2013 Annual Report
Exceptional Student Education Bill

Governor Rick Scott at the signing of SB 1108 with Representative Jason Brodeur and Senator Andy Gardiner, surrounded by families, friends, and supporters including Disability Rights Florida staff and BOD members.

About the Artist

Anne Davidson is a successful visual artist exhibiting and selling paintings, illustrations, and jewelry. Her paintings have a signature style: thick acrylic color with precise brushwork. Notable works include her services of self-portraits, “Rothko Study”, and “Bottles”. Her pieces have exhibited in several galleries in Tallahassee as well as many venues throughout Florida.

The Library by Anne Davidson
Annual Message

Our annual report highlights only a few of our accomplishments from a year in which we assisted a record number of over 7000 callers. Disability Rights Florida, along with many other stakeholders, continued collaborative planning to reduce the Home and Community-Based Services waiver wait list and not lose the momentum generated by the Governor’s 2013 recommendations and legislative support for new funding. Because of that funding, for the first time in over eight years, APD was able to move several hundred individuals off the wait list and onto the waiver. While fiscal concerns remain critical, our state government was able to avoid the cuts of previous deficit years.

In addition to receiving record call volumes, Disability Rights Florida gained important guidance toward establishing our 2014 goals and priorities by gathering a record number of responses to our annual public input survey. This overwhelming response was a result of the efforts of our staff, Board of Directors, and our PAIMI Advisory Council. We used traditional outreach, as well as active solicitation of input from individuals in settings where they receive services. Disability Rights Florida staff supported the development and passage of the Exceptional Student Education bill that recognized the importance of increased parental involvement. Several individuals from our organization were present in Orlando when the Governor signed this important piece of legislation into law on June 28, 2013. Following the 2012 national election, voting access reform was a priority for us, as well as for the Governor and the 2013 legislature. We have continued our work to ensure access to registration and the polls so individuals with disabilities have a voice in the electoral process.

This annual report is a tribute to the outstanding contributions of three individuals who retired in 2013: Joann Burgess, who devoted 20 years to advocacy service, especially to individuals with psychiatric disabilities; Sandy Evans, who provided personnel support to all our employees for 12 years; and Bob Whitney, our executive director, who devoted his experience in fiscal management and non-profit leadership to improve our operations and service. We will miss them, but their contributions stand as a constant reminder of this organization’s tradition of protection and advocacy and serve as a call to others to step up and ensure that this tradition of excellence continues.

Beth Piecora  
Chair, Board of Directors

Maryellen McDonald  
Interim Executive Director
Adam is a five-year old boy with autism, speech and mobility disabilities, who was stuck in a dangerous situation. He was being forced to wait for his school bus on the side of one of the busiest roads in Florida, while cars and trucks sped by. Adam attends school each day and due to his disabilities, his educational plan required that the school bus meet him in front of his home. However, the homeowner’s association where he lives denied repeated requests to let Adam’s school bus enter their gated community - so each day Adam and his family parked on the side of U.S. 1 to meet the bus. The family felt harassed and were afraid to let Adam and his younger brother play outside. This is when Disability Rights Florida stepped in.

At first, the homeowner’s association ignored Disability Rights Florida, but after learning we possessed both the authority and intention to pursue the issue into federal court, the association agreed the accommodation request was reasonable. Since the agreement, the school bus has picked up and dropped off Adam right in front of his home every day.

Adam’s mother Sarita said, “I think of these kind people every day, they helped my son get what he is entitled to. Initially I felt helpless. I had gone to City Hall, the Mayor, the City Commissioner, the State Attorney’s Office, etc. Everyone told me that the problem was not their concern. My last attempt to help my sweet innocent Adam was to call Governor Rick Scott’s Office in Tallahassee. I met the Governor at the 2013 Disabilities Summit. Someone returned my call the next day and recommended I call Disability Rights Florida and that was what I did. The staff at Disability Rights Florida fought for my son as if he was their own child. I trusted Disability Rights Florida’s staff from the moment I spoke to them.”
Voting - Advocating for Our Rights

In 2013, we focused on two key barriers to the full inclusion of Floridians with disabilities in our electoral system. First, the need for compliance with and enforcement of Section Seven of the National Voting Registration Act (NVRA), which requires that people with disabilities have opportunities to register to vote whenever they interact with a state agency or publicly funded service provider. Second, the need for local Supervisors of Elections to do a better job at planning for and publicizing how they are going to accommodate people with disabilities and elders who cannot stand in long lines to vote.

