

Disability Rights

FLORIDA

2018 | **ANNUAL
REPORT**

DISABILITY RIGHTS FLORIDA

was founded in 1977 as the statewide designated protection and advocacy system for individuals with disabilities in the State of Florida. Disability Rights Florida is a not-for-profit corporation that has authority and responsibility under nine federal grants. Our services are free and confidential.

Our mission is to advance the quality of life, dignity, equality, self-determination, and freedom of choice of persons with disabilities through collaboration, education, advocacy, as well as legal and legislative strategies.

ONLINE ANNUAL REPORT

Our 2018 Annual Report is also available online. Visit www.disabilityrightsflorida.org/annualreport or scan the QR code below to download a digital copy of the annual report, visit the web links referenced throughout, and download the publications listed to the right.



OTHER AVAILABLE PUBLICATIONS

- **Disability Rights Florida Brochure**
- **Ten Steps to Effective Self-Advocacy**
- **Advocacy 101: Presenting Your Medicaid Case Before the Florida Office of Appeal Hearings or the Florida Division of Administrative Hearings**
- **Are You Prepared for an Emergency?**
- **Voting Brochure**
- **Obtain, Maintain, or Regain - Your Job or Career**
- **Traumatic Brain Injury**
- **An Exceptional Cause: Lawyers Helping Students Succeed at School**

MIGRANT CHILDREN MONITORING

Disability Rights Florida received information indicating that a significant percentage of the child detainees, currently being held in shelters run by the federal government's Office of Refugee Resettlement (ORR), were children with physical disabilities or mental illnesses. Many of these children have been affected by significant trauma on the trip to the United States or from living in war-torn areas in their countries of origin.



Disability Rights Florida, in cooperation with the National Disability Rights Network (NDRN), obtained access to monitor two ORR facilities in South Florida, including a shelter in Homestead detaining more than 1,200 children. The monitoring team consisted of staff whose expertise lies in facility monitoring and educational advocacy. Our team inspected the facilities and interviewed numerous children to determine if they were receiving appropriate care, educational services, and mental health treatment.

The team found that the children in these centers, which were only designed and staffed to house children on an extremely short-term basis, are being detained for ever-increasing periods of time. Consequentially, the team had concerns about overcrowding, lack of mental health treatment, and a lack of educational services. Recent changes in background checks for sponsor families has made it more difficult to transition these detainees out of the ORR centers and into more appropriate settings. Because of this, there are more and more children in these centers, which could put children with disabilities at risk of abuse or neglect.

Disability Rights Florida is still monitoring and will continue to monitor these living centers in the next year. We have also provided all our data and research results to NDRN in order to use in advocacy with federal agencies. The ultimate goal is a broad-based advocacy effort to ensure the children with disabilities at ORR facilities are receiving the care and support they need.

BRYCE KIRBY



Bryce Kirby is an adult with autism who is currently a student of Embry Riddle Aeronautic University (ERAU). Upon starting school at ERAU, Kirby registered his service animal, Lyra, as an Emotional Support Animal (ESA).

(ESA). Lyra was a well-behaved dog and helped Bryce to focus in school and other settings by nudging him and ensuring he remained on-task. Because of this, Lyra was an essential part of Kirby's success in school and life.

However, Bryce was informed that Lyra would be banned from campus due to an accidental violation of ESA rules (taking the dog out of the dorms), which was a result of an incorrect registration of the type of animal as an Emotional Support Animal rather

than a service animal. Bryce spent two very long and hard semesters without Lyra and struggled without the assistance he required. Bryce's mother contacted Disability Rights Florida, asking for help in protecting Bryce's civil rights so he could keep Lyra on campus with him. We contacted the Office of Civil Rights (OCR), and through their help, were able to restore Kirby's right to maintain Lyra on campus as a service dog.

Since this success, Bryce has thrived on his campus with the assistance of Lyra. Bryce's GPA is at a 3.5 and he will be rushing a Greek Fraternity in the Fall. The Fraternity Phi Kappa Alpha specifically wants him to join due to his excellent grades. Bryce is doing significantly better now with Lyra by his side and is very happy with the work that Disability Rights Florida and the OCR accomplished.

