
Director of Litigation's Report on PAI's Current Advocacy: Cases and Projects

WINTER 2008 – Work as of October 29, 2007 – Issue 50

This report represents a summary of the work PAI staff has reported from August 1, 2007 to September 30, 2007. Many thanks to those who provided the material to make this report possible.

ABUSE & NEGLECT

PAI Investigates Allegations of Physical Abuse against Special Education Student

N.R. v. School District

In May 2007, PAI's Investigations Unit (IU) was notified that a sixteen year-old female student at a special education public high school had been assaulted by an aide in her classroom. The student, with limited cognitive and verbal skills, came home from school with suspicious marks on her torso. A concerned teacher later advised the parents that the classroom aide had assaulted the student. The school principal failed to notify the parents that their daughter had been assaulted by school staff. Law enforcement investigated the incident and concluded that the aide was acting in self-defense, despite contrary facts presented by another teacher's aide who witnessed the attack and was also interviewed by police.

The IU met with the student and her family. Due to her disability, the student was unable to describe the incident to IU investigators. The IU interviewed two eyewitnesses to the event who confirmed that the student had been attacked by the aide when she pushed a cart at him in frustration. The aide responded with a "flying kick" which knocked the student to the ground. The aide then picked up and threw two chairs at the student while she lay on the ground in a fetal position. It did not appear to the staff witnesses that the aide was acting in self-defense.

According to school records and interviews with school personnel, this student did not have a recent history of behavior problems or violence against others. Prior incidents had been isolated to the student pushing items off tables when frustrated and, on one occasion, slapping a teacher in the back to get the teacher's attention. In the opinion of school staff familiar with this student, it was not possible that she would have presented a risk of harm to others necessitating such action to be taken in self defense.

The IU also found that the school district relied on the principal's investigation findings supporting the aide's story that he acted in self-defense. Although the IU requested interviews with the alleged assailant and the principal, the District was not able to arrange them. The District did not offer an explanation for the failure to set up the interviews. The assailant was removed from the student's classroom, but at the time of this report, the IU had not yet determined whether any disciplinary action had been taken against him.

The IU is preparing a public report of the incident to spark further investigation and appropriate disciplinary measures.

Abuse and Neglect, Goal 4

PAI Staff: Leslie Morrison, Pamila Lew, Ricardo Jauregui

Grant/Funding Source: PADD

ANTIDISCRIMINATION – GENERAL

PAI Files Groundbreaking Lawsuit on Behalf of Young Man Improperly Terminated from Community-Based Day Program

J.G. v. Regional Center

Case No. EDCV 07-1222-VAP, U.S. District Court, Central District of California, Judge Virginia A. Phillips.

J.G. is a 23 year-old young man with complex multiple developmental disabilities who spent years in institutions before successfully transitioning into the community several years ago. J.G. has attended an adult day program with 1:1 support funded by the Regional Center since June 2006. Although reports from the day program had been overwhelmingly positive, showing dramatic benefit to J.G. and complete control of previously existing behaviors, under the administration of

a new director in June 2007, the day program terminated J.G., stating that his need for 1:1 support and his behavioral “profile” made him ineligible for the program.

In July 2007, PAI intervened and negotiated for the day program to extend its termination date by 60 days, allowing J.G.’s mother and the Regional Center time to look for a program that would not discriminate against him based on his past behavioral support needs. At the end of September 2007, the day program confirmed that it would not revoke the termination or provide further extensions.

Fearing harm to J.G. resulting from the loss of his day program, PAI filed an action in federal court claiming violation of federal and state anti-discrimination laws -- including Title III of the Americans with Disabilities Act -- and seeking a preliminary injunction compelling the day program to reinstate J.G. In a strongly worded ruling granting the motion for preliminary injunction, the Court indicated that J.G. was likely to succeed on his discrimination claims, and would suffer irreparable harm if excluded from his day program.

Since no reported appellate case currently exists on this issue in the Ninth Circuit regarding the rights of people with developmental disabilities not to be discriminated against by day programs with discriminatory selection criteria, this case poses an opportunity for PAI to assist not only J.G., but also potentially many others through the creation of positive case law.

The matter is ongoing.

Lanterman, Goal 3, A

Antidiscrimination, Goal 2, A

PAI Staff: Anna Levine, Michelle Uzeta, Marilyn Holle

Grant/Funding Source: PADD

PAI Helps Student with Disability Secure a Reasonable Accommodation in Healthcare Certificate Program.

S.L. v. Community College

S.L. is a young man with a developmental disability who was attending a community college’s Healthcare Technology certificate program. One of the requirements for the certificate is a general education math course – which due to his disability, S.L. feared he would not be able to pass. Although S.L. had taken and passed a health-care statistics course that was more relevant to the certificate

program, the Disabled Student Services office at the college refused to allow him to substitute the health-care statistics course for the general education math course.

S.L. contacted PAI who researched the college's policies on reasonable accommodations and found language in the policies stating that, in certain circumstances, the college may substitute classes as an accommodation. PAI staff helped S.L. prepare a written reasonable accommodations request which included this language from the college's policies as an attachment.

In August 2007, S.L. informed PAI that the college Dean and the professor who oversees the Healthcare Technology degree program agreed to allow him to substitute the statistics class for the general education math requirement.

Anti-Discrimination, Goal 2, Objective A

PAI Staff: Ann Menasche, Wendy Dumlao

Grant/Funding Source: PADD

PAI Helps Client Keep Mental Health Information off Publicly Accessible Website

A.T. v. California Medical Board

A.T., a Physician's Assistant, contacted PAI after the California Medical Board had posted a copy of a written probation agreement on its website that included many references to A.T.'s disability. A.T. reasonably believed that the posting of this information hindered her ability to receive an interview for employment because prospective employers could simply access A.T.'s mental health information on the website. A.T. had not agreed to the posting of this sensitive information and wanted her private health information removed from the public view. However, the medical board argued that it had the right to post this information based on its belief that it had a "public safety responsibility" to disclose such information.

A.T. contacted PAI staff who wrote legal opinion letters stating that the Medical Board had no legal obligation to post private medical information on its website and that in doing so, the Board was violating A.T.'s rights under the Information Practices Act, a statute that places strict limits on the sharing of medical information through the use of computers or the internet. After PAI negotiated with the Medical Board and drafted amended language regarding what could be lawfully posted, the Board removed the private health information from its website

and agreed to destroy the hard copy original agreement so that no reference to A.T.'s health information would be available if an individual requested A.T.'s hard copy file.

Antidiscrimination Goal 2, Objective A

PAI Staff: Suzanna Gee, Terry Lindsay, Vanessa Franco

Grant/Funding Source: PAIMI

Negotiation with Private University Results in Readmission of Student to Teaching Credential Program

J.D. v. Private University

J.D. contacted PAI for assistance after the private university he was attending, as a part of a teaching credential program, placed him on academic disqualification due to absences related to a disability.

With only four weeks left in the program, J.D. had taken four days off to focus on his health-related needs. During that time, University staff told him not to return to his teaching clinic site. The University then gave him a failing grade for the course he was taking and placed him on academic disqualification for violating the University's absence policy. Before the absence, J.D. had a strong academic record, having received mostly top grading marks for his course work..

PAI provided J.D. with an opinion letter asserting that the University had failed to comply with the Americans with Disabilities Act by not accommodating J.D.'s time off due to his health needs. PAI also assisted J.D. in filing a grievance with the University's central administrative office.

After receiving PAI's letter and discussing the issues with PAI staff, the University's academic appeals board met and decided to reinstate J.D. to the program. The University agreed that J.D. would return to complete the four weeks he needed to complete the program and that J.D.'s transcript would have the failing grade removed.

Anti-Discrimination: Goal 2, Obj. A

Employment: Goal 1, Obj. A

PAI Staff: Sean Rashkis

Grant/Funding Source: PAIMI

ANTIDISCRIMINATION - HOUSING

PAI Obtains Mandamus Relief Restoring Client's Housing Subsidy

M.F. v. Housing Authority

See previous DOL Report, Summer 2007 (Issue 48)

In January 2007, PAI filed a petition seeking mandamus relief on behalf of M.F., a woman whose Section 8 benefits had been terminated after she was alleged to have engaged in threatening and abusive behavior towards staff of a public housing authority.

PAI alleged in its court petition that the housing authority had violated M.F.'s due process rights and had failed to comply with federal and state law. PAI asked that the court issue an order: (1) vacating the housing authority's hearing decision; (2) reinstating M.F.'s Section 8 subsidy; and (3) compelling the housing authority to conform its Section 8 administrative policies and practices, including those dealing with termination, appeals, and reasonable accommodation with applicable law.

Efforts to settle the action were not successful, and PAI staff represented M.F. at a hearing on her petition in Superior Court on October 18, 2007. Finding that the housing authority had in fact violated M.F.'s due process rights, the presiding judge issued a writ ordering the housing authority to vacate its decision and reinstate M.F.'s Section 8 subsidy.

Antidiscrimination-Housing, Goal 1, Obj A

PAI Staff: Michelle Uzeta, Anna Levine, Sage Reeves

Grant/Funding Source(s): PAIR

Section 8 Housing Restored

R.M. v. Housing Authority

R.M., who has multiple disabilities, received a letter terminating her Section 8 Rental Assistance for not providing certain documentation during her annual recertification. R.M. then requested an informal hearing and provided the Housing Authority with certain documentation in lieu of the documentation requested by the Housing Authority, as well as evidence that her failure to provide the requested documentation was related to her disability.

