2012 Annual Report

A Legacy of Protection and Advocacy

Since 1977, Disability Rights Florida has provided free and confidential legal and advocacy assistance to people with disabilities. Learn more about our mission, priorities, and services as well as how to request assistance for you or someone you know by visiting our website or YouTube channel and watching our Legacy of Protection and Advocacy video.

www.DisabilityRightsFlorida.org
From our Chair and Director

In 2012, Disability Rights Florida had many successes and accomplishments despite the continued uncertainty of the federal budget. In these pages, we provide examples of successes we accomplished for individuals as well as positive systemic changes that resulted from our legal and legislative efforts. Our systemic work secured ongoing improvements in background screening laws. We brought the needs of individuals with mental illnesses who reside in assisted living facilities to the forefront. We settled our major developmental disabilities waitlist litigation.

In 2013, we will add implementation of the Affordable Care Act to our existing priorities. We will continue our work across many ongoing areas of concern such as the need to reform school restraint and seclusion practices, improve the care provided in transitional living facilities for people with brain injuries, and revise our election laws to improve access for all people with disabilities. Thank you for your support and partnership in this important work.

About the Artist

Loren Miner is an extremely talented and driven artist. He is a painter who is compelled to create to express himself fully. His body of work includes subjects ranging from still life to portrait to landscape. His paintings are highly sought after by art connoisseurs for their fluidity and richness in color and texture. He has completed many commissioned pieces and has exhibited his work at Pyramid Studios Gallery, rotating exhibits in state government and private offices, and various other venues throughout Florida.
Greater Oversight at Facilities for Individuals with Traumatic Brain Injury

One of Florida’s transitional living facilities (TLF) continued to have high numbers of confirmed cases of abuse and neglect. After extensive monitoring and investigation, we concluded that the scope of Florida’s laws and rules was too limited to ensure resident health, safety, and prevention of abuse, neglect and rights violations. Florida’s laws and rules were silent about abuse and neglect, discipline, restraint and seclusion use, client rights, rights of parents and guardians, and complaints and grievances. Topics like resident access to the Abuse Hotline also were not addressed. We shared our concerns with the Agency for Health Care Administration and the Department of Health, and they agreed to seek legislative changes.

Assisting with that effort will be a legislative priority for Disability Rights Florida in 2013.
Waiver Waitlist Litigation Settled

Disability Rights Florida filed the Dykes v. Dudek lawsuit in March 2011 on behalf of individuals with intellectual and developmental disabilities. Many had been on the waitlist for more than five years. Some of the plaintiffs resided in private ICF/DDs or nursing homes and some of the plaintiffs resided in their families’ homes, but instead of receiving needed care, treatment, and habilitation, they remained on the waitlist for DD Medicaid Waiver services. The lawsuit sought to compel Florida to develop a way of projecting and tracking service demands and trends so Florida could then design and implement a comprehensive plan for the continued enrollment of persons waiting for DD Waiver services.

On July 3, 2012, the lawsuit was settled. Under the settlement agreement, the Agency for Persons with Disabilities and the Agency for Health Care Administration will address the following key areas:

1. Individuals Residing in ICF/DDs and Nursing Homes
2. Crisis
3. Individual Family Support (IFS) Funds
4. Waitlist Strategic Planning Workgroup
5. Employment

For more detailed information, visit our website and search for Dykes v. Dudek.
Florida law required each school district to develop and implement a plan to prevent and reduce use of restraint and seclusion. In 2012, we read every plan, looked at all available performance data, conducted in-depth reviews of over 25% of Florida’s counties, and shared our reviews with families and others on our webpage and Facebook.

Our work focused on the rates of prone restraint, mechanical restraint, and seclusion, specific training programs, and correlations between these dangerous practices and each specific training program. We evaluated the extent to which there was readily available research evaluating each training program.

We found correlations between some training programs and higher rates of prone restraint. We found indications that not all programs are evidence-based, recently updated, fully supported with readily available technical assistance staff, or capable of proving that they could prevent or reduce the need for restraint/seclusion.

In the upcoming year, we will encourage districts to re-evaluate their training program choices if they are using a training program that cannot prove it prevents and reduces use of restraint and seclusion and/or if they are not seeing reductions in overall use of restraint and seclusion in their own data analyses.
Jeanette’s Story

Jeanette is a musician and music producer professionally known as “Kiskadee.” She spent a great deal of her own money building a home-studio in South Florida. Her goal was to collaborate with the same level of talent she had worked with in Europe before moving to the U.S. and becoming a citizen.

Unfortunately, much of her older equipment was no longer industry standard. In the few years she was out of the loop, new technology developed to allow professionals like her, who have vision impairments, to better utilize standard music production hardware and software. She needed vocational rehabilitation services to obtain and learn how to use new studio and computer hardware and software. She also needed assistive technology and training to make it all fully accessible. She asked the Division of Blind Services (DBS) for help, but was denied. Then she called Disability Rights Florida. It took two years, but Disability Rights Florida helped Jeanette secure the equipment, software and training needed to get her business going again.

