



**NEVADA DISABILITY
ADVOCACY & LAW CENTER**

FISCAL YEAR 2010 YEAR END REPORT

ABOUT US

The Nevada Disability Advocacy & Law Center is a private, statewide non-profit organization that serves as Nevada's federally-mandated protection and advocacy system for human, legal, and service rights for individuals with disabilities. NDALC has served as Nevada's protection and advocacy system since March 1995.

Services provided by NDALC include, but are not limited to: information and referral services, education, training, negotiation, mediation, investigation of reported or suspected abuse/neglect, legal counsel, technical assistance, and public policy work.

NDALC has offices in Las Vegas, Reno/Sparks, and Elko with services provided statewide. All services are offered at no cost to eligible individuals in accordance with NDALC's available resources and service priorities.

MISSION STATEMENT

Protect and advocate for human and legal rights, interests, and welfare of Nevadans with disabilities.

Promote, support, and assist Nevadans with disabilities in understanding and controlling those systems and processes which directly affect their lives.

Foster the development, availability, and accessibility of services which increase the opportunities available to Nevadans with disabilities to live their lives as fully, independently, and productively as possible.

PROTECTION & ADVOCACY SYSTEMS

P&A systems throughout the United States were established as a result of public concern and outcry regarding abuse, neglect, and denial of rights of individuals with disabilities.

Since 1978, Congress has established several protection and advocacy programs to address the needs of different populations of individuals with disabilities. Under these programs P&A systems are authorized to:

- Pursue legal, administrative, and other appropriate remedies in order to enforce and uphold the rights of eligible individuals with disabilities.
- Investigate reported or suspected incidents of abuse and neglect of eligible individuals with disabilities.

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FISCAL YEAR 2010 CLIENT DEMOGRAPHICS

Total Clients 1876 Total Service Requests 2116



GENDER	Clients	S/R
Male	967	1096
Female	909	1020

REGION	Clients	S/R
Northern	517	564
Southern	1139	1300
Rural	220	252

AGE	Clients	S/R
0-5	39	39
6-11	99	107
12-18	122	134
19-25	140	161
26-35	223	263
36-45	323	367
46-55	433	495
56-65	308	344
66-75	80	88
76+	48	54
Unknown	61	64

ETHNICITY	Clients	S/R
Alaskan Native	1	1
American Indian	19	21
Arab American	2	2
Asian	22	22
Asian (H/L)	1	1
Black	180	211
Black (H/L)	18	20
Hispanic/Latino	160	180
Multiracial	11	11
Multiracial (H/L)	2	4
Multiracial	6	6
Native Hawaiian	1	1
Not Selected	3	3
Other	18	20
Pacific Islander	5	5
Unknown	4	4
White	1415	1595
White (H/L)	8	9

PRIMARY DISABILITY	Clients	S/R
Absence of Extremities	9	11
ADD/ADHD	23	26
Arthritis	17	18
Aspergers	6	6
Autism Spectrum Disorder	77	85
Auto-immune (non-AIDS/HIV)	5	5
Autoimmune Disease	6	6
Blindness (both eyes)	21	21
Cancer	25	28
Cerebral palsy	36	39
Deaf-Blind	2	2
Deafness	14	16
Diabetes	8	8
Digestive Disorders	3	4
Down Syndrome	19	20
Epilepsy	18	20
Genitourinary Conditions	4	5
Hard of Hearing/Hearing Impaired (not deaf)	22	22
Heart and Other Circulatory Conditions	51	55
HIV/AIDS	4	4
Learning Disabilities	37	38
Mental Illness	754	892
Mental Retardation	73	82
Multiple Sclerosis	23	28
Muscular Dystrophy	4	4
Muscular/Skeletal Impairment	53	59
Neurological Disorders	68	76
None	43	43
Not Selected	10	10
Other Emotional/Behavioral	6	6
Other Intellectual	2	2
Other Physical/Orthopedic	1	1
Physical/Orthopedic Impairments	264	292
Respiratory Disorders	22	22
Skin Conditions	3	3
Specific Learning Disabilities (SLD)	4	4
Speech Impairments	3	4
Spina Bifida	2	3
Substance Abuse (Drug/Alcohol)	5	5
Tourette Syndrome	3	5
Traumatic Brain Injuries (TBI)	74	81
Unknown	9	9
Visual Impairment (Not Blind)	21	23
Left Blank	22	23

Northern Counties: Carson City, Douglas, Lyon, Storey, Washoe

Southern Counties: Clark

Rural Counties: Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Out

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURY (PATBI)

Services for individuals living with traumatic brain injuries and their families.

