



NEVADA DISABILITY ADVOCACY & LAW CENTER

2015 YEAR END REPORT

NEVADA'S PROTECTION & ADVOCACY SYSTEM FOR INDIVIDUALS WITH DISABILITIES

A B O U T U S

The Nevada Disability Advocacy & Law Center (NDALC) 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, 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.

M I S S I O N S T A T E M E N T

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.

P R O T E C T I O N & A D V O C A C Y S Y S T E M S (P & A)

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.

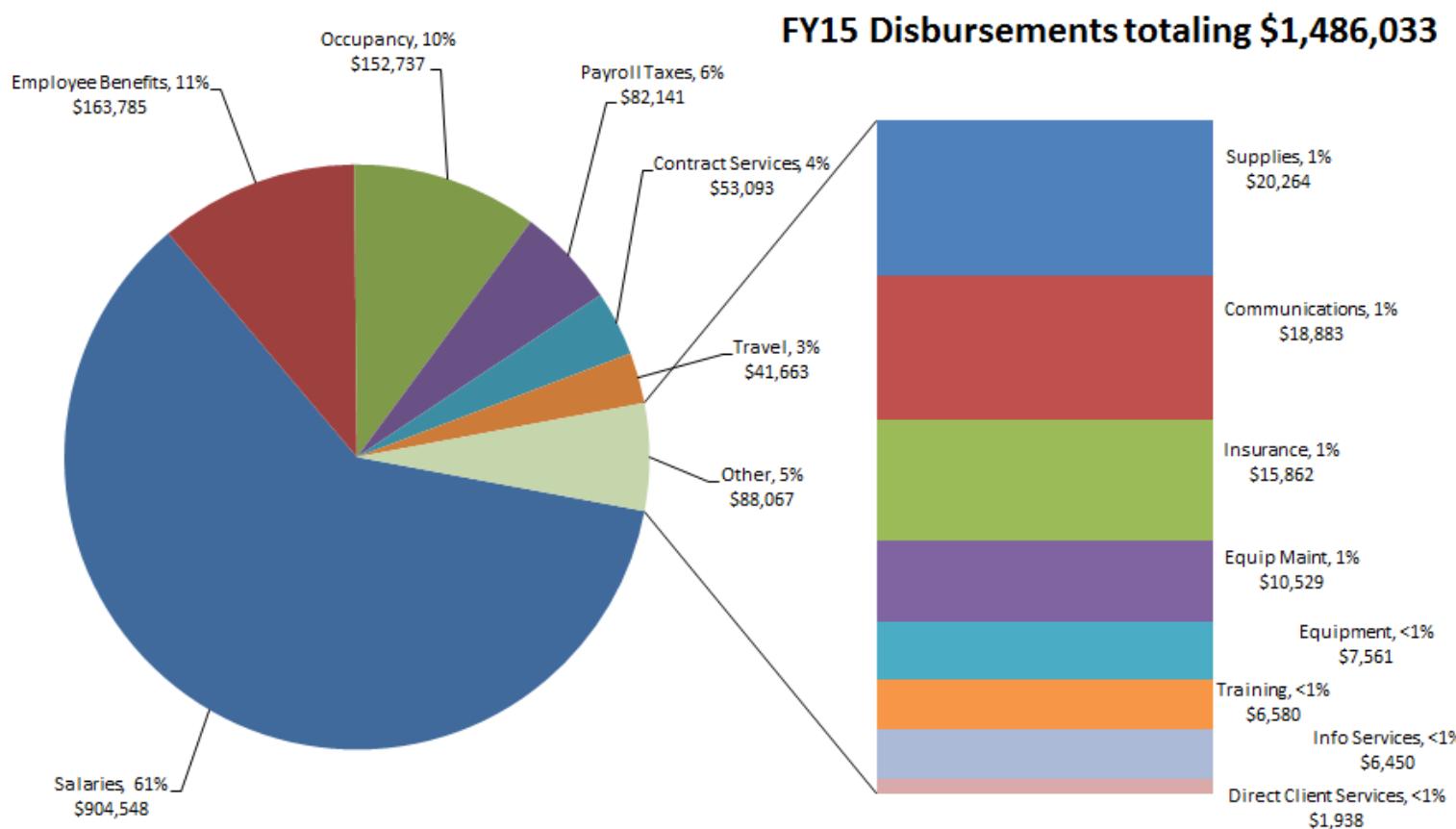
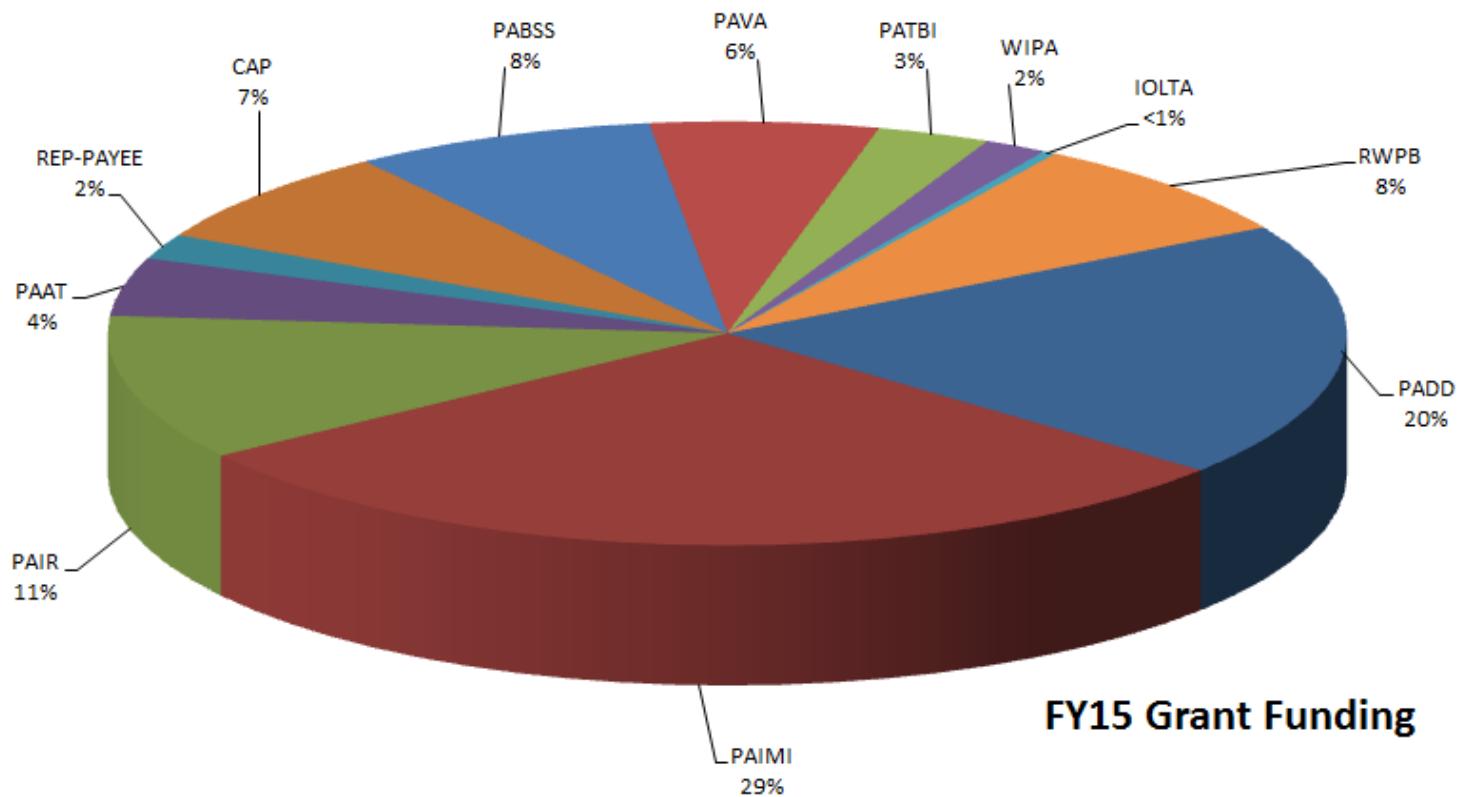
Since 1978, Congress has established several protection and advocacy programs to address the needs of different populations of individuals with disabilities. Under these programs P&A systems are authorized to:

- 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.