We brought these messages forward at several forums including the Presidential Commission on Election Administration hearing held in Miami.

How Accessible is Amtrak in Florida?

In honor of the 23rd Anniversary of the Americans with Disabilities Act, we participated in a nationwide survey of Amtrak stations called Train Week.

Amtrak provides critical cross-country transportation services to an average of over 85,000 people daily nationwide. Founded in 1971, Amtrak’s ridership has grown to over 31 million passengers a year. We visited several of Florida’s 31 Amtrak bus and rail stations to review and record accessibility problems as well as accessibility accomplishments. According to Amtrak’s 2010 Report to Congress, only about 10% of its stations nationwide are fully compliant with the 1990 Americans with Disabilities Act.
Ending Unreasonable Delays

In October of 2013, Disability Rights Florida reached an agreement with the Agency for Persons with Disabilities (APD) in a case called Wheaton v. APD. Advocates and people with disabilities have heralded the outcome as “wonderful”.

After the 2011 implementation of the cost plan freeze by APD, Disability Rights noticed an agency-wide pattern of administrative delay and non-responsive towards service requests. Requests went 90 days or more without a response about whether the service request would be granted or denied. These delays presented a significant danger to individuals with developmental disabilities. In 2013, we co-counseled with Nancy Wright, Esq., and filed a federal lawsuit on behalf of six individuals. We were also listed as a plaintiff because of our role as the state’s federally mandated Protection and Advocacy organization for people with disabilities. The complaint alleged that APD was failing to provide medical assistance to Waiver clients with “reasonable promptness” as required by federal Medicaid law. Each of the individual named plaintiffs had requested services under crisis and had been without a response for over six months. These delays were often a result of agency inaction and/or repeated requests for additional documents or additional evaluations.

Within six months, we reached a comprehensive agreement with APD that has had a broad and positive impact on APD’s methodology for tracking and responding to service requests by clients of the DD Waiver. The agreement addressed timelines, the adoption of standards, automatic approval when delays become unreasonable, emergency funding, and service request submission and tracking.

To read more details about the case and the settlement agreement, visit our website and search for Wheaton v. APD.
As Amy celebrated her birthday in the fall of 2012, she was approaching a new chapter in her life. Since she was two years old, Amy lived in a 64-bed institution for people with intellectual disabilities. Things were finally about to change.

In 2011, her public guardian case manager, Gail Rapp asked that Disability Rights represent Ms. Goodman as part of the Dykes v. Dudek class action lawsuit. The goal was for Amy to be allowed to take a fraction of the funding being spent on her care in the institutional facility and use it to receive care in a community group home instead.

Initially this goal of community placement for Amy was met with questions and resistance from the facility. Getting state agency personnel to support the plan was also a struggle. The process – which should have taken only 90 days - took nearly six months. Each time progress stalled, Disability Rights Florida staff had to step in to spur things along.

Some said it could not be done, but those people underestimated what Amy’s public guardian, waiver support coordinator, and Disability Rights Florida could do working as a team. Together they fought for and won Amy’s long denied right to try to live in the community.

Amy celebrated her 53rd birthday in 2013 in a single-family residence in the community, with caring supports and services.
When he came to us in 2013, already an outstanding self-advocate, Lee was on a quest to finish his degree and improve his employment options. Like so many other people, he was struggling with his Vocational Rehabilitation (VR) program because of VR counselor turnover. The rate of counselor turnover at VR is very high. This causes errors, delays, and confusion for VR customers. When Lee was denied approval to pursue his degree with VR support, he was on his fifth VR counselor. He had already advocated for himself with the VR Ombudsman but because that had not worked, he was preparing for an Administrative Review to challenge the denial.