SECURITY STAFF IN MENTAL HEALTH TREATMENT FACILITIES

In 2018, Disability Rights Florida became aware of allegations that complaints against security staff in state mental health treatment facilities were being dismissed and left without investigation. Lack of investigation was the result of the Department of Children and Families (DCF) determining that security officers were not caregivers, and, under Adult Protective Services (APS), investigations only occur if the allegations of abuse are made regarding a caregiver. Therefore, there was a possibility that patients in state mental health facilities who claimed abuse were receiving no assistance or investigations into their allegations.

Disability Rights Florida filed a suit against the Department of Children and Families in the state court, requesting a declaration from the judge that DCF, through APS, had a legal obligation to investigate allegations of abuse or neglect made against security staff. DCF settled the case, agreeing to adopt a policy which would set a process for how allegations against security officers at state mental health facilities would be investigated. Disability Rights Florida continues to monitor DCF's compliance with the policy.

DAVID STOCK



David (Dave) Stock was injured in a catastrophic skiing accident in 2014, resulting in a permanent and lifestyle-altering disability. As a result of these events, Dave's

medical providers suggested he obtain a service animal, which would assist him in stabilization and prevent falling. Dave pursued obtaining his service dog, Mandy, who became an essential part of his treatment and contributed significantly to his recovery and well-being.

Due to his disability, Dave could not be accompanied by an animal on a leash, as even a slight pull could have serious repercussions on his physical health. Luckily, Mandy was trained to walk off-leash and to respond to voice and hand signal commands. However, in late 2017, Dave's Homeowner's Association (HOA) advised him that he was not allowed to walk Mandy off-leash in the community, as it was a violation of their rules. Even though Dave informed the HOA of his disability and of the medical necessity to walk Mandy off-leash, the Home Owners Association denied his request, at which point Dave contacted Disability Rights Florida.

Our advocates worked directly with Dave and the HOA through negotiations and, eventually, by sending a demand letter stating their obligation to accommodate Dave under the Fair Housing Act (FHA). In response, the HOA approved Dave's request, allowing him to walk Mandy throughout the community freely and without a leash. As a result of Disability Rights Florida's efforts, Dave's rights under the FHA remain protected and he is once again able to enjoy long walks with Mandy around his beautiful neighborhood.

IN THE NEWS

ON THE SUBJECT OF ABUSE AT CARLTON PALMS EDUCATIONAL CENTER:

"The report, released Monday by the group Disability Rights Florida, cited video footage at the for-profit Carlton Palms Educational Center that shows a staff member slapping a resident, documented instances of residents being restrained for hours for no apparent reason and highlighted differing accounts by a staff member after a resident suffered a black eye. 'There's a certain culture there that either permits or doesn't acknowledge inaccurate reporting.'

Carlton Palms facility for mentally disabled makes misleading reports, group charges - Orlando Sentinel, March 6, 2018

ON THE SUBJECT OF THE SHOOTER AT MARJORY STONEMAN DOUGLAS HIGH IN PARKLAND:

"What they did was move the problem to another setting. I hear a lot, 'We offered help. He chose not take it.' You know he needs services. You have to work at motivating him. You need to do everything you can to help him. Sending him to a course recovery program is not doing everything you can."

Schools could have done more for shooter Nikolas Cruz, experts say - SunSentinel, March 4, 2018

ON THE SUBJECT OF BANNING PLASTIC STRAWS:

"Blanket campaigns and laws can have unintended negative effects on individuals with disabilities. Having plastic straws available is not a convenience, it is a necessity for many individuals with disabilities. ... Disability Rights Florida would be in support of ecofriendly alternatives but until this is feasible we would encourage businesses to make plastic straws available upon request, no questions asked."