Illustrative Cases: **Case of T.C.**, a 62 year old male survivor of a TBI. T.C. went to live with a woman who approached him while he was staying at the Salvation Army shelter located in Las Vegas, Nevada. She represented herself as the owner of a boarding house and told him he could have a bedroom and comforts of a home for \$400 in rent a month. T.C. went to live at the boarding house in February 2010; there was no rental agreement signed. In March 2010 T.C. contacted NDALC stating he did not understand how the owner of the boarding house had become his Representative Payee with his Social Security Disability (SSD) benefits but she had. Upon investigation it became apparent T.C. had been coerced into giving all of his personal identification and signing over his SSD benefits to an unknown individual who was using them to her benefit. With

assistance from the NDALC advocate T.C. filed a complaint with the Las Vegas Metro Police's Abuse and Neglect Department, a complaint with the city of Las Vegas for the operation of an unlicensed boarding house, and with the Las Vegas Fire Marshal for the operation of a boarding home without a sprinkler system. The Social Security Administration is investigating the individual that became T.C.'s payee. T.C. is currently his own payee again and residing in his own studio apartment.

Case of H.L., a 31 year old male TBI survivor living in a Health Intensive Care (HIC) group home in Las Vegas, Nevada. H.L. is a quadriplegic with limited knowledge of the English language and no family. The NDALC advocate was alerted to H.L.'s situation by the visiting physician. After interviewing H.L. the advocate learned that H.L. was

in constant physical pain. H.L.'s pain threshold was discussed with the physician, who ordered lab work. H.L.'s blood work showed no opiate level present; the physician explained that was impossible if the HIC home staff was giving H.L. the four different narcotic pain medications as prescribed. The NDALC advocate worked with the Bureau of Health Care Quality and Compliance (HCQC) to investigate the care H.L. and the other residents have been receiving at the HIC home. H.L.'s medications have been restarted, lab work indicates a therapeutic opioid level, and the HIC staff has been replaced. The NDALC advocate continues to monitor H.L.'s care while awaiting relocation to a new HIC home.

PROTECTION AND ADVOCACY FOR INDIVIDUAL RIGHTS (PAIR)

Services for all other individuals with physical and/or mental disabilities who are not eligible for services under the PADD and PAMI programs, or the Client Assistance Program (CAP).


Illustrative Cases: New City of **Reno AAA baseball stadium** – NDALC continued to follow up on accessible parking issues at the baseball stadium. Last year we were assured by the Mayor and Reno City Council that a stand alone parking garage with accessible parking would be constructed as soon as the budget will allow. NDALC also provided technical assistance to the City of Reno ADA Coordinator regarding ADAAG's for accessible parking, valet service and signage for the valet service concerning parking for spectators who have a disability. The ADA Coordinator jointly conducted training with Aces Team staff for the valet service staff. NDALC continued to monitor both the City of Reno and the Reno Aces for progress regarding accessible parking and other access issues for the stadium.

NDALC has addressed **Medicaid waiting list** issues encountered by individuals who are eligible for PAIR services. Several individuals had contacted NDALC regarding their requests for Medicaid services as well as Home and Community Based waiver services. NDALC worked with these individuals to document their requests for services. Most of these individuals did not receive a response to their requests that was reasonably prompt and some did not receive a response at all. NDALC followed up with Nevada Medicaid regarding the individual's right to a timely response. As a result of NDALC's intervention, these individuals received Notices of Decision indicating that they had been put on waiting lists for the various services requested. Further, NDALC worked with state agencies to develop policies to ensure that when someone requests services, these requests are responded to in a timely and appropriate manner.


Case of AK a 91-year-old female with orthopedic impairments and cancer. A.K. contacted NDALC when her request to be released from a convalescent home after completing her rehabilitation was denied. A.K. was informed by the facility that she would not be released and that the guardianship process had been initiated. NDALC established through the family court clerk that a guardianship petition had not been filed. NDALC then worked with the client and the facility to educate them on A.K.'s patient rights as her own guardian. A.K. has since returned to her residence in the community and receives assistance through the Home and Community Based Medicaid Waiver Program.