PAI contacted the Housing Authority on R.M.'s behalf and (1) explained the circumstances related to her failure to provide the requested documentation, (2) requested a reasonable accommodation, and (3) asked whether in light of the circumstances and the additional documentation provided, the Housing Authority would reinstate R.M. to the program without conducting an informal hearing.

The Housing Authority agreed to reinstate R.M.'s Section 8 Rental Assistance without conducting an informal hearing. The Housing Authority also agreed, upon PAI's request, to reassign the housing specialist assigned to R.M.'s annual recertifications due to R.M.'s concern that she might be subject to similar future harm.

Antidiscrimination-Housing, Goal 1, Obj. A

PAI Staff: Sage Reeves

Grant/Funding Sources(s): PAIMI

The San Diego City Council Rejects Settlement in Case Challenging Condominium Conversion

Affordable Housing Coalition of San Diego County et al. v. City of San Diego

See previous DOL Report, Fall 2007 (Issue 49)

In a surprise vote, the San Diego City Council rejected a settlement that it had previously approved, and in doing so, failed to adopt an ordinance placing a 1,000 unit per year cap on condominium conversions. The ordinance had been a condition of the settlement agreement that the City Council had approved in closed session on March 27, 2007.

The plaintiffs in the case, the Affordable Housing Coalition of San Diego County, the Coalition for Responsible Equitable Environmental Development, and R.A., a person with a disability, as well as Plaintiffs' counsel, which included PAI, had engaged in many months of painstaking negotiations with the City Attorney and the Mayor's Office before reaching the agreement.

Plaintiffs have sent out Public Records Act Requests to find out who may have influenced City Council members. Plaintiffs are also planning to continue the litigation, which is now on appeal.

Antidiscrimination-Housing, Goal 2, Objective A

PAI Staff: Ann Menasche (co-counsel representing the Affordable Housing

Coalition and Aida Reyes)

Outside Counsel: Cory Briggs of Briggs Law Corporation as lead counsel for two organizational plaintiffs

Grant/Funding Sources: PAIR/PAIMI

ANTIDISCRIMINATION -- TRANSPORTATION

PAI Participates in Local Organizing Effort Opposing Proposed Transit Fare Increases in San Diego

In conjunction with the San Diego Disability Action Coalition (SDDAC) and other social justice activists, PAI is working to oppose proposed fare increases for San Diego's transit system. The fare increases will have a disproportionate impact on people with disabilities who often must depend on the mass transit system to get to work, school, doctors' appointments, and volunteer activities.

The "kick-off" of SDDAC's "Penny wise, pound foolish" mass transit funding campaign occurred on October 5th at a meeting of San Diego's regional planning agency commonly referred to by the acronym, "SANDAG." On very short notice, SDDAC successfully mobilized over 75 people with disabilities, seniors, and low income families to oppose the increases, many of whom delivered moving public testimony regarding the devastating effect the increases would have on their lives.

SDDAC released a statement describing the campaign: "The Penny Wise – Pound Foolish campaign will encourage transit related agencies to develop a forward-looking transit plan that seeks to increase ridership rather than simply increasing fares...Penny wise in the short term maybe...but pound foolish in the long term as well."

PAI plans to participate in additional planning meetings and mobilizations in the coming weeks.

Antidiscrimination-Transportation, Goal 1 – other system change advocacy

PAI Staff: Ann Menasche

Grant/Funding Sources: PAIMI/PAIR

BENEFITS

PAI Preserves In-Home Supportive Services (IHSS) Protective Supervision for Four Children Threatened with a Reduction in Benefits

S. Children v. Los Angeles County Department of Public Social Services

PAI was contacted by the mother of four minor children who receive IHSS services, including protective supervision. The mother reported procedural and due process problems concerning the manner in which Los Angeles County Department of Public Social Services conducted its annual assessment of her children's IHSS needs. These problems included: a failure to provide Notices of Action, a refusal to conduct an assessment if "any loose pets were roaming in the neighborhood," a requirement that the children be present during assessments scheduled during school hours, a requirement for information about prescriptions notwithstanding the fact that none of the children receive IHSS hours for administration of medication, a requirement that an additional re-assessment be done to review the continued need for protective supervision notwithstanding the fact that forms completed by their respective doctors clearly stated the children each have permanent disabilities and that each continue to meet all of the eligibility requirements for this service.

PAI contacted the Deputy Regional Services Administrator for the clients' district about these problems. The Administrator informed PAI that the broad pet policy restriction was an error. He also obtained a new County Worker for the children. Lastly, he clarified that the protective supervision scrutiny was unfounded and agreed to issue Notices of Action preserving this service without any change.

Benefits, Goal 2, Obj. A.

PAI Staff: Hillary Sklar

Grant/Funding Source: PADD

Department of Health Care Services (DHCS) Substantiates Claim of Rights Violation Made by PAI on Behalf of a Resident Wrongfully Discharged From Large Nursing Home

A.W. v. Large Nursing Home

A.W. is a senior with disabilities who was a long term resident of a large nursing home. A.W. was abruptly evicted because he went out on a 4 hour pass, and instead of arriving back at the appointed time, took a bus to Reno and stayed overnight. While in Reno he went to the VA hospital to get his medicine and the VA called the nursing home. Despite this, the nursing home discharged A.W. as “awol” and when he returned the next day, he found all of his belongings had been removed from his room without his knowledge or permission and placed in a pile.

Frantic, he called PAI, informing staff that he was to be evicted and received no written notice. PAI staff filed an appeal for a hearing with licensing and certification, to preserve A.W.’s right to remain at the nursing home while he awaited a hearing on his appeal and spoke to the executive director of the nursing home personally, but unfortunately, the facility forced A.W. to leave, and sent him to a SRO hotel. By doing so, the nursing home violated both state and federal laws.

A.W. primarily uses a wheelchair. The hotel he was sent to had a broken elevator, and A.W. fell and cut himself while trying to walk down the stairs. He was extremely upset and anxious, as well as tired because he was unable to sleep at all during the night.

Because of PAI’s intervention, the nursing home eventually sent staff out both the night of A.W.’s discharge and the next day, to offer A.W. readmission to the facility so that he could properly prepare for discharge. After his traumatic night at the SRO, A.W. agreed to return to the nursing home, and a few weeks later was discharged successfully to the community, with an appropriate discharge plan.

As a result of PAI’s actions, DHCS investigated the nursing home, and substantiated the complaint. On September 26, 2007, DHCS issued the facility a statement of deficiencies, finding that the nursing home had failed to ensure that A.W.’s discharge was due to medical reasons, and that he was not given reasonable notice, in violation of Title 22 of the California Code of Regulations.

Benefits, Goal 5 Obj. A

PAI Staff: Elizabeth Zirker, Kim Swain, Dara Schur, Elissa Gershon

Grant/Funding Source: PAIR

Regional Center Consumer Wins IHSS Hearing on Protective Supervision

J.S. v. Regional Center

J.S., a young man with a developmental disability and a client of a Regional Center, was denied protective supervision by his local county welfare office that is in charge of administering the In-Home Supportive Services (IHSS) program in his county.

J.S. appealed. PAI initially provided counsel and advice to the Regional Center Consumer Service Coordinator (S.C.) and the client's mother on IHSS/protective supervision. The S.C. had never done an IHSS hearing before and was apprehensive about representing J.S. at a hearing, but agreed to do so on the condition that PAI provide technical assistance. PAI provided the S.C. information on all the relevant laws and regulations and had many conversations regarding strategy. Ultimately, the S.C. went to the hearing well prepared and with confidence.

The Administrative Law Judge ruled in favor of J.S. and he was awarded the maximum protective supervision hours.

Benefits, Goal 2, Obj. A

PAI Staff: Jonathan Elson, Dale Mentink

Grant/Funding Source: PADD

SSDI Recipient Obtains a Waiver of an Overpayment

J.L. v. Department of Social Security

J.L. acquired a disability while at work in February of 2001. J.L. was awarded Social Security Disability Insurance (SSDI) benefits in August of 2001 and also began receiving Workers' Compensation benefits for her work-related injuries. Despite the fact that J.L. informed Social Security of the receipt of Workers' Compensation benefits, she received an SSDI overpayment notice from Social Security in September of 2005 advising that she had been overpaid over \$35,000

because of the Workers' Compensation benefits she received. Generally, the receipt of Workers' Compensation benefits results in a reduction in the amount of SSDI benefits a person receives. J.L. contacted PAI for assistance.

PAI was familiar with the applicable legal standard that Social Security will "waive" recovery of an overpayment if: (1) the claimant is without fault, and (2) either recovery would defeat the purpose of the Social Security Act (undue hardship), or recovery would be against equity and good conscience. 20 C.F.R. §404.506-512.

The PAI PATBI Advocate evaluated the case and agreed to represent J.L. At the hearing, the Advocate argued that J.L. was not at fault for overpayment because, despite the numerous reports about her Workers' Compensation benefits/settlement to Social Security, the Department had failed to act on the information. Further, because J.L. had gone to extraordinary efforts to inform Social Security of the information necessary for them to adjust her SSDI benefit, the Advocate argued that it was against good equity and conscience for Social Security to collect any overpayment from her.

The judge agreed with the Advocate's arguments and waived the entire overpayment.

Benefits, Goal 1, Objective A.