Straw bans: Good for environmentalists. Bad for people with disabilities? - WTSP 10 News, August 11, 2018

JUSTIN AUCOIN



Justin Aucoin is a student with Cerebral Palsy who uses a wheelchair to assist him in his day-to-day tasks. However, Justin was experiencing severe pain from a constant sitting position

and required the assistance of another person to allow him to use standing equipment to alleviate the pain. This method was not effective, and his physician prescribed him a sit-to-stand wheelchair, which would not only alleviate this pain, but also grant him more independence in school and life by allowing him the ability to move to a standing position on his own.

The sit-to-stand wheelchair was denied by Medicaid based on a finding by eQHealth Solutions that the equipment was not medically necessary for him. Justin's parent contacted Disability Rights Florida seeking representation for a fair hearing to appeal eQHealth's determination. We represented Justin, which ended in a favorable final order. As a result, Justin was approved for the sit-to-stand wheelchair and applied for it through the help of Disability Rights Florida.

Justin now has the sit-to-stand wheelchair and is very grateful towards Disability Rights Florida for all that was done to help him. With the access of this extremely beneficial wheelchair, Justin is able to be more independent in his classroom, move positions on his own, build and stretch his muscles, alleviate pain by standing, and participate in more activities.

HOME AND COMMUNITY-BASED SERVICES MONITORING

In 2018, Disability Rights Florida conducted ten site visits to different living settings where people receive home and community-based services (HCBS). The intent of the federal rules governing the settings where people receive HCBS, according to the Center for Medicaid and Children's Health Insurance Program Services, is to provide "full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate." The goal of our team was to monitor and comment on these communities' success in complying with Home and Community-Based Settings (HCBS) and Rules as stated above.

Disability Rights Florida developed a survey in order to gage how well these settings were following HCBS standards. The focus was to ensure that residents had access to the community, as well as making sure the facilities resembled a home-like environment rather than an institution. After assessing the communities, our team submitted their data to the Agency for Health Care Administration, Centers for Medicare and Medicaid Services, and the National Disability Rights Network. If problems were found, we alerted state agencies and federal authorities, allowing them the information of what to change in order to improve. The objective is to seek compliance from these facilities, in order to obtain the best level of safety and accessibility to the community for the residents.

KIMBERLY LEWIS

Kimberly Lewis is an adult who is diagnosed with several disabilities, including paralysis and a vision impairment. Because of her disabilities, Kimberly relies on community-based services such as Personal Care Assistance (PCA), Companion, and Homemaker services; these allow her to maintain her independence in living at home, instead of a nursing facility or similar setting. Kimberly required additional care while her primary caregiver was at work, as well as extra hours for her PCA nurses, who expressed that they did not have enough time to provide her with necessary services to meet her needs. Kimberly requested these additional supports

from her healthcare provider but was denied despite her physical needs.

Kimberly contacted Disability Rights Florida regarding the issue. We requested and scheduled a Medicaid hearing in which we assisted Kimberly in obtaining her rights to additional care services. After a new assessment was conducted, Kimberly's managed care plan reconsidered and reversed their original decision, approving the additional requested supports. Kimberly now has access to necessary services to provide her with the assistance she requires to live as independently as possible.

INPATIENT MENTAL HEALTH TREATMENT

Beginning in 2015, Disability Rights Florida learned of deaths and concerns regarding the lack of mental health care in Florida Department of Corrections (FDC) inpatient mental health units. After a thorough investigation we determined there was a systemic lack of mental health treatment and services for inpatients. As a result of the investigation, we contacted the FDC about our concerns and demanded immediate action to fix these issues or we would file a lawsuit in federal court. As a result of our demand, we and FDC engaged in a 12-month process of mediation sessions with a federal court judge. We agreed upon a resolution that involved Disability Rights Florida filing its lawsuit in federal court with the Settlement Agreement being adopted as an order of the court.

The Settlement Agreement addresses individual treatment services, group therapy, coordination between medical and mental health treatment providers, and implements a new program for provision of services for those engaging in self-injurious actions. The agreement also provides a robust training program for clinical and security staff in proper care of inpatients. In order to ensure the FDC's compliance in implementing the settlement, an independent team of monitors will do comprehensive and systemic monitoring for compliance with the agreement at inpatient units every month for the next 18 months—starting in February 2019. Lastly, the agreement requires the court to adopt it as an order of the court, indicating that it has the same weight and power as a court order and, as a result, enforcement mechanisms are in place if the FDC is found to be noncompliant.