Lee explained, “After talking with Disability Rights, I took the entire weekend to chronologically organize all of my records. The direction Disability Rights provided me was critical. Because of it, I was ready to account for time in the past and answer each question raised during my Administrative Review. A few days later, I learned that Vocational Rehabilitation had agreed to support my goal of pursuing my degree at USF. I was completely overwhelmed and beside myself with jubilation!”
The YMCA ran a publicly funded program before and after school that Giancarlo had attended for two years. When his younger brother Gabriel entered middle school, he enrolled in the program also. A few weeks later and without explanation, the YMCA dismissed both boys from the program. It confounded their mother – she had seen them interacting with other children and benefiting from being included in the program. Both boys have autism, so the socialization time with other children was very important. When her efforts to reenroll them were unsuccessful, she contacted Disability Rights Florida.

Our lawyers developed a case on behalf of Giancarlo and Gabriel’s rights under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Orange County Public Schools and the YMCA then agreed to pre-suit mediation. At mediation, not only did the Orange County and the YMCA agree to reenrollment, the YMCA agreed to delete language on its enrollment forms that tended to screen out children with disabilities. The YMCA also agreed to inform parents about how to request accommodations and to provide parents with decisions in writing within a set time. Perhaps most importantly, the YMCA agreed to obtain training for its staff from the local Center for Autism and Related Disabilities.

While his brother Giancarlo has now moved on to high school, mother Alba shared that “Gabriel is successfully attending the program. He is able to interact and participate and he’s having fun with his peers.”
For many years, Florida’s Medicaid policy refused to pay for a child’s second cochlear implant. Thanks to Kiersta, her mom, and Disability Rights Florida, that policy was reversed in 2013. Today if it is medically necessary for a child covered by Medicaid to receive a second cochlear implant, then the child must receive the device. Kiersta was the first child to benefit from that change.

It was an emotional roller coaster ride for Kiersta’s mom Alex. Providers told her about Medicaid’s “one implant only” policy when Kiersta received her first implant. However, after attending a Disability Rights Florida workshop called “Advocacy 101: Challenging an Agency’s Denial or Reduction of Your Medicaid Services,” she became hopeful that maybe a second implant was possible. Alex encountered Disability Rights Florida again at an outreach event several months later. Within a few days, she had an advocate.

During the months that followed, Disability Rights Florida staff challenged Medicaid’s policy as outdated and contrary to Medicaid’s requirement that Florida provide “all medically necessary services to eligible children under age 21”. For a child with a severe-to-profound bilateral sensorineural hearing loss, obtaining a second cochlear may be medically necessary because that child will not develop the binaural advantages that come with hearing from both ears. Moreover, there is a critical developmental period during which auditory pathways for perceiving sound with both ears are developed and if a second implant is delayed, it may slow the child’s language development.

Disability Rights Florida stepped in many times to ensure that Kiersta’s application with the Agency for Health Care Administration (AHCA) was moving along. Eventually her request was approved and she received her second device. A few months later and at our urging, AHCA explained the new policy in writing to its providers.

Kiersta’s mother Alex said, “It has been a pleasure to work with Disability Rights Florida. It was the professionalism of the staff that got me through this process and helped in the end to ensure that Kiersta can hear to her fullest potential. I am just in awe of the dedication of the staff that kept this advocacy effort going all the way from Kiersta’s case to a change that will benefit many other children.”
Financial Information

Program vs. General and Administrative

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<td>Program Services</td>
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<td>General and Administrative</td>
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<th>Category</th>
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<td>Assistive Technology – PAAT</td>
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<td>Beneficiaries of Social Security – PABSS</td>
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<td>Client Assistance Program – CAP</td>
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<td>Individual Rights – PAIR</td>
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<td>Traumatic Brain Injury – PATBI</td>
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<td>Voting Access – PAVA</td>
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<td>Other Grants, Donations, and Program Income</td>
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<td><strong>TOTAL REVENUES AND SUPPORT</strong></td>
<td><strong>$5,639,526</strong></td>
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