PAI Staff: Todd Higgins

Funding Source: PATBI

Income Received by a Parent for Providing IHSS to Disabled Children Who Receive Supplemental Security Income (SSI) is Not Counted as Income for Purposes of Deeming

M.R. et al. v. Department of Social Security

The mother of two children with disabilities receiving both SSI and IHSS, who is also their IHSS provider, received SSI overpayment notices from Social Security. Social Security claimed that her children were overpaid SSI because 1) the mother's earnings from providing IHSS to her children, combined with the father's earned income, lowered the amount of SSI the children were entitled to, and 2) when the father no longer earned income but began receiving Workers' Compensation benefits (unearned income) the children became ineligible for SSI benefits. Since 2005, Social Security had been using the mother's IHSS income to

determine the SSI benefit amount for both children. The mother contacted PAI for assistance.

PAI understood that, generally, under the SSI program, a parent's income and resources will be deemed to the child if living with the parent, treating the situation as if the income and resources belong to the child. This can often have the effect of lowering the amount of SSI the child is entitled to or disqualifying a child with a disability from SSI benefits completely. However, parental income resulting from IHSS benefits is not attributed to a child through the process known as deeming, something that Social Security had misapplied in the case of PAI's clients.

On October 12, 2007, PAI's Intake and Referral Advocate agreed to accompany the family to an informal meeting at their local Social Security office. At the meeting, the Advocate cited to federal regulations for the proposition that income received by a parent for providing IHSS to a disabled child is not counted as income for purposes of deeming.

Social Security agreed with the Advocate and indicated that the children were entitled to retroactive checks going back to 2005 when SSA began deeming the mother's IHSS income. SSA also agreed that the children continued to qualify for some SSI because, although the father's unearned income is deemed to the children, this income was not sufficient to disqualify them for SSI benefits.

Benefits, Goal 1, Objective A

PAI Staff: Rose Ortega

Grant/Funding Source: PADD

Abandoned and Abused Teenager Qualified for CCS

H. Qualified for CCS

H. is a Central American teenager who was homeless, abandoned, abused, and with whom the Center for Human Rights (CHR) was working to regularize his immigration status while he was living in a homeless shelter/ half-way house for teenagers. He had been diagnosed with a serious medical condition requiring intensive treatment, but in order to continue receiving treatment at Children's Hospital, he needed to be qualified for California Children's Services (CCS), a program that authorizes services for children with certain disabilities and medical conditions who are residents of California without regard to the child's immigration status.

PAI provided technical assistance to the CHR in correcting misinformation provided by Los Angeles County CCS. PAI also advised the client concerning the proper way to frame his request with Children's Hospital so that treatment would continue pending establishing CCS eligibility.

CCS eligibility was established and noted on H's temporary guardianship papers and H. continues to receive needed medical treatment.

Benefits, Goal 3, Obj. 1

PAI Staff: Marilyn Holle

Co-Counsel: Stephanie Richard, Center for Human Rights & Constitutional Law

Grant/Funding Source: PADD

J. C. Finally Gets Home and Community-Based Waiver Services

Home and Community Based Services (HCBS)

See, previous DOL Reports, Spring 2003 (Issue 31), Winter 2005 (Issue 42), Summer 2006 (Issue 44), and Spring 2007 (Issue 47)

PAI client J.C. went home on June 19, 2007, after five and a half years in an acute care hospital. He had remained there because the 24-hour care that his doctor ordered was not available until the State amended its Home and Community Based Services (HCBS) Waiver program to allow him to receive 24-hour nursing care.

J.C. has a progressive neurological condition that has left him needing 24-hour care. He remained at El Camino Hospital for almost five years because no nursing facility was willing or able to meet these needs. His parents desperately wanted him to come home and live with them, but there was no way to pay for his 24-hour care needs through the Medi-Cal program. Although the State operates HCBS waiver programs that pay for in-home care, the NF B Waiver, for which the State found him eligible, will only provide a budget of \$48,180 per year (before the increase in the cap, it was \$35,938), which is not nearly sufficient to fund his care needs.

PAI represented J.C. at an administrative hearing and in a State Court appeal to challenge the State's determination that he qualified for the NF A/B Waiver instead of another waiver that would have provided a higher budget. The State prevailed in both cases. After the Court ruling, J.C.'s parents contacted State Assemblywoman Sally Lieber who, with the support of several other legislators

and PAI's assistance, successfully advocated for the State to amend its new waiver to allow a few individuals like J.C. to receive the home-based services they need.

The new waiver requirements allow individuals who have been in continuous acute care for 36 months, who have doctor's orders for services beyond the NF A/B level of care, and who have services in place at the time of discharge to receive services under the new IHO HCBS Waiver. Under the new Waiver, J.C. is able to receive 24-hour care by licensed vocational and registered nurses, as well as nursing case management, payment for the necessary modifications to make his parents' home accessible, and needed medical supplies.

J.C. is now happily at home with his parents, where, in his first 6 days, he has received many visits from family and friends, and even took a trip to the park with his nieces and nephews.

Benefits, Goal 3, Objective A

PAI Staff: Elissa Gershon, Dan Brzovic, Crystal Padilla

Grant/Funding Source: PAIR

PAI Provided Information to Client with a \$100,000 SSDI Overpayment Resulting in a Waiver of the Client's Overpayment

V.R. v. Department of Social Security

V.R. is a 62 year-old African American with developmental disabilities. V.R. was receiving SSDI benefits and working. He received a notice of SSDI overpayment due to earnings and appealed.

PAI provided V.R. with information about waivers and overpayments and helped V.R. prepare for the hearing. The client went to hearing and was granted a waiver.

Benefits, Goal 1, Obj. A

PAI Staff: Crystal Padilla

Grant/Funding Source: PABSS

PAI Works with Client to get Bed Delivered 1 Day Before Discharge From a Nursing Facility

D.R. is a thirty five year-old African American with a medical condition that requires the use of a ventilator. He has Medicare and Medi-Cal. D.R. contacted

PAI because he was being discharged from a nursing facility to his home but was not being provided with a proper hospital bed for home use.

The durable medical equipment provider would only agree to provide a semi-electric bed. The client needed a fully electric bed so his nurses at home could adequately provide for his care needs.

PAI worked with the provider, who eventually provided the needed bed to D.R. just before his discharge from the nursing facility.

Benefits, Goal 3, Obj. A

PAI Staff: Crystal Padilla

Grant/Funding Source: PAAT

PAI Helps Client Get Full Scope Medi-Cal and Reimbursement for Past Share of Cost Assessment

M.L. v. Department of Public Social Services

M.L. is an 85 year old Spanish language speaker with physical disabilities. The Department of Public Social Services (County) conducted a redetermination of her Medi-Cal and assigned her the wrong aid code and as a result, she was placed on the Medi-Cal Medically Needy (MN) program with a \$160 share of cost (SOC) per month. To make matters worse, the County never provided M.L. with a Notice of Action regarding this change. For three months M.L. paid the SOC in order to get her Medi-Cal.

Finally, she contacted PAI because she knew that the County was wrong in assessing her a SOC, and that she qualified for the Medi-Cal Aged & Disabled Federal Poverty Level (A&D FPL) program that provides full scope Medi-Cal without a SOC.

Counties have an obligation to place a beneficiary on the Medi-Cal program that is most beneficial to him or her. Here, the county should have placed M.L. on the A&D FPL program and not the MN program.

M.L. appealed and PAI represented her at the fair hearing. After the hearing, M.L. received a decision ordering the County to place her on the no SOC program and reimburse her the SOC money she paid out to receive Medi-Cal.

Benefits, Goal 2, Obj. A

PAI Staff: Crystal Padilla

Grant/Funding Source: PAIR

Client Receives More Services Through the Home and Community-Based Services Waiver

Y.Y. is of Hmong descent, has paralysis due to a stroke, and does not speak. He receives 283 IHSS hours, is on SSI, and categorically-linked Medi-Cal. He receives nursing services through Medi-Cal's Home and Community Based Services (HCBS) waiver at level B care. According to his nurse evaluator, Y.Y. needed a Hoyer lift and a better fitting wheelchair in order to remain safely at home. He was also going to be re-evaluated by In-Home Operations (IHO), the entity that administers the HCBS waiver.

PAI and Y.Y. worked closely with the nurse evaluator and his doctor and as a result, Y.Y. obtained the needed equipment. Y.Y. was also recertified by IHO and obtained additional nursing hours due to the fact that the amount of money available under the waiver for his level of care rose this year from \$35,948 to \$48,180.

Benefits, Goal 5, Obj. A

PAI Staff: Terry Lindsay

Grant/Funding Source: PAIR

PAI Submits Written Comments to the Department of Managed Health Care's Regarding Timely Access to Health Care Services Regulations

PAI, along with National Health Law Program, Neighborhood Legal Services' Health Consumer Center of Los Angeles, and Western Center on Law and Poverty, submitted comments to the Department of Managed Health Care (DMHC) in response to DMHC's proposed regulations on timely access to health care services. Among others, the submitted comments recommended that DMHC revise regulations in the following manner:

- Change the time standard for urgent dental care appointment from 48 hours to 24 hours and highlighted the importance of good oral hygiene for preventing other health conditions.

- Change routine and preventive dental care appointments to be set at 12 business days and 60 calendar days, respectively, and not 36 business days and 180 calendar days as suggested by DMHC.
- Change urgent mental health care appointments to be given within 24 hours instead of 48 hours.