SOCIAL SECURITY REPRESENTATIVE PAYEE PROGRAM BEGUN IN 2018

A new law, **The Strengthening Protections for Social Security Beneficiaries Act of 2018**, requires the Social Security Administration (SSA) to make annual grants to each state's Protection and Advocacy system for conducting reviews of Representative Payees under the Supplemental Security Income program and the Old Age, Survivors, and Disability Insurance program.

Disability Rights Florida will receive training and work closely with the National Disability Rights Network (NDRN) to complete reviews of Representative Payees and provide them with training on behalf of the SSA. The benefit of this program is that it allows beneficiaries with disabilities who are unable to manage their SSA income to fully access their benefits through a trained and monitored Representative Payee.



Disability Rights Florida conducting outreach at Northeast Florida State Hospital



Disability Rights Florida staff and board members meeting with Senator Negron



Participants at a Project Vote training in Martin County

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CARLTON PALMS EDUCATIONAL CENTER

Carlton Palms Educational Center—a large facility located in Mt. Dora—housed individuals with developmental disabilities who required intensive behavioral care. Over the past several years, Disability Rights Florida became aware of issues regarding abuse, neglect, and general well-being of the facility's residents after one young resident died while in restraints. Disability Rights Florida filed several complaints with the Agency for Persons with Disabilities (APD). APD filed licensure actions resulting in several settlement agreements between APD and the facility.



We monitored Carlton Palms regarding changes in the provision of medical care, oversight of staff, nursing practices, and surveillance measures intended to ensure compliance with licensing and other measures. As a result of the monitoring, Disability Rights Florida notified APD that Carlton Palms staff were utilizing approximately 34 low-back chairs with restraints that appeared to be made “in-house,” and which lacked proper support, padding, and engineering, and therefore did not comply with Florida rules and regulations. Rather than discontinue the use of restraints, Carlton Palms purchased industrially-made restraint chairs and we requested thorough curriculum to train and/or re-train the staff.

