health services.

We reviewed and summarized the budget proposals affecting people with disabilities. See the "Quick and Dirty" summary of the budget proposal here:

<http://www.disabilityrightsca.org/legislature/budget/2011/2011-01-12-budgetsummary.html>

During the quarter, we developed policy briefs for the new administration. The policy briefs lay out a wide range of issues that affect the disability communities, and include recommendations on ways to save state funds and generate more federal funds while minimizing the negative impacts of the budget crisis on people with disabilities, and expanding community integration. We are meeting with legislative staff and the governor's staff to share these ideas.

We also prepared position letters and testimony for upcoming budget hearings, which began the last week of January. The budget process is moving much more quickly than in previous years, supporting the predictions that by March 15 the legislature and the governor will have the "bones" or framework of the cuts enacted, and the ballot measures ready for the June ballot. The actual budget trailer bills, which will spell out the details of how the cuts will be achieved, will be done after March 15.

The governor's plan of having the structure and dollar amounts of the budget cuts enacted by March 15 is designed to allow him to present the budget package to the public as he asks for their support of the ballot measures. The process has to be completed in March because ballot measures extending the current tax increases are part of the budget and the budget package needs to be approved so that the constitutional deadline for the ballot measures can be met.

See this link for our policy brief, letters and positions on the budget:  
<http://www.disabilityrightsca.org/legislature/budget/index.htm>

**Public Policy Goals:** 3,4, 6

**Disability Rights California Staff:** Evelyn Abouhassan, Catherine Blakemore, Deborah Doctor, Margaret Johnson, Brandon Tartaglia

**Grant/Funding Source(s):** Equal Access, Trust Fund

**Moving forward with Our Legislative Platform:**

See the 2011 legislative platform here:

[http://www.disabilityrightsca.org/legislature/Legislation/2010/2011-leg\\_platform.html](http://www.disabilityrightsca.org/legislature/Legislation/2010/2011-leg_platform.html)

While we have not found an author yet, we have met with legislators and staff on our proposal to reform the Mandated Reporting Act so that incidents of known or suspected abuse occurring in a long-term care and other community based facilities are reported to both the long-term care ombudsman and local law enforcement in a timely fashion.

We are looking at a way to expand the availability of Adult Residential Facilities for Persons with Special Health Care needs (also known as 962 homes). With the planned closure of Lanterman Developmental Center, the use of 962 homes will be expanded to transition Lanterman residents in southern California. Unfortunately, the 2010-11 budget did not adopt the proposal to expand the 962 homes beyond individuals transitioning from Lanterman. These homes, evaluated last year by UC Davis Extension, were found to be cost-effective and to have contributed in meaningful ways to consumers' health, quality of life, level of functioning, and overall happiness. (See <http://www.dds.ca.gov/LivingArrang/docs/962FinalReport.pdf> page vii. and 67.) Savings are estimated at \$41,000 per consumer per year for people moving from the developmental centers and more for consumers moving from acute or sub-acute care.

We are co-sponsoring a bill that will repeal three so-called anti-fraud measures from the 2009 IHSS budget package: fingerprinting consumers; fingerprints on timesheets; and the prohibition against IHSS workers receiving their paychecks at post office boxes. The California Association of Public Authorities is a co-sponsor; we expect other organizations to sign on as co-sponsors.

We will also re-introduce our bill on durable medical equipment, described in earlier Advocacy Director Reports.

**Public Policy Goals:** 1, 2

**Disability Rights California Staff:** Evelyn Abouhassan, Leslie Morrison, Brandon Tartaglia; Deborah Doctor

**Grant/Funding Source(s):** Equal Access, Trust Fund

**Pay for Performance Plan Update**

As reported last quarter, we work with other advocates to stop, slow down or improve the upcoming Pay for Performance plan put forward by the Departments of Health Care Services and Public Health. Recently they announced a small improvement, acknowledging that facilities with A or AA level citations (the most serious) should not be eligible for bonus payments if those citations occur in the year being surveyed for bonuses.

**Public Policy Goals:** Goal 5

**Disability Rights California Staff:** Deborah Doctor

**Grant/Funding Source(s):** Equal Access

# **SELF-ADVOCACY ACTIVITIES**

## **PEER SELF ADVOCACY**

### **Crisis Prevention Skills Help People who are Homeless**

Working with self-advocacy group members in “La Hora del Café,” we taught advocacy skills, rights, and knowledge that they could use to prevent or avoid crises. Most of the group members are homeless. Learning about the early warning signs and triggers of potential crises helps members anticipate and avoid them before they happen. For instance, in the winter, many group members seek shelter from the cold by staying in homeless shelters. With more than 20 people staying in one room, there can be many stressful situations because they share personal space and very limited resources with people they do not know. Conflicts may arise over personal belongings or the use of facility resources. Shelters have strict rules for people who stay there, and if people do not follow them, they risk denial of access to services. Therefore, knowing service rights in shelters as well as how to recognize, identify, prevent, and respond effectively in a crisis is essential to receive needed basic services and take care of oneself.

**Peer-Self-Advocacy Goal:** Goal 1, Objective A (Self-Advocacy Groups)

**Disability Rights California Staff:** Senobia Pichardo

**Grant/Funding Source(s):** PAIMI

### **Outreach and Collaborative Efforts Serve the Needs of the Client Community**

In our efforts to provide self-advocacy services throughout the community, we attended and networked at various conferences to identify the needs of consumers so we can provide our peer self-advocacy services to those who most need them.

At Alternatives, a national consumer conference, and a Latino conference put on by Wall Las Memorias, we made contacts that will

allow us to provide future peer self-advocacy groups and workshops to the Spanish-speaking population in Orange County and other areas.