Benefits, Goal 3, Objective B

PAI Staff: Tho Vinh Banh, Suzanna Gee

Grant/Funding Sources: PADD/PAIMI

CHILDREN & YOUTH

PAI Succeeds in Mediation

A. F. v. San Gabriel Unified School District

A.F. is three and one-half years-old and has a label of high functioning autism. At age three, he enrolled in the San Gabriel Unified School District (SGUSD) where he was placed in a half-day preschool Special Day Class (SDC). His parents decided to continue taking him to a private preschool for the other half of his day. After about one month, A.F.'s parents decided that his behaviors were getting worse in the SDC, so they pulled him out of it. They requested an IEP meeting, at which they asked SGUSD to pay for the private preschool. SGUSD refused and A.F.'s parents requested PAI's assistance.

PAI attended an IEP meeting, disagreeing with the SGUSD's assessment that placed A.F. in a SDC. PAI requested an Independent Educational Evaluation (IEE) in the area of inclusion. SGUSD refused initially, but after negotiations agreed to reimburse the parents for the cost of the preschool and continue to fund it through June 2007. SGUSD also agreed to pay for the IEE.

The parents wanted A.F. to remain in the private preschool through the 2007-2008 school year, a desire supported by the IEE. The parents also requested a 1-1 aide in the private preschool along with inclusion, occupational therapy (OT), and speech therapy consultations to the private preschool. SGUSD refused all of these requests so PAI filed for due process.

PAI attended dispute resolution session and after being unsuccessful in reaching a resolution, PAI represented A.F. at a due process complaint mediation where the remaining due process issues were favorably resolved.

A.F.0 is now in regular private preschool, paid for by his parents. SGUSD is paying for 20 hours per week of 1-1 support, eight hours per month of inclusion consultation to the private preschool teacher and aide, and one hour per month of OT and speech consultation to the private preschool teacher. PAI was also successful in negotiating for attorneys fees related to their representation of A.F. in the due process complaint. A.F.'s parents report that he is doing very well and his family is looking forward to public kindergarten next year.

Children & Youth, Goal 1, Obj. A

PAI Staff: Brigitte Ammons

Grant/Funding Source: PADD

Charter School Special Education Student Receives Behavioral Assessment and Consultation and Academic Supports Through Settlement Agreement

B.W. v. Charter School Agency, SELPA, and District

B.W., a student in a charter middle school with serious behavioral challenges secondary to his emotional disability, received no services and supports to address his behavioral and emotional needs. As a result, he was frequently sent home from school, removed from class, and suspended. He was eventually unilaterally placed on a home instruction program even after it was determined by his IEP team that his behavior was a manifestation of his disability.

PAI represented B.W. and his mother in a due process proceeding filed against the Charter School Agency, the SELPA, and the district where B.W. resides. A settlement agreement was reached between B.W. and all three agencies in which they agreed to provide a behavior assessment, consultation services, and 1:1 tutoring services from non-public agencies, in addition to other services.

Children & Youth, Goal 1, Obj. A

PAI Staff: Maggie Roberts

Grant/Funding Source: PADD

LANTERMAN ACT

Appellate Court Rules for Plaintiffs, Ordering Trial Court to Grant Class Certification

Capitol People First et al. v. Department of Developmental Services et al. v. CASH/PCR

Case No. 2002-038715, Alameda County Superior Court, Judge Robert B. Freedman

See previous DOL Reports, Winter 2007 (Issue 50) and Spring 2002 (Issue 27)

Capitol People First was filed as a class action seeking community living arrangements for more than 7,000 Californians with developmental disabilities who are residents of developmental centers or other large congregate facilities and people at risk of placement in such facilities.

In September 2007, in a resounding victory for plaintiffs, the California Court of Appeal for the First Appellate District ordered the trial court to grant class certification. The case will now proceed as a class action on behalf of more than thousands of individuals who receive services from regional centers and are either living in state or private institutions or are at risk of institutionalization. The ruling means that even people with significant disabilities have meaningful access to the courts to vindicate their rights to live as a part of, rather than apart from, the community.

The trial court had denied class certification in December 2005 and plaintiffs had appealed that decision. The appellate court found in clear terms that “the trial court ignored or misunderstood the guiding principles of California law and thus based its decision on improper criteria and erroneous legal assumptions.” The appellate court noted that “the very nature of this class cries out for a class treatment and a systemic approach” because the people whose rights allegedly have been violated are persons with cognitive or other severe disabilities and without resources to undertake the daunting task of seeking relief on their own.

Discovery in the case, which had been stayed while the class certification appeal was pending, will now proceed unless the defendants petition the California Supreme Court for review of the appellate court’s decision (after the time for reporting this case in this report, PAI learned that defendants did petition the

California Supreme Court for review). If the parties do not reach a settlement, the case is expected to go to trial in approximately one year.

Background on the case, including legal documents and press coverage 2002-2006, can be read at www.pai-ca.org/advocacy/cpfvdds/index.htm

Lanterman Act, Goal 1, Obj.1

PAI Staff: Barbara Dickey, Sujatha Jagadeesh Branch, Eric Gelber, Ellen Goldblatt, Maggie Roberts, Dara Schur

Other Co-counsel: Chris O'Connor, Bingham McCutchen; Michael Tracy, DLA Piper

Grant/Funding Sources: PADD, PATT, Equal Access

Appellate Court Rules that Conservator Has a Right to an Administrative Hearing to Challenge Community Placement Recommendation for Developmental Center Resident

In the Matter of R.W.

First Appellate District, No. A113242; Sonoma County Superior Court, No. SPR-061684 (Judge Rosenfeld)

See previous DOL Report, Fall 2006 (Issue 45)

R.W. has been involuntarily placed at Sonoma Developmental Center (DC) since 1991, initially on a Section 6500 commitment and, since 1995, under an *In re Hop* commitment. He has been on community referral and his Regional Center eventually located an appropriate residential care facility. His sister, who is his conservator, objected to the placement and requested a court hearing pursuant to a procedure established in the settlement agreement in the *Richard S.* case.

In this case, the court held an evidentiary hearing and, despite the fact that his public defender supported the conservator's position that he should remain in the DC, the court ordered that he be moved to the community placement recommended by his IPP team. His conservator then filed a petition in the Court of Appeal to stay the placement, pending her appeal of the Superior Court's order, which the Court granted.

The case raises important issues concerning the role of conservators in court proceedings addressing placement of consumers who have been involuntarily

admitted to developmental centers by court order. The case also raises the issue of whether the Lanterman Act fair hearing process, as opposed to the court, is the proper place to challenge IPP team recommendations that developmental center placement is not longer necessary.

PAI filed an *amicus curiae* (friend of the court) brief in support of R.W. PAI argued, among other things, that because R.W. was involuntarily placed in the DC by court order, it is the court, not an administrative hearing officer, that has jurisdiction over his placement.

Oral arguments were heard on September 25, 2007 and, on October 10, 2007, the Court of Appeal issued its opinion. The court held that the *Richard S.* process does not substitute for the Lanterman Act administrative fair hearing process and that, as R.W.'s conservator, his sister was denied her right to appeal through the fair hearing process and, if necessary, the court review process under Code of Civil Procedure § 1094.5. In fact, the court held that the Superior Court was without jurisdiction to conduct the *Richard S.* hearing on the propriety of placement based on the doctrine of exhaustion of administrative remedies. PAI and the Regional Center had argued that the delay resulting from the administrative hearing and subsequent administrative mandamus process will often mean that recommended placements will become unavailable. The Court held that even if this is so and even if a more streamlined process would be desirable, this is a matter for the Legislature to address.

Lanterman Act, Goal 1, Obj. A.

PAI Staff: Eric Gelber, Ellen Goldblatt

Grant/Funding Source: PADD

PAI Advocates On Behalf of Young Man Improperly Terminated from Day Program

J.G. v. Regional Center

Reported under Anti-Discrimination—General

PAI Advocates for the Right of Man to Move Into Own Home with Supported Living Services

W.D. is a 60 year-old man who has spent most of his life in institutions outside of the county where his family lives. His family wants him to be able to live in a less

restrictive environment that is closer to his home community and has purchased a three bedroom, two bath house for him, where they would like W.D. to be able to live with roommates and supported living services (SLS).

The Regional Center (RC) has resisted adding SLS and moving W.D. closer to his family as goals to W.D.'s Individual Program Plan (IPP). Instead, with less than 24 hours notice to W.D.'s family, RC moved W.D. into a nursing facility far away from them..

PAI assisted W.D. in filing a grievance against RC (under Welf. & Inst. Code § 4731) for failing to make an effort to explore the possibility of W.D.'s moving into his own home or to at least stay within his home community. PAI also represented W.D. at an IPP meeting where PAI succeeded in having SLS added as a goal to W.D.'s IPP; an SLS assessment is currently underway.

Lanterman Act, Goal 1, A

PAI Staff: Anna Levine

Grant/Funding Source: PADD

PAI Participates on Quality Commission Reviewing Results and Process of Pilot Quality Management System Implemented for Those Moving from Agnews Developmental Center to the Community

The Bay Area Quality Management System (QMS) was developed through a three-year federal System Change Quality Assurance/Quality Improvement Grant and is being implemented for the individuals moving to the community from Agnews Developmental Center. The Bay Area QMS outlines the activities that will be used to:

- Keep people safe and assure their well being;
- Support value-based outcomes for providers and individuals served by those providers;
- Ensure the satisfaction of consumers and their families;
- Identify, and fill, gaps in the community system;
- Develop, and pilot, a QMS with potential for statewide implementation; and,

- Meet Center for Medicare and Medicaid Services expectations.

A Review Commission was established to serve in an advisory capacity to review Bay Area QMS data and reports. The members include two consumers, seven parents, an advocate from Protection and Advocacy, Inc., and one provider. The commission held its fourth meeting in June 2007, to review the initial data and study results. Recommendations for system improvements and capacity building will be made to the DDS and the Bay Area regional centers by the Review Commission.