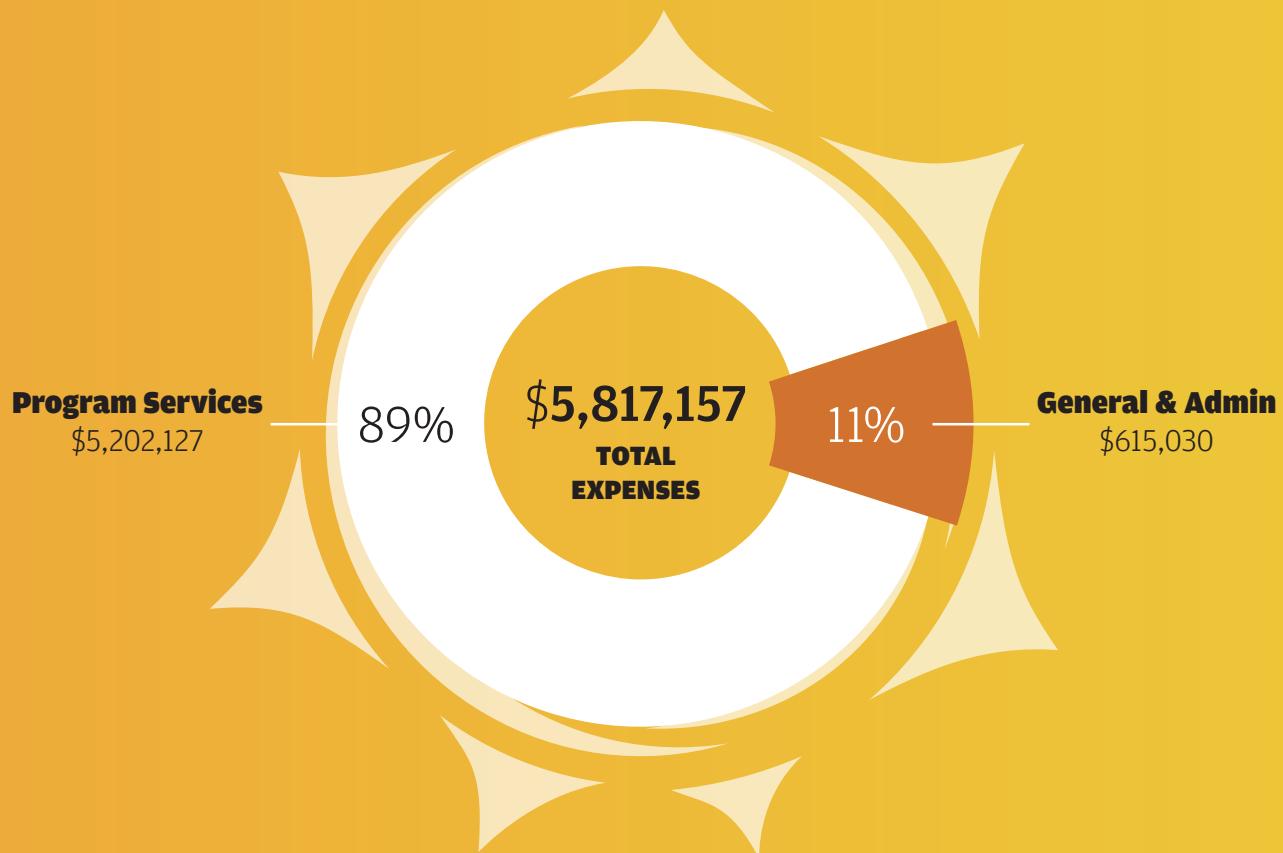
By November of 2016, Disability Rights Florida had probable cause to believe abuse and neglect continued to occur at Carlton Palms, despite increased oversight by APD and monitoring by Disability Rights Florida staff. Investigations conducted by the Department of Children and Families (DCF) revealed allegations of abuse or neglect from at least 21 identified residents in direct correlation to Carlton Palm’s noncompliance with rules and regulations, inadequate staffing, and failure to document uses of restraints or claims of abuse and neglect.

Due to a June 2016 Settlement Agreement between the APD and Carlton Palms, the facility endeavored to transition its residents into smaller, community-based settings by March of 2019. However, after the death of yet another resident in March of 2018 and the issuance of Disability Rights Florida’s Report, “Monitoring and Investigation of Carlton Palms Educational Center,” the APD finally moved to put the facility into receivership (taking it under their dominion and control) and quickly relocated about 120 remaining residents to smaller community settings. Carlton Palms officially closed in October of 2018.

Disability Rights Florida is committed to ensuring the safety and well-being of former residents of Carlton Palms. We will continue health and safety monitoring for individuals who utilize waiver services in group homes.