PROTECTION & ADVOCACY FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES (PADD)

Services for individuals who have a developmental disability. A developmental disability is defined as a disability manifested before the age of 22; chronic in nature; and resulting in substantial functional limitations in three or more major life activities.



Illustrative Cases: **Case of TT**, a 21 year old male eligible for Regional Center services whose Home and Community Based Waiver services had been significantly reduced placing him at risk for institutionalism. NDALC worked to correct procedural violations denying TT SLA services and the ability to appeal the denial through Fair Hearing. Through investigating TT's situation, NDALC worked to correct procedural violations for all youths with developmental disabilities aging out of the foster care system. NDALC continued working with the Attorney Generals office, Nevada Medicaid and the Division of Mental Health and Developmental Services regarding the need for a clearly defined policy for ensuring that when Home and Community Based waiver services are reduced, denied, or terminated, individuals receive the appropriate notice, giving them access to the Medicaid Fair Hearing process.



NDALC's intervention in TT's case resulted in the state of Nevada checking all records of youths aging out of the foster care system to verify that eligibility for the Home and Community Based waiver had not been erroneously lost. Further,


the state developed a corrective action plan to ensure that the Regional Centers have access to waiver eligibility data and check this on a monthly basis. The state developed a policy meant to ensure that individuals receive the appropriate notice when Medicaid funded supports are reduced, denied, or terminated. Extensive training was provided to service coordinators regarding the new notice requirements.

Case of AB a 22 year nonverbal male with autism and significant cognitive deficits. AB received Intensive Supported Living Arrangement (ISLA) services while residing in a 24-hour supervised home with three other residents. AB's guardian requested assistance upon discovering that the ISLA provider had been neglecting AB's medical needs, did not provide him with nutritious meals recommended by his doctor, neglected his hygiene needs, allowed him to be assaulted by fellow residents, and was verbally abused by the providers staff. NDALC assisted the guardian in filing a formal complaint with the Rural Regional Center regarding AB's treatment by the provider. NDALC worked with the guardian and Rural Regional Center to obtain a remedy

to the abuse and medical neglect experienced by AB including the provision of a Supported Living Arrangement which is supporting AB in a more integrated setting in the community.

Case of KD is a 17 year old male with autism who attends an urban high school. While investigating KD's case NDALC discovered that KD and other students in his class were required to leave school 45 minutes to one hour early each day to be transported home on the school bus, ostensibly the main reason for the school's failure to fully implement his IEP. A complaint was filed with the Office of Civil Rights based on violations of Section 504 as these students were not receiving the same amount of instruction as students without disabilities at the school. This complaint resulted in a settlement agreement providing compensatory education services to KD and all other students at the school who had missed instruction due to early transport. The district revised its policy for transporting students and provided district-wide training on equal access rights under Section 504. the decision has statewide ramifications.

STATEWIDE CONNECTIONS



In 2009 NDALC secured a Medicaid Infrastructure grant to increase participation of persons with disabilities in statewide trainings and meetings by developing a community based video conferencing network. Video conference equipment was purchased and

installed at each of the NDALC locations: Las Vegas, Reno and Elko, creating a statewide communication tool. Use of the video conference equipment was offered, free of charge, to disability service providers, nonprofit organizations and self advocacy

groups in Nevada. In 2010 the video conferencing network was by utilized by 10 different agencies and/or organizations for a total of 67 meetings/trainings.

PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY (PABSS)

Services for individuals who receive Social Security disability benefits and need assistance with the removal of barriers preventing them from returning to work.

Illustrative Cases: **Case of DA** a 47 year old male from rural Nevada with a traumatic brain injury. DA received notification from the Social Security Administration that he had a work related overpayment due to wages not being properly reported. NDALC's advocate in Elko obtained DA's Social Security records and wage information. NDALC's review determined that DA's benefits were improperly reduced and contacted the Social Security Administration which, after reviewing DA's

records granted him a waiver of the overpayment.

Case of SB a 24 year old female with a mental illness and arthritis. NDALC staff met SB through its outreach efforts through the Boulder City partial hospitalization program. SB had been receiving Medicaid benefits because she was categorically eligible for Medicaid as a "disabled adult child". Recently the state Medicaid program switched her eligibility to receive QMBY only, and SB lost her

Medicaid benefits which caused her considerable stress. As a result SB stopped looking for work. NDALC was able to provide the appropriate information to the state Medicaid agency and SB had her full Medicaid benefits restored and she is now able to continue her efforts to return to work.