Lanterman Act, Goal 1, Obj. B

PAI Staff: Ellen Goldblatt

Grant/Funding Source(s): PADD

MENTAL HEALTH

PAI and ACLUNC Demand Letter to Department of Mental Health Prompts New Policy on Right to Refuse Medication for Not Guilty By Reason of Insanity Committees

J.D. v. Department of Mental Health

In the fall of 2006, J.D., a patient at one of the State Hospitals, was placed on a highly sedating anti-psychotic medication with serious long-term side effects. J.D. contacted PAI requesting the right to refuse anti-psychotic medication that he believed was harmful and was not prescribed for therapeutic purposes.

Co-Counseling with the American Civil Liberties Union Foundation of Northern California (ACLUNC), PAI sent a demand letter to the Department of Mental Health (DMH). The letter requested that Not Guilty By Reason of Insanity Committees be given the same rights to refuse anti-psychotic medication already provided to Incompetent to Stand Trial Committees, Mentally Disordered Offenders, and Sexually Violent Predators. A meeting was held with PAI, ACLUNC, and the legal staff of DMH.

As a result of the PAI/ACLUNC demand letter and subsequent meeting, DMH agreed to modify its special order for right to refuse anti-psychotic medication by Mentally Disordered Offenders to include Not Guilty By Reason of Insanity committees. The order became effective Monday, October 22, 2007.

Mental Health Workgroup, Goal 1/Obj. A

PAI Staff: Sean Rashkis, Dan Brzovic

Grant/Funding Source: PAIMI

PAI Advocacy Helps Client Gain Release from Detention at Local Hospital

L.M. was facing a change in status from a voluntary patient to 30-day commitment, when a friend of hers called PAI. L.M. had been brought to the hospital on a 5150 hold, which she later had converted to a voluntary placement. When she tried to leave a few days later, the administration initiated an extension of her original hold.

PAI spoke with the Patients' Rights Advocate representing her at her hearing, as well as to the hearing referee to make sure they understood the circumstances leading to L.M.'s original commitment and that she had a plan to follow upon her release from the facility. After the hearing, L.M. was released and is now pursuing services in the community.

Mental Health, Goal 2, Obj. A

PAI Staff: Kevin Bayley

Grant/Funding Source: EA

PAI Collaborates with Other Agencies to Comment on DMH Proposed Regulations for Children in the Foster Care System

Many children in the foster care system with mental health needs are placed in residential facilities outside of their county of origin. Many of these children are unable to access medically necessary services, including mental health services needed to transition back home or to a less restrictive environment because of the unavailability of out-of-plan Medi-Cal mental health services.

In the summer of 2007, DMH gave notice of a proposed regulation package regarding authorization and payment of out of plan Medi-Cal services provided to children in the foster care system placed outside of their county of origin. PAI provided written comments to these regulations and, in collaboration with other agencies, sent out letters and a sample comment letter to other child-serving agencies urging them to comment on these important regulations. PAI commented that these regulations did not go far enough in addressing administrative barriers to

accessing out-of-plan services by children in the foster care, adoption assistance, and kinship programs. PAI recommended modifications to these regulations.

DMH has not yet finalized these regulations or indicated whether or not it will be making modifications to them.

Mental Health, Goal 3, Obj. B

PAI Staff: Maggie Roberts

Grant/Funding Sources: PAIMI/PADD

PAI Continues to Resolve Medical Issues at Napa and Coalinga State Hospitals

PAI continues to receive calls from clients placed at Coalinga and Napa State Hospital on a variety of patient rights issues, including medical needs that are not being met. Callers have said, for example, that they need special shoes related to a foot condition, sufficiently tinted glasses due to glaucoma, and a lumbar back brace for a back condition. An additional issue raised was that staff were sharing medical information with other patients.

PAI wrote legal advice letters to callers on a patient's right to medical care under California Code of Regulations, Title 9, section 883, which provides that individuals who are not committed under the Lanterman Petris Short Act have undeniable patient rights to essential medical care. Also, PAI addressed the privacy of medical information issue by advising on privacy rights under the Health Insurance Portability and Accountability Act (HIPAA) as well as including information on the protections of patients under the hospital's own operating policies.

Mental Health, Goal 1, Obj. A

PAI Staff: Suzanna Gee

Grant/Funding Sources: PAIMI/EA

PERSONAL AUTONOMY

PAI Highlights Lack of Accessibility Measures and Media Coverage Following Secretary of State Debra Bowen's Decision to Decertify the Inka Vote, Sequoia, Hart, and Diebold Voting Systems.

As previously reported in Director of Litigation Report Issue 49, Secretary of State Debra Bowen conducted a "Top-to-Bottom" review of Diebold, Hart, and Sequoia electronic voting systems. PAI testified against decertification of all or any of the machines. PAI was particularly concerned that decertification would prevent countless Californians with disabilities from exercising their right to vote. At the hearing and in writing, PAI urged Secretary Bowen to adopt short-term and long-term measures to increase the accessibility of the systems.

Secretary Bowen decided to decertify all three types of systems, but shortly thereafter recertified the same machines upon certain conditions. One condition requires counties to provide no more than one electronic voting system per polling place so that voters with disabilities have an accessible means to vote. Other than this one requirement, Secretary Bowen did not direct counties to address any of the accessibility concerns raised by PAI, other disability rights advocates, or her team of experts. PAI wrote the Secretary a letter and once again urged her to adopt short-term and long-term measures to improve accessibility. Example measures included working with the disability community and re-convening the Voter Accessibility Advisory Committee. PAI also urged Secretary Bowen to seek out and certify new technologies that would refine and enhance accessibility, privacy, and independence.

In addition, PAI staff noticed a complete lack of coverage by the media about the need of voters with disabilities to have accessible voting systems. Therefore, PAI addressed Secretary Bowen's actions by issuing a press release to media throughout California. In the press release entitled, "Voting Machines: Much ado about Security, but what about Accessibility?" PAI staff pointed out that Secretary Bowen ignored the accessibility recommendations offered by disability advocates and urged her to advise county election officials to adopt mitigating measures, especially in light of the 2008 primary and general elections.

Personal Autonomy, Goal 3, Obj. B

PAI Staff: Hillary Sklar, Stuart Seaborn, Michelle Uzeta, Margaret Jakobson-Johnson, Sage Reeves

Grant/Funding Sources: PAVA; PAAT

GLOSSARY OF SELECTED TERMS

“A&D FPL PROGRAM” or AGED & DISABLED FEDERAL POVERTY LEVEL PROGRAM (Also referred to as the Medi-Cal 133% Program)

Individuals or married couples whose income is more than SSI levels, but who are still considered low income, may be eligible to receive Medi-Cal with no share of cost under this program. Under this program an individual who needs assistance with personal care and/or housekeeping tasks so they can remain safely in their homes can also receive these services with no share of cost.

AB 2726/3632

Assembly Bills 2726 and 3632 provides referrals to County Mental Health Services for children with special education needs beyond what schools can offer. These services are considered special education services.

“ADHD” or ATTENTION DEFICIT-HYPERACTIVITY DISORDER

Attention deficit-hyperactivity disorder (ADHD) is a neurobehavioral disorder that affects 3-5 percent of all American children. It interferes with a person's ability to stay on a task and to exercise age-appropriate inhibition (cognitive alone or both cognitive and behavioral). Some of the warning signs of ADHD include failure to listen to instructions, inability to organize oneself and school work, fidgeting with hands and feet, talking too much, leaving projects, chores and homework unfinished, and having trouble paying attention to and responding to details. There are several types of ADHD: a predominantly inattentive subtype, a predominantly hyperactive-impulsive subtype, and a combined subtype. ADHD is usually diagnosed in childhood, although the condition can continue into the adult years.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Methods of resolving disputes without official court proceedings. These methods include MEDIATION and ARBITRATION.

AMICUS CURIAE

PAI is often asked to appear as an organizational “*amicus curiae*,” or “*friend of the court*” in court cases raising important issues for people with disabilities.

Appearing as an “*amicus*” means that PAI submits a brief to the court raising issues as an organization, rather than on behalf of individual clients, because the issues are important to us as an advocacy organization or important to people with disabilities. When PAI appears as an *amicus curiae*, PAI staff usually assists with drafting and revising the brief, and co-signs the brief with other interested parties.

ARBITRATION

When a person that isn't involved in the case looks at the evidence, hears the arguments, and makes a decision. (Compare with MEDIATION).

BEHAVIOR INTERVENTION PLAN

Plan made by a local educational agency (LEA) as part of an individualized education program (IEP), to change the behavior of students who harm themselves, assault others, or are destructive.

“BPAO” or BENEFITS, PLANNING, ASSISTANCE, AND OUTREACH

The Social Security Administration (SSA), as authorized by the Ticket to Work and Work Incentives Improvement Act of 1999, awarded cooperative agreements to a variety of community organizations called Benefits Planning, Assistance, and Outreach (BPAO) projects. These BPAO projects provide all SSA beneficiaries with disabilities (including transition-to-work aged youth) access to benefits planning and assistance services. The goal of the Benefits Planning, Assistance, and Outreach (BPAO) Program is to better enable SSA`s beneficiaries with disabilities to make informed choices about work. Each BPAO Project has Benefits Specialists who will:

- Provide work incentives planning and assistance to SSA`s beneficiaries with disabilities
- Conduct outreach efforts to those beneficiaries (and their families), who are potentially eligible to participate in Federal or State work incentives programs; and
- Work in cooperation with Federal, State, and private agencies and nonprofit organizations that serve beneficiaries with disabilities.