We provided workshops on cross disability issues at various client and consumer agencies, such as the South Bay Wellness Center in Los Angeles.

**Peer-Self-Advocacy Goal:** Goal 1, Objective B (Outreach, Education and Training)

**Disability Rights California Staff:** Rosy Tellez, Brenda Calderon, Maria

**Grant/Funding Source(s):** PAIMI

### **Northern Valley Catholic Social Services Second Home and the Crestwood Treatment Center in Redding**

Group topics and discussions have revolved around such topics as patients' rights and work incentives. One group member through self-advocacy has been discharged to a board-and-care in Redding. She can now rejoin the community.

**Peer-Self-Advocacy Goal:** 1, Objective B

**Disability Rights California Staff:** Mark Olberg

**Grant/Funding Source(s):** PAIMI

### **Materials Library Expands with New Spanish-Language Resources**

Peer self-advocacy materials now include self-advocacy training materials in Spanish so we can better reach out to people from diverse and language-distinct communities. With these additions, Spanish-speaking groups have access to customized materials that cover a broad range of topics specific to Spanish speakers.

**Peer-Self-Advocacy Goal:** Goal 1, Objective A (Materials Development)

**Disability Rights California Staff:** Senobia Pichardo, Brenda Calderon, Alicia Mendoza, David Solis, Rosy Tellez, Robyn Gantsweg

**Grant/Funding Source(s):** PAIMI

## **DEVELOPMENTAL DISABILITIES PEER SELF ADVOCACY**

### **Providing Individual Peer Self Advocacy Services**

Sam and Mary<sup>1</sup> live at a developmental center. They requested peer self-advocacy services to assist them with understanding their rights at the facility and to strengthen their self-advocacy skills while they work toward their goals of moving out of the facility into community living arrangements.

We also helped Mitchell, who called requesting information about his IPP and services to strengthen his self-advocacy skills. We met with Mitchell and his family to assist him with understanding his IPP rights, provided him with information about his service rights, and helped him connect with the local self-advocacy group.

**Developmental Disabilities Peer/Self Advocacy Goals:** Goal 1  
Objective A

**Disability Rights California Staff:** Marinda Reed, Daniel Meadows, Maria Marquez and Scott Barron

**Grant/Funding Source(s):** PADD

### **Busy Training Schedule During Fall 2010**

During the quarter, we provided 30 trainings and outreaches serving approximately 729 people. Training and presentation topics included: Living Arrangement Choices, Abuse Prevention, Individual Program Plan (IPP), Rights of People Served by the Regional Center System, Appeal Process Rights, Rights in Facilities, Ticket to Work and Employment Service Rights, Supported Living Services, Independent Living Services, Emergency Preparedness, Changes to the Lanterman Act, Civic Participation, Boardsmanship and Voting Rights. We also participated in outreaches about Disability Rights California programs and services.

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<sup>1 1</sup> Names have been changed to protect client confidentiality.

One training, held in October at the Lanterman Developmental Center, was for people who currently live at Lanterman and will be transitioning to community living arrangements when the center closes. The training covered living options that will be available to them when they leave the developmental center. We also discussed community-based services. Participants also received information about the rights of people with disabilities who live in facilities.

During 2010, people served by the regional center system experienced significant and multi-level changes to their service delivery rights and options because of California's budget crisis. This quarter, many groups wanted this to be the focus for our trainings. For example, at the Supported Life Institute Conference in Sacramento, we trained 42 people on the most recent changes to the Lanterman Act, the IPP process and other human service programs and discussed how these changes affect their service delivery rights. We provided information and materials about what has and has not changed in the Lanterman Act and the appeal process. We explored strategies to obtain community supports in a way that is inclusive and preserves choice, health, and safety.

**Developmental Disabilities Peer/Self Advocacy Goals: Goal 1  
Objective B**

**Disability Rights California Staff:** Marinda Reed, Maria Marquez, Daniel Meadows, Scott Barron, Brenda Calderon, Jenny Olson, Alicia Mendoza

**Grant/Funding Source(s):** PADD, PAVA

**Networking Efforts with Advocacy Groups and Community Partners**

We networked with a number of self-advocacy groups and other community partners on our mutual goals in advancing the rights of people with developmental disabilities, such as the Self Advocacy Board of Los Angeles County, the Self Advocacy Coordination Project, The Consumer Advocate Network, Capital People First, People First of California, and several regional center consumer advocacy committees.

**Developmental Disabilities Peer/Self Advocacy Goals:** Goal 2,  
Objective A

**Disability Rights California Staff:** Marinda Reed, Maria Marquez,  
Daniel Meadows, Scott Barron, Jenny Olson, Alicia Mendoza

**Grant/Funding Source(s):** PADD

### **Get Out the Vote Activities**

We were busy this fall conducting voting rights, civic participation, boardmanship trainings, as well as poll monitoring trainings and activities in preparation for the midterm election. We helped coordinate a poll-monitoring project in Los Angeles County that trained consumer volunteers to look for key things when monitoring poll sites such as signage, accessible parking, and the availability of adaptive equipment. Poll workers can often overlook these access features. The information collected during the monitoring will provide the county election official with information concerning how access issues can hinder an individual's ability to vote. In our experience, our reports help the county improve access to voting.

See Regional Office Report Number 63 for more information on poll monitoring.

**Developmental Disabilities Peer/Self Advocacy Goals:** Goal 2,  
Objective A

**Disability Rights California Staff:** Marinda Reed, Maria Marquez,  
Daniel Meadows, Scott Barron, Jenny Olson, Alicia Mendoza, Hillary  
Sklar

**Grant/Funding Source(s):** PAVA