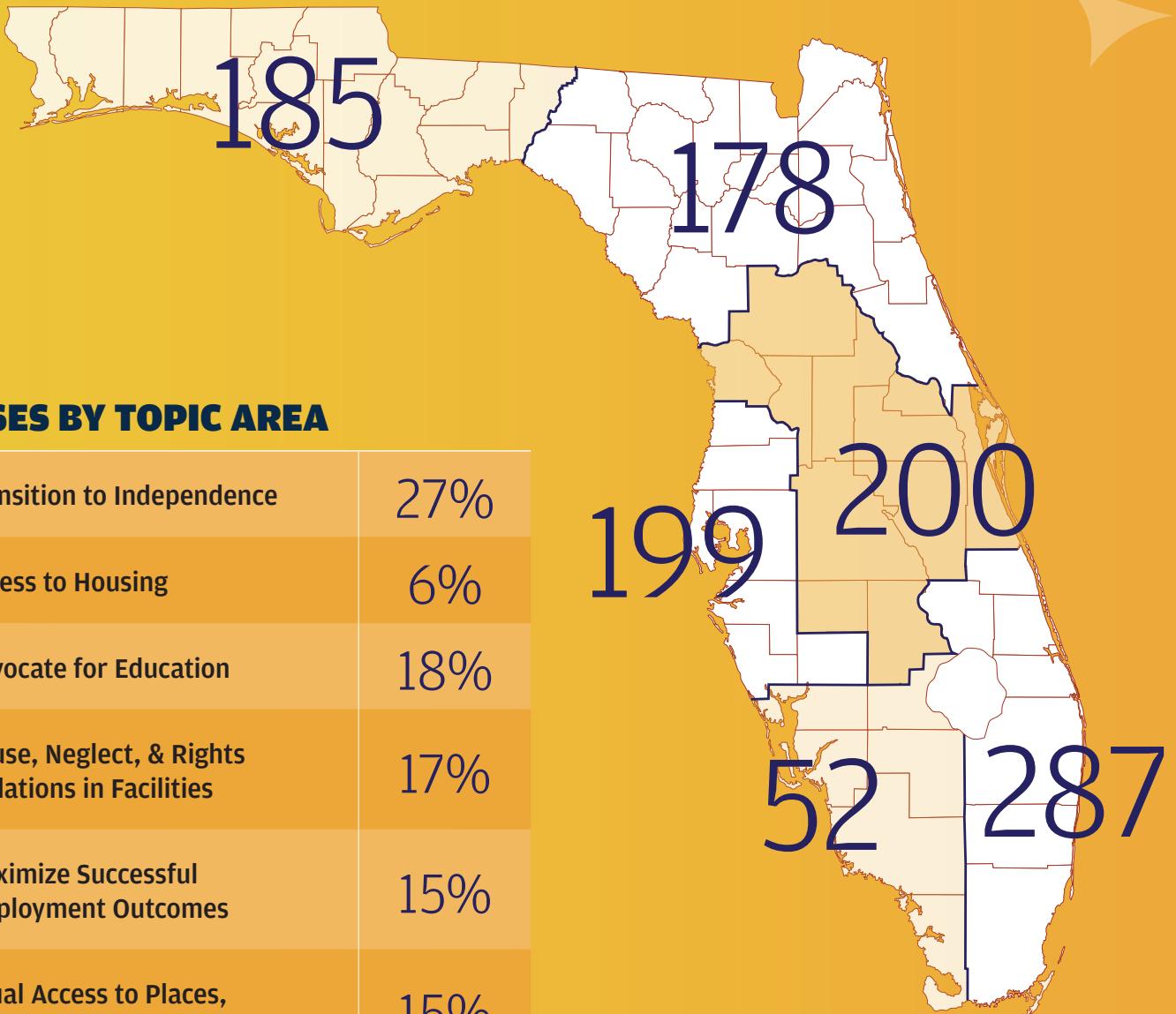
FINANCIAL INFORMATION

Assistive Technology - PAAT	\$227,343	4%	<div style="width: 4%;"></div>
Beneficiaries of Social Security - PABSS	\$211,013	3%	<div style="width: 3%;"></div>
Client Assistance Program - CAP	\$757,972	13%	<div style="width: 13%;"></div>
Developmental Disabilities - PADD	\$1,795,334	30%	<div style="width: 30%;"></div>
Individual Rights - PAIR	\$783,215	13%	<div style="width: 13%;"></div>
Individuals with Mental Illness - PAIMI	\$1,693,176	28%	<div style="width: 28%;"></div>
Traumatic Brain Injury - PATBI	\$82,545	1%	<div style="width: 1%;"></div>
Voting Access - PAVA	\$211,978	3%	<div style="width: 3%;"></div>
Social Security Rep Payee - SPSSB	\$24,489	1%	<div style="width: 1%;"></div>
Other Grants, Donations, and Program Income	\$268,642	4%	<div style="width: 4%;"></div>
Total Revenues and Support	\$6,055,707	100%	



BY THE NUMBERS

INDIVIDUAL CASES BY REGION



CASES BY TOPIC AREA

Transition to Independence	27%
Access to Housing	6%
Advocate for Education	18%
Abuse, Neglect, & Rights Violations in Facilities	17%
Maximize Successful Employment Outcomes	15%
Equal Access to Places, Programs and Services	15%
Promote Independence through Alternatives to Guardianship	2%

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