“BWE” or BLIND WORK EXPENSES

If the Social Security Administration (SSA) considers you statutorily blind, you can have your actual benefit amount increased by up to 100% of all your work expenses, whether or not those expenses are related to your disability. You can claim transportation expenses, the cost of lunch at work, and even the taxes you pay because of earnings. If your SSA Claims Representative agrees that your claimed work expenses can be included in a BWE, you may be able to recover up to 100% of those expenses by increasing your SSI check up to its maximum. Exactly how much your SSI benefit may increase depends on your living situation, your earned and unearned income, and the amount of your BWE.

CALWORKS

CalWORKS is California's welfare program for people who have children under 19 years old. CalWORKS provides money for children and the relatives caring for them. Work and training is required of most parents. Adults can only get CalWORKS cash aid for five years in a lifetime. If you qualify under the rules, you are entitled to cash aid from the county.

“CDR” or CONTINUING DISABILITY REVIEW

Social Security Administration (SSA) reviews disability cases periodically to see if the person with a disability still meets SSA disability rules. SSA performs two types of reviews, a medical Continuing Disability Review and a work Continuing Disability Review. Under a work review, SSA looks at earnings to determine if an individual is eligible for monthly benefits. A medical review determines if an individual is meeting the medical requirements to collect disability. If the person does not meet the medical requirements, SSA may stop the disability benefits.

“CI” or COUNTABLE INCOME

Countable Income is the amount of your income that is included in calculations to determine your eligibility for Supplemental Security Income (SSI) benefits.

CLASS ACTION

A lawsuit brought by one or more persons on behalf of a larger group where certain individuals (called “class representatives” or “named plaintiffs”) act on behalf of a larger group of people who have similar issues. The court has to determine whether a case can proceed as a class action. If so, certain specific procedures apply relating to how the members of the larger group can get notice of the lawsuit and participate in it.

CONSERVATOR, CONSERVATEE and CONSERVATORSHIP

Conservatorship is a legal proceeding in which an individual or agency (to be known as the “conservator”) is appointed by a court to be responsible for a person who needs assistance in activities of daily living (the “conservatee”). A Conservator of the person must ensure that the conservatee is properly fed, clothed, and housed. A Conservator of the estate is responsible for managing the conservatee’s money and other property. One individual may serve as either conservator of the person or conservator of the estate or both. Conservatorship applies to an adult, i.e., a person eighteen (18) years of age or older.

COURT APPOINTED SPECIAL ADVOCATES (CASA)

These are specially trained volunteers who are appointed by a juvenile court to provide advocacy to children in the foster care system. CASA responsibilities include gathering information regarding the child; advocating for the child in IEP meetings and other forums; and making recommendations to the juvenile court about the child's best interests.

“CYA” or CALIFORNIA YOUTH AUTHORITY

The California Youth Authority (CYA), a California State agency of facilities for youths who have committed serious offenses.

DAMAGES

Money that the losing side must pay to the winning side to make up for losses or injuries. There are three kinds of damages: (1) "compensatory," meaning money to pay for the actual cost of an injury or loss; (2) "punitive" or "exemplary," meaning an amount of money that's more than the actual damages. Acts as punishment or deterrence for willful or malicious acts; and (3) statutory damages, which are specific amounts in the law awarded for specific legal violations.

DECLARATION

A statement that a person writes and files with the court. It tells the judge why the person should win the case. Sometimes, a person signs this under penalty of perjury.

DECLARATORY JUDGMENT

A judgment of the court that explains what the existing law is or expresses the opinion of the court without the need for enforcement.

DEMURRER

A “demurrer” is a specific kind of request filed with the Court in response to a lawsuit. A demurrer alleges that even if the facts are true, there is no legal violation. The court decides on the demurrer at a hearing after both parties present memos and argument to the court.

DEPOSITION

Written or oral testimony given under oath in front of an authorized third person like a court reporter. Depositions take place outside of the court. They allow the parties to get a record of a person's testimony, or to get testimony from a witness that lives far away. They can help the lawyers prepare their court papers called "pleadings." (See also DISCOVERY.)

“DDS” or CA DEPARTMENT OF DEVELOPMENTAL SERVICES

The California Department of Developmental Services (DDS), which funds and oversees services to people with developmental disabilities in California.

“DFEH” or DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

The California Department of Fair Employment and Housing is the state agency that investigates employment and housing discrimination claims and is responsible for enforcing state fair housing and fair employment laws, including disability rights laws in the housing and employment context.

“DHS” or CA DEPARTMENT OF HEALTH SERVICES

The California Department of Health Services (DHS), which funds and oversees health services in California, including nursing home care and home care.

DISCOVERY

The gathering of information (facts, documents, or testimony) before a case goes to trial. Discovery is done in many ways, such as through depositions, interrogatories, or requests for admissions. It can also be done through independent investigation or by talking with the other side's lawyer.

DISMISSAL WITH PREJUDICE

When a court dismisses a case and will not allow any other suit to be filed on the same claim in the future.

DISMISSAL WITHOUT PREJUDICE

When a court dismisses a case, but will allow other suits to be filed on the same claim.

“DMH” or CA DEPARTMENT OF MENTAL HEALTH

The California Department of Mental Health (DMH), which funds and oversees mental health services in California.

“DOE” or DEPARTMENT OF EDUCATION

“DSS” or CA DEPARTMENT OF SOCIAL SERVICES

The California Department of Social Services (DSS) funds and oversees public assistance programs in California, including CalWorks (family assistance) and case management for personal care services.

DYSAUTONOMIA

(Familial) Dysautonomia affects the autonomic nervous system, which controls involuntary actions such as digestion, breathing, tearing, and the regulation of blood pressure and body temperature. This condition also affects the sensory nervous system, which controls activities related to the senses, such as taste and the perception of pain, heat, and cold.

“EA” or EQUAL ACCESS

PAI receives grants from the state Equal Access to Justice Program to serve indigent people with disabilities on specified projects.

ELLIS ACT

The Ellis Act (California Government Code §§ 7600 et seq.) is a California law that bars local governments from enacting regulations, such as condominium conversion ordinances, that would prevent some landlords from leaving the rental housing market.

EN BANC

Court sessions where all the judges of a court participate, instead of the usual number. For example, the U.S. circuit courts of appeals usually use panels of three judges, but all the judges in the court may decide certain matters together. When that happens, they are sitting "*en banc*" (sometimes spelled "in banc"). It comes from the French language and means "on the bench."

“EPSDT” or EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT

The Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT) provides health care diagnostic and treatment services to individuals under age 21. Under federal law, California must give people under age 21 specified diagnostic services. They also must provide treatment services to correct or ameliorate defects and physical and mental illnesses and conditions discovered as a result of the diagnostic services.

EXCEPTION PAYMENT

“Exception Payment” is a subsidy above the amount usually allowed.

“EXR” or EXPEDITED REINSTATEMENT

This term is used under The Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs to allow benefits for a person with a disability to be reinstated quickly if they are no longer working. It provides for

temporary benefits during a period of evaluation, rather than requiring a new application for benefits.

“EPE” or EXTENDED PERIOD OF ELIGIBILITY

This term is used under the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs to provide additional protections to people whose disabilities may only allow periodic employment. Under these programs, if you stop working you may automatically have your benefits restored without having to reapply.

FAIR HEARING

A hearing in front of an agency or administrative law judge to review an agency decision. People have certain rights in fair hearings such as the right to present evidence, to cross examine and to have findings supported by evidence.

FAIR MARKET RENT (FMR)

The Fair Market Rent (FMR) is the amount that the Housing and Urban Development (HUD) sets for rent. Tenants have to pay extra if rents exceed the FMR, as they usually do because the FMR's are unrealistically low.

“FIFTH CATEGORY” REGIONAL CENTER ELIGIBILITY

A person is eligible for the "fifth category" if he or she has a condition that is similar to mental retardation and/or has treatment needs that are similar to a person with mental retardation.

FORENSIC

A term used by both DDS and DMH and intended to indicate individuals who have had some involvement with the criminal justice system, though sometimes used too broadly for people with aggressive behavioral challenges. The intersection between the mental health system and the criminal justice system is often called “forensic mental health.” In California, there are 6 different commitment categories for people who are involved with the mental health system because of their contact with the criminal justice system.

“G-TUBE” or GASTROSTOMY TUBE

A Gastrostomy Tube (G-Tube) is a tube that is placed on the stomach to vent for air or drainage, and/or is an alternate way for feeding.

GUARDIAN AD LITEM

An adult appointed by a court who represents a minor child an individual who has difficulties in acting on his or her own behalf. Comes from Latin meaning for the "purposes of the lawsuit."

GUARDIANSHIP

A guardianship applies only to minors, i.e., person under the age of eighteen (18) years. The principal purpose of guardianship is to provide protection for a child who has no parent.

HABEAS CORPUS

A "writ of *habeas corpus*" is a judicial mandate to someone who has custody of a person ordering that the person be brought to the court so it can be determined whether or not that person is lawfully confined and whether or not the person should be released from custody. A habeas corpus petition is a petition filed with a court by a person who objects to the person's own or another's confinement, or to the conditions of confinement. The term comes from Latin.

"HHS" or HEALTH & HUMAN SERVICES

HHS is the federal agency overseeing health and human services.

"HIPAA" or HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

The new federal Health Insurance Portability and Accountability Act (HIPAA) protects the privacy of medical records and other confidential health information, and restricts access to records except under specified circumstances.