PROTECTION & ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS (PAIMI)

Services for individuals who have significant mental illness or emotional impairment.

Illustrative Cases: **Patient Transportation.** An adult female was being transported from a private psychiatric facility in Southern Nevada to the state mental health facility for a commitment hearing. During transport, the woman opened the door to the transport vehicle and leapt to her death. NDALC was contacted by the woman's parent who requested NDALC advocate for video-conferencing from private hospitals rather than physical transport to commitment hearings at the state facility. NDALC was invited by the District Court to participate in a forum attended by administrators from the area's acute facilities, the state facility and other private hospitals to discuss moving from physical transport of individuals to video-conferencing. NDALC supported the general concept and outlined its due process concerns, i.e. representation by council. Video-conferencing for commitment hearings for persons in private mental health facilities will begin in FY 2011 and NDALC will continue to monitor the commitment process to ensure individual rights are protected.

Case of J.F. a 23-year-old female with a diagnosis of severe mental illness and

mild mental retardation. J.F. contacted NDALC to learn what rights she had while under a guardianship. The NDALC advocate contacted the alleged guardian and was granted permission to review J.F.'s hospital records. In the records was a copy of a hand written note that J.F. had signed approximately one year earlier giving her mother permission to "act as her guardian" and "agreeing to do what her mother told her to do". Further research of guardianship records at Clark County Family Court showed that J.F. was not under a court appointed guardianship. NDALC worked with J.F., hospital staff, and J.F.'s parent to educate them on what a guardianship is, a person's responsibilities when they are appointed as a guardian, and what an individual's rights are when they have a guardian. J.F. was discharged from the psychiatric hospital and currently lives with a roommate in the community. She remains her own guardian.

NDALC v. Brandenburg: Update

NDALC brought an action in the United States District Court on behalf of all pre-trial detainees in the state of Nevada who have been found incompetent to stand trial and are committed to the custody of

the State for restorative treatment. Significant delays existed and detainees were not receiving prompt restorative treatment which is a violation of their substantive and procedural due process rights. The parties settled the case in 2008 and requires the state to provide restorative treatment within seven (7) days after receiving a court order. Additionally, the settlement agreement requires the state to provide NDALC with ongoing monthly reports concerning all individuals ordered for restorative treatment for a period of three (3) years. Beginning in January 2010, detainees again began to experience significant delays in receiving restorative treatment. NDALC notified the state Attorney General's Office that the state could be in breach of its obligations contained in the settlement agreement. NDALC met with the Attorney General's Office and the Director of the facility in May, July and September. The issues involving delays were resolved by adding additional transport from Clark County. NDALC will continue to monitor and ensure compliance by the state.

PROTECTION AND ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT)

Services for individuals with disabilities who need assistance obtaining assistive technology devices and services.

Illustrative Cases: **Case of K.C.** a 16 year old with autism and specific learning disabilities. K.C.'s mother contacted NDALC because of difficulties with the school district in drafting an appropriate individualized education program (IEP). The school was resisting supplying materials in alternative formats because of concerns that having audio recordings would violate the Chafee Amendment to federal copyright law. The school district believed this law applied only to students with visual impairments and because K.C.

was not visually impaired he could not receive materials in an alternative format. NDALC's advocacy resulted in the school district determining that providing materials in alternative formats would not violate federal copyright law and K.C. was able to have an IEP developed that would give him appropriate education services.

Case of D.W. a 49 year old male who is paraplegic. At the time D.W. called NDALC, he had tried unsuccessfully for two years to obtain a commode chair from Nevada Medicaid. He had devel-

oped severe skin ulcers because of a lack of appropriate assistive technology. NDALC worked with his rehabilitation specialist and his vendor to draft a letter of medical necessity that was sent to Medicaid. NDALC advocate arranged for a peer-to-peer discussion with the Medicaid contractor that reviews authorization requests. NDALC also contacted a Medicaid administrator to inquire about the commode chair. As a result of the NDALC advocate's efforts, D.W. received his medical equipment.



PROTECTION AND ADVOCACY FOR VOTER ACCESS (PAVA)

Services for individuals with disabilities to provide education and advocacy to ensure full participation in the electoral process.