Jeanette is working as a producer and performer again. She also conducts lectures that combine music with spoken word during which she loves to share the story of how Disability Rights Florida helped her get back to work.
More Residential Options for People with Mental Illnesses

Over the past two summers, we visited many residents of Limited Mental Health Assisted Living Facilities and found that care and treatment were issues for some residents who have mental illnesses. Equally troubling was that from our interviews, we learned there is no clear path out.

Most residents of the facilities we visited were not allowed to do their own laundry, make their own meals or choose their own bedtimes. We learned that there were no requirements in law for these facilities to help residents enhance their independent living skills and few residents had opportunities to prepare for life in the community. We rarely met a resident who could describe any other living option or how to access it.

We shared these observations with the Governor’s Assisted Living Workgroup. Its focus was on addressing ALF operation and safety of residents. We advised the state to also focus on developing more integrated settings in communities, such as increasing the number of available supportive housing units. Going forward, it will continue to be our goal to urge the state to offer a wider range of residential options to people with mental illnesses.
Matthew’s Story

When Matt did not develop the use of speech, his mother Sue thought he was not going to be able to communicate or learn skills. Then Sue took Matt for testing and he demonstrated that he had been learning and absorbing nearly everything. She realized Matt lacked the fine motor skills to use sign language, so she researched Matt getting a communication device and Matt started using the device. Sue went to Matt’s school expecting them to be as excited as she was about Matt’s potential and his use of assistive technology. Instead, they said he “couldn’t do it” even though he was already “doing it.”

We represented Matt and Sue. We filed and won a state complaint that required the school to honor Matt’s rights to a free and appropriate education with services and supports, including assistive technology. We then sued to enforce Matt’s rights when the school did not comply with their corrective action plan.

Please watch Matthew’s Story on our YouTube channel to learn more.
Community Education

Voter Protection Hotline

Because of significant changes in Florida’s voting laws and the legal challenges that followed, much of our work was concentrated just before the November presidential election. Before the presidential primary in January, we submitted comments to a U.S. Senate Judiciary Subcommittee that held a field hearing in Tampa. Leading up to the August primary, we conducted accessibility surveys at early voting sites. We used our website and newsletters to get the word out about voter registration deadlines and voter rights and responsibilities. We sent thousands of flyers to nursing homes and assisted living facilities to alert administrators they could request on-site voting from their local Supervisor of Elections.

Our work culminated on November 6 when we began receiving calls on our Voter Protection Hotline. We offered free and confidential assistance to anyone with a question or difficulty with an accommodation or with accessibility while voting. Our most dramatic success was assisting the operator of an Assisted Living Facility secure the on-site voting services they had requested. Because of our swift action, several residents were able to vote on Election Day.

Rights and Responsibilities Information on our Website

Information about the rights and responsibilities of transition-aged youth was published on our Transition – The Passage from Youth to Adulthood webpage. The material covers everything from moving past high school, applying for vocational rehabilitation or blind services, and learning about work incentives, to obtaining social security, and finding post-secondary options such as career and college training programs.

We updated our Advocacy 101 - Challenging an Agency’s Denial or Reduction of Your Medicaid Services e-book and put a condensed version on our website.

In addition, we updated our Disaster and Emergency Planning page with video and information about shelter accessibility, pets, special needs registration, service animals, and medication refills.
### Financial Information

#### Revenue and Support

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<tr>
<th>Source</th>
<th>Amount</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Individual Rights - PAIR</td>
<td>$682,305</td>
<td>12%</td>
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<tr>
<td>Client Assistance Program - CAP</td>
<td>$537,919</td>
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<td>Assistive Technology - PAAT</td>
<td>$215,551</td>
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<td>Individuals with Mental Illness - PAIMI</td>
<td>$1,463,954</td>
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<td>Traumatic Brain Injury - PATBI</td>
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<td>Developmental Disabilities - PADD</td>
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<td>Voting Access - PAVA</td>
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<td>Beneficiaries of Social Security - PABSS</td>
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<td>Donations, Other Grants and Program Income</td>
<td>$474,974</td>
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<td><strong>Total Revenues and Support</strong></td>
<td><strong>$5,843,568</strong></td>
<td><strong>100%</strong></td>
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#### Expenses

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<td>Program Services</td>
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<tr>
<td>General and Administrative</td>
<td>$693,282</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>$5,757,215</strong></td>
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- Program Services: 88%
- General and Administrative: 12%
Board of Directors

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Disability Rights Florida

2728 Centerview Drive, Suite 102
Tallahassee FL 32301
850.488.9071 • Toll Free: 800.342.0823
Fax: 850.488.8640 • TDD: 800.346.4127
www.DisabilityRightsFlorida.org