"HOUSING CHOICE VOUCHER" OR "SECTION 8"

Housing Choice Vouchers, often referred to as Section 8 Vouchers, help subsidize rents for lower income tenants, including tenants with disabilities. The local Public Housing Authority (PHA) pays part of the tenant's rent when the tenant rents from a private landlord.

"HUD" or U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The U.S. Department of Housing and Urban Development (HUD) funds and regulates many housing and community development programs for lower income people and people with disabilities, including Section 8.

“ICF-DD-N” or INTERMEDIATE CARE FACILITY DEVELOPMENTALLY DISABLED-NURSING

Intermediate Care Facility-Developmentally Disabled-Nursing (ICF-DD-N) are a category of community facilities licensed by the California Department of Health Services (DHS), which generally house 6 residents.

“IDEA” or INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The Individuals with Disabilities Education Act (IDEA) is the federal statute that requires school districts receiving federal funds to provide all students who have a categorically defined disability with a free appropriate public education (FAPE) in the least restrictive environment. FAPE includes specialized instruction and related services that meet the state educational standards and are implemented as called for in a student’s individualized education program (IEP).

“IEP” or INDIVIDUALIZED EDUCATION PROGRAM

An Individualized Education Program (IEP) describes the educational program that has been designed to meet the unique needs of a child with disabilities. Each child who receives special education and related services must have an IEP, which is an individualized document developed in consultation with the parents, school, advocates, students (as appropriate), and health professionals.

“IHSS” or IN-HOME SUPPORTIVE SERVICES PROGRAM

The In-Home Supportive Services Program (IHSS) helps pay for services to eligible people to enable them to stay in their own homes. To be eligible you must be blind or have a disability or be over 65 and need these services so you can remain safely in your home. IHSS is an alternative to out-of-home care such as nursing homes or board and care facilities.

“IMD” or INSTITUTION FOR MENTAL DISEASE

An IMD is defined in the Code of Federal Regulations at 42 CFR 435.1009 as a facility of more than 16 beds that is primarily engaged in providing treatment services for individuals diagnosed with mental illness.

IMPLIED WARRANTY OF HABITABILITY

The right to get an apartment in good condition.

IN-HOME OPERATIONS HOME AND COMMUNITY-BASED SERVICES (IHO-HCBS WAIVER)

The new IHO HCBS waiver combines several existing waivers, including the NF/AB waiver, to expand the number of slots and services that waiver recipients

who would otherwise be institutionalized in a nursing facility, subacute facility or acute hospital can receive in the community.

INDIAN CHILD WELFARE ACT (ICWA)

This is a federal law to protect the integrity of American Indian families. It acknowledges and implements the tribe's right to intervene in state child custody proceedings.

INJUNCTION

An injunction or permanent restraining order is a court order requiring someone to take specific actions or ordering them to stop certain behaviors, based on legal obligations. It is issued after both sides have been heard by the court in a hearing or trial. The court order specifies the specific actions, people and time for compliance.

IN FORMA PAUPERIS (IFP)

A court says a person does not have to pay a filing fee because the person can't afford it. In Latin, means "in the manner of a pauper."

IN PROPRIA PERSONA (IN PRO PER)

In Propria is when a person represents himself or herself without a lawyer. This comes from the Latin for "in one's own proper person." (See also PRO PER and PRO SE.)

INTERROGATORIES

Written questions asked by one party in a lawsuit, which the opposing party must answer in writing.

INTERVENOR

A person who voluntarily participates in a lawsuit or other proceeding brought by other people. The court must approve the participation of the intervenor.

“IOLTA” or INTEREST ON LAWYERS TRUST ACCOUNTS

This is a method of funding for legal services to low income people and people with disabilities. It is also referred to as “Trust Fund”. It is administered by the State Bar Association. PAI receives IOLTA funding.

“IPP” or INDIVIDUAL PROGRAM PLAN

California's Lanterman Act provides that persons with developmental disabilities are entitled to “IPPs,” or Individual Program Plans that identifies the person's goals and the services and supports they will get to help them meet their goals.

This action plan helps provide community supports to prevent institutionalization of people with developmental disabilities.

“IRWE” or IMPAIRMENT RELATED WORK EXPENSES

This term is used under The Social Security Disability Insurance (SSDI) AND Supplemental Security Income (SSI) programs to refer to out-of-pocket expenses that are needed in order to be able to work. These expenses are deducted from earnings before certain benefit calculations are made.

JUDGMENT (JUDGEMENT)

The judge's final decision in a case.

LANTERMAN ACT

The California law which grants people with developmental disabilities an entitlement to services and supports.

LEVEL 14 GROUP HOME PLACEMENTS

Level 14 refers to a rate classification that reflects the staffing needs of an individual in Community Care Licensing Facilities. 14 is the highest rate available.

“LPS” or Lanterman-Petris-Short ACT

The Lanterman-Petris-Short Act is one of the main California laws governing services to and treatment of people with mental illness. It covers certain conservatorship proceedings as well as establishes that persons are statutorily entitled to individualized treatment that is least restrictive of their personal liberties.

MANIFESTATION DETERMINATION

The manifestation determination meeting is a meeting of the relevant members of the IEP team to determine whether a child with a disability may be expelled or have his placement changed for more than 10 consecutive school days. At the meeting, the IEP team reviews the relevant information from the student's file, including the IEP and any information from teachers and the parents and then decides two things: 1) was the behavior caused by, or did it have a direct and substantial relationship to, the child's disability, and 2) was the behavior the direct result of the school's failure to implement the IEP? If the team answers yes to either question, the child cannot be expelled and a placement change would require the consent of the parent or a hearing officer's order. If the IEP team members representing the school district believe the answer to both questions is “no” and the parent disagrees, the parent can appeal to a special education hearing.

MEDI-CAL (See Medicare)

Medi-Cal is California's program to pay for medical care for many low income people, especially families, children, people with disabilities, and the elderly. Medi-Cal is funded by the state and federal government. There are many Medi-Cal programs with different rules. Depending on which program you qualify for and how much money you make, Medi-Cal may pay for all your medical expenses or only part of them.

MEDICARE (See Medi-Cal)

Medicare is a federal health insurance program which provides benefits for eligible people. There are two parts to the program: "Part A" is hospital insurance and "Part B" is medical insurance. Medicare does not cover everything, and is not free for most people.

MOTION

An oral or written request made by a party to an lawsuit before, during, or after a trial asking the judge to issue a ruling or order in that party's favor.

“MSSP” or MULTIPURPOSE SENIOR SERVICES PROGRAM

The Multipurpose Senior Services Program (MSSP), operated by the California Department of Aging, provides case management and a range of services to assist seniors with disabilities to live independently.

NURSING FACILITY WAIVER

The Nursing Facility Waiver allows someone who is otherwise eligible for nursing facility services to instead receive services in the community. It is called a "Waiver" because it waives certain federal Medicaid rules in order to provide different or more services than the State offers to other Medicaid (Medi-Cal) eligible people.

“OCRA” or OFFICE OF CLIENT’S RIGHTS**“ODD” or OPPOSITIONAL DEFIANT DISORDER**

Oppositional Defiant Disorder (ODD) is a type of disruptive behavior disorder characterized by a recurrent pattern of defiant, hostile, disobedient, and negativistic behavior directed toward those in authority, including such actions as defying the requests or rules of adults, deliberately annoying others, arguing, spitefulness, and vindictiveness that occur much more frequently than would be expected on the basis of age and developmental stage.

OPINION

A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment. A *PER CURIAM* OPINION is an unsigned opinion "of the court."

"OPR" or OFFICE OF PATIENT'S RIGHTS

ORDER TO SHOW CAUSE

A court order that makes someone go to court to explain to the judge why he or she did not follow the rules.

"PAAT" or PROTECTION & ADVOCACY FOR ASSISTIVE TECHNOLOGY

Beginning in 1998, PAI received limited funds under the Protection and Advocacy for Assistive Technology (PAAT) Act to increase access to assistive devices and equipment.

"PABBS" or PROTECTION & ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY

Under the Protection and Advocacy for Beneficiaries of Social Security (PABSS) Act, PAI provides advocacy assistance to Beneficiaries of Social Security Disability or Supplemental Security Income (SSI), and to people who are working and are beneficiaries of Medicare, Medi-Cal or In-Home Supportive Services (IHSS) about securing or requiring employment.

"PADD" or PROTECTION & ADVOCACY FOR DEVELOPMENTAL DISABILITIES

In 1978, PAI became the agency in California responsible for protecting and advocating for the rights of people with developmental disabilities under the federal Developmentally Disabled Assistance and Bill of Rights Act of 1978.

"PAIMI" or PROTECTION & ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS

The Protection and Advocacy for Individuals with Mental Illness Act of 1986 (PAIMI) extended PAI's mandate to people with psychiatric disabilities.

"PAIR" or PROTECTION & ADVOCACY FOR INDIVIDUAL RIGHTS

The Protection and Advocacy of Individual Rights Act of 1992 (PAIR) extended PAI's mandate to people with physical, learning and sensory disabilities.

“PASRR” or PREADMISSIONS SCREENING AND RESIDENT REVIEW

This is a federally mandated psychosocial, psychiatric and physical evaluation of persons admitted to nursing facilities or at risk of being placed in nursing facilities, funded by the Department of Mental Health and administered by independent contractors. It helps identify the need for specialized services and helps identify appropriate community placements rather than institutionalization.