During Fiscal 2010, NDALC conducted twenty-seven (27) Voter Registration and Voting Rights sessions. In addition, NDALC hosted two (2) Outreach/Educational, and Training workshops. At these workshops NDALC staff presented information about the HAVA program while emphasizing the importance of registering to vote and voting. Participating in the electoral process allows people with disabilities to let their voices be

heard. After the presentations, NDALC provided assistance in completing Voter Registration applications. Voter Registration applications have been distributed to those that requested them, and are available in all NDALC offices.

NDALC conducted its first outreach/training utilizing its new video conferencing equipment. Voters with disabilities from the Nevada Centers for Independent Living participated as did the

Secretary of State, Election Division's HAVA Coordinator. NDALC plans to reach out to more voters in the rural areas and save funds in the next fiscal year by conducting outreach/trainings by video conference.

NDALC plans to share information about outreach using video conference equipment as a "best practice" with other P&A's and to encourage them to explore technology options to reach voters with disabilities.

IOLTA (INTEREST ON LAWYER'S TRUST ACCOUNTS)

Nevada Law Foundation has granted NDALC IOLTA funds since 2001 for services for Individuals with mental illness

Illustrative Cases: Case of M.J. a 44-year-old male with severe mental illness. M.J. was receiving Section-8 housing assistance through the Housing Authority of Las Vegas (HALV); as well as, receiving mental health case management services from Mojave Mental Health Services (MMHS). On August 27, 2008, the MMHS' case manager requested that the housing authority send duplicate notices to MMHS due to M.J.'s inability to process written correspondence. The accommodation request was not honored and as a result M.J. lost his Section-8 housing assistance because he was not compliant with the re-certification notice that had been mailed to him. M.J. was in jeopardy of being evicted from his apartment when MMHS contacted NDALC. NDALC assisted M.J. to file an administrative fair housing complaint and a grievance with the Executive Director of the housing authority. As a

result of NDALC's intervention, M.J.'s section-8 housing was reinstated and all back rent was paid. The NDALC advocate provided the housing authority staff training regarding accommodations for persons with disabilities, in particular persons with severe mental illness.

Case of C.S. a 46-year-old male with severe mental illness. C.S. was living independently in the community with support from Mojave Mental Health Services (MMHS) case management and section-8 housing through the Housing Authority of Las Vegas (HALV). C.S. had been receiving section-8 housing assistance for approximately 3 years when he was given a written eviction notice by the apartment manager for non-payment of rent. MMHS and C.S. requested assistance from NDALC to resolve the unexplained termination of C.S.'s section-8 and the failure to give written notice.

Upon review of the file, NDALC learned C.S. was not able to understand the requests and correspondence he received from the housing authority. C.S.' prior HALV case worker had worked with C.S. to ensure that he understood his responsibilities. However, his new HALV case worker did not understand how C.S.' schizophrenia affected his ability to process spoken and written instructions. As a result, C.S. failed to follow through with his re-certification inspection. NDALC was able to work with HALV and the MMHS to get the inspection certification submitted, the section-8 reinstated, all back rent paid, and an accommodation put into place regarding notices mailed to C.S.

NDEEP (NEVADA DISABILITY EMPLOYMENT EDUCATION PROJECT)

NDALC created NDEEP to provide benefits planning education and support to Social Security beneficiaries who are working, interested in working or returning to work.

In FY 2010 Nevada Disability Employment Education Project provided individualized Benefits Planning services/in-depth training to 197 Nevadans with disabilities. Examples of some of the services being provided include:

- Advice on working and earning potential while receiving Social Security Disability or SSI cash benefits
- Benefits analysis: Summary of current benefits with an analysis of how these benefits may be impacted by employment
- Evaluation of available options and development of an individualized action plan for utilizing available work incentives
- Plan to Achieve Self Support (PASS) Assists in the development

of PASS and ensures that it is properly submitted to SSA

- Information and assistance in understanding the potential impact of changes in life situations
- Information, referral and problem-solving support
- Ongoing assistance to help manage benefits as individuals transition into employment
- Age 18 redetermination information
- Assistance reporting wages to the Social Security Administration

Information on the Benefits Planning program and the services the Nevada Disability Employment Education Project can provide was presented to 657 individuals with disabilities, family members, students, VR counselors and staff at

disability service provider organizations. Information about Benefits Planning services has been posted on NDALC's webpage and over 500+ BP&A brochures were distributed throughout Reno/Sparks, Elko and rural Northern Nevada.