“PATBI” or PROTECTION & ADVOCACY FOR TRAUMATIC BRAIN INJURY

Protection & Advocacy for Individuals with Traumatic Brain Injury (PATBI) assures that people with traumatic brain injury receive appropriate services and supports within their own communities. PAI promotes the rights of people with Traumatic Brain Injury (TBI) through advocacy assistance, education, and outreach to build TBI community awareness and support for inclusion. This program was established by federal grants from the Department of Health and Human Services.

“PAVA” or PROTECTION & ADVOCACY FOR VOTING ACCESS

Part of the Help America Vote Act of 2002 (HAVA) was the Protection and Advocacy for Voting Access (PAVA) program. PAVA expanded PAI's ability to work for full participation in the electoral process for people with disabilities, including registering to vote, casting a vote and accessing polling places.

PRO BONO

Legal work done for free. From the Latin meaning "for the public good." Private firms often work with PAI “*pro bono*” – without charge to clients.

PRO PER

People who present their own cases in court without lawyers (*See also IN PROPRIA PERSONA and PRO SE.*)

PRO SE

People who present their own cases in court without lawyers (*See also PRO PER and IN PROPRIA PERSONA.*)

PROTECTIVE SUPERVISION

Protective supervision is supervision for individuals who, because of cognitive or mental impairments, need continuous supervision in order to prevent self-inflicted harm while living at home.

PURCHASE OF SERVICES (POS)

Purchase of Services (POS) dollars is money used by people served under the Lanterman Act. It allows the person with a developmental disability to directly pay service providers.

RIESE HEARING

A hearing to determine an individual's capacity to refuse administration of psychotropic medication.

REGIONAL CENTERS

Non-profit corporations which, under the provisions of the Lanterman Act, contract with the Department of Developmental Services to provide service coordination to individuals with developmental disabilities and assist people to obtain the supports they need. There are 21 RCs in California, each serving a different geographical area.

SECTION 8

Section 8 is a federally funded housing assistance program that provides to low income families. The vouchers allow the family to rent any apartment or house where the landlord will accept them, and pay a limited amount of money, generally 30% of the family's income. Section 8 is operated by local housing authorities and usually has a long waiting list.

SELF-DIRECTED SERVICES

"Self-Directed Services" is a new model for providing services to people with developmental disabilities that allows them to manage their own budgets and gives them more control over providers.

"SELPA" or Special Education Local Plan Area

The Special Education Local Plan Area (SELPA) is an administrative unit under California law that joins together one or more local school districts in a geographic area. This allows districts to share in the coordination, funding, personnel or other administration of services for special education students. School districts with large populations usually stand alone as a single-district SELPA.

"SGA" or SUBSTANTIAL GAINFUL ACTIVITY

Substantial Gainful Activity is the term used by Social Security when evaluating earned income and "work activity" of individuals applying for or receiving disability benefits.

There are two criteria that determine SGA: (1) Substantial activity: work that involves doing significant physical or mental work, or a combination of both, that is productive and for profit. (2) Gainful work activity: work performed for pay or profit; work of a nature generally performed for pay or profit; or work intended for profit, whether or not a profit is realized.

This is a monthly amount that is specified by Social Security for individuals who are employed or self-employed. SGA may be determined by work done or hours worked in a month. Monthly SGA earnings limits are adjusted annually based on fluctuations in the national average wage index.

“SRO” or Single Room Occupancy

Single room occupancy hotels, or residency hotels, provide single room apartments with shared bathrooms for low income individuals. This is an important source of housing for people with disabilities who live on fixed incomes.

“SSI” or Supplemental Security Income

Supplemental Security Income (SSI) is a cash benefit program for low-income people 65 and over and for people of any age, including infants and children, who are blind or have disabilities. CAPI is a similar program for immigrants who do not qualify for SSI.

STATUTE

A law passed by the United States Congress or a state legislature.

STATUTE OF LIMITATIONS

A law that says how much time you have to file a lawsuit after something happens.

STAY

An order by a court that stops any further action in the case for a certain period of time.

SUMMARY JUDGMENT

When the judge decides a case without going to trial. The decision is based on the papers filed by both sides.

TEMPORARY RESTRAINING ORDER (TRO)

A Temporary Restraining Order (TRO) is a court order requiring immediate action. It is an emergency remedy of brief duration issued by a court only in exceptional circumstances, usually when immediate or irreparable damages or loss might result before the opposition could take action.

“TBS” or THERAPEUTIC BEHAVIORAL SERVICES

Therapeutic Behavioral Services (TBS) is a Medi-Cal mental health service. It provides short-term one-to-one assistance to children or youth under age 21 who have behaviors that are too hard for their families or foster placement to handle, such as tantrums, assaultive behavior or destruction of property. TBS can be provided to children at home, in a group home, in the community, during evening and weekends, and at other times and places as needed. The county mental health plan develops a behavior intervention plan and assigns a trained behavior aide to a child/youth for as many hours per day as needed. The county may also authorize another mental health organization to develop the plan and assign the behavior aide.

TRANSCRIPT

A record of everything that is said in a deposition, hearing or trial. Transcripts may be prepared from tape recordings or may be done by certified court reporters who use special equipment to make a word-for-word record of the proceeding.

“TWP” or TRIAL WORK PERIOD

A “Trial Work Period” under Social Security Disability law allows people with disabilities to test their ability to work for at least 9 months without reducing their Social Security Disability Income. During the TWP, an individual will receive full SSDI benefits regardless of how high their earnings might be, so long as they have a disability.

UNRUH CIVIL RIGHTS ACT

This law provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, or sexual orientation.

WRIT

A court order that says certain action must be taken.

WRIT OF MANDATE

A court order to a government agency, including another court, or to a private entity requiring it to follow the law by correcting its prior actions, ceasing illegal acts, or taking certain actions.

TABLE OF CONTENTS

Abuse & Neglect	1
PAI Investigates Allegations of Physical Abuse against Special Education Student.....	1
Antidiscrimination – General	2
PAI Files Groundbreaking Lawsuit on Behalf of Young Man Improperly Terminated from Community-Based Day Program.....	2
PAI Helps Student with Disability Secure a Reasonable Accommodation in Healthcare Certificate Program.....	3
PAI Helps Client Keep Mental Health Information off Publicly Accessible Website.....	4
Negotiation with Private University Results in Readmission of Student to Teaching Credential Program	5
Antidiscrimination - Housing	6
PAI Obtains Mandamus Relief Restoring Client’s Housing Subsidy	6
Section 8 Housing Restored.....	6
The San Diego City Council Rejects Settlement in Case Challenging Condominium Conversion	7
ANTIDISCRIMINATION -- TRANSPORTATION	8
PAI Participates in Local Organizing Effort Opposing Proposed Transit Fare Increases in San Diego.....	8
Benefits	9
PAI Preserves In-Home Supportive Services (IHSS) Protective Supervision for Four Children Threatened with a Reduction in Benefits	9
Department of Health Care Services (DHCS) Substantiates Claim of Rights Violation Made by PAI on Behalf of a Resident Wrongfully Discharged From Large Nursing Home.....	10
Regional Center Consumer Wins IHSS Hearing on Protective Supervision	11
SSDI Recipient Obtains a Waiver of an Overpayment.....	11

Income Received by a Parent for Providing IHSS to Disabled Children Who Receive Supplemental Security Income (SSI) is Not Counted as Income for Purposes of Deeming	12
Abandoned and Abused Teenager Qualified for CCS	13
J. C. Finally Gets Home and Community-Based Waiver Services	14
PAI Provided Information to Client with a \$100,000 SSDI Overpayment Resulting in a Waiver of the Client’s Overpayment.....	15
PAI Works with Client to get Bed Delivered 1 Day Before Discharge From a Nursing Facility.....	15
PAI Helps Client Get Full Scope Medi-Cal and Reimbursement for Past Share of Cost Assessment	16
Client Receives More Services Through the Home and Community-Based Services Waiver	17
PAI Submits Written Comments to the Department of Managed Health Care’s Regarding Timely Access to Health Care Services Regulations.....	17
Children & Youth	18
PAI Succeeds in Mediation.....	18
Charter School Special Education Student Receives Behavioral Assessment and Consultation and Academic Supports Through Settlement Agreement.....	19
Lanterman Act	20
Appellate Court Rules for Plaintiffs, Ordering Trial Court to Grant Class Certification.....	20
Appellate Court Rules that Conservator Has a Right to an Administrative Hearing to Challenge Community Placement Recommendation for Developmental Center Resident.....	21
PAI Advocates On Behalf of Young Man Improperly Terminated from Day Program	22
PAI Advocates for the Right of Man to Move Into Own Home with Supported Living Services.....	22
PAI Participates on Quality Commission Reviewing Results and Process of Pilot Quality Management System Implemented for Those Moving from Agnews Developmental Center to the Community	23

MENTAL HEALTH.....	24
PAI and ACLUNC Demand Letter to Department of Mental Health Prompts New Policy on Right to Refuse Medication for Not Guilty By Reason of Insanity Committees	24
PAI Advocacy Helps Client Gain Release from Detention at Local Hospital	25
PAI Collaborates with Other Agencies to Comment on DMH Proposed Regulations for Children in the Foster Care System	25
PAI Continues to Resolve Medical Issues at Napa and Coalinga State Hospitals	26
Personal Autonomy	27
PAI Highlights Lack of Accessibility Measures and Media Coverage Following Secretary of State Debra Bowen’s Decision to Decertify the Inka Vote, Sequoia, Hart, and Diebold Voting Systems.	27
Glossary Of Selected Terms.....	28
Table of Contents	45