FISCAL YEAR 2015 CLIENT DEMOGRAPHICS

TOTAL CLIENTS		1661	TOTAL SERVICE REQUESTS		1866					
GENDER	Clients	S/R	PRIMARY DISABILITY		Clients	S/R				
Male	901	1021	Absence of Extremities		6	6				
Female	760	845	ADD/ADHD		16	18				
			AIDS/HIV		78	96				
AGE	Clients	S/R	Arthritis		5	5				
0-5	52	61	Autism Spectrum Disorder		121	138				
6-11	95	104	Auto-immune (non-AIDS/HIV)		4	4				
12-18	135	151	Autoimmune Disease		8	9				
19-25	148	159	Blindness (both eyes)		24	24				
26-35	211	244	Cancer		13	14				
36-45	208	239	Cerebral Palsy		34	40				
46-55	333	384	Deafness		41	45				
56-65	279	305	Diabetes		14	15				
66-75	72	79	Digestive Disorders		5	6				
76+	47	51	Down Syndrome		20	24				
Unknown	87	89	Epilepsy		11	12				
			Genitourinary Conditions		6	6				
ETHNICITY	Clients	S/R	Hard of Hearing (not deaf)		21	26				
American Indian / Alaskan Native	22	25	Heart & Other Circulatory Conditions		26	27				
Asian	51	58	Learning Disabilities		32	34				
Asian (H/L)	1	2	Mental Illness		634	723				
Black	237	277	Intellectual Disabilities		56	68				
Black (H/L)	6	10	Multiple Sclerosis		10	12				
Hispanic/Latino	75	84	Muscular Dystrophy		3	3				
Multiracial	37	41	Muscular/Skeletal Impairment		60	67				
Multiracial (H/L)	8	10	Neurological Disorders		234	250				
Native Hawaiian / Other Pacific Islander	9	11	Orthopedic/Physical Impairments		12	12				
Not Stated	21	21	Respiratory Disorders		13	15				
Unknown	80	83	Skin Conditions		1	1				
White	921	1014	Specific Learning Disabilities (SLD)		21	21				
White (H/L)	193	230	Speech Impairments		9	9				
(H/L - Hispanic/Latino)			Spina Bifida		2	2				
			Substance Abuse		2	2				
			Traumatic Brain Injuries (TBI)		72	77				
			Visual Impairment (Not Blind)		23	31				
REGION	Clients	S/R	Not Stated		24	24				
Northern	407	438	Clients self-identify for Ethnicity & Disability							
Southern	1129	1292								
Rural	125	136								
Northern Counties:	Carson City, Douglas, Lyon, Storey, Washoe									
Southern Counties:	Clark									
Rural Counties:	Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Out of State, Pershing, White Pine									

FISCAL YEAR 2015 FUNDING & EXPENSES



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, is chronic in nature, and results in substantial functional limitations in three or more major life activities.



During the fiscal 2015 grant year, NDALC focused its group advocacy activities for individuals with developmental disabilities on integrated employment options, transition services, solitary confinement in Nevada prisons, ADA enforcement within Nevada's State government entities, and new regulations regarding home and community based services.

NDALC identified that the State of Nevada did not have an ADA coordinator, as required by federal regulation, to investigate all complaints of alleged non-compliance with the Americans with Disabilities Act. NDALC staff attorneys and the Executive Director met with the Governor's Chief of Staff, who indicated that Nevada's Governor had since directed that all executive branch agencies come into compliance by having designated ADA coordinators. NDALC will be following up during this current fiscal year to ensure implementation and continued compliance.

NDALC entered into a joint project with Nevada's ACLU chapter and another non-profit organization to investigate the use of solitary confinement in Nevada's prison system.

NDALC and the other agencies are concerned that solitary confinement is being used or over-used to address disability related behaviors; with confinement under these circumstances being for periods of months and/or years. NDALC worked with its partners to draft and mail out surveys to approximately 1,000 prisoners; including prisoners with developmental disabilities. NDALC and its partners will conduct follow-up activities during the current fiscal year to analyze the data gathered and take further action as needed.



NDALC's Executive Director participated on a task force convened by the Governor to review issues related to integrated employment options. The task force met throughout the 2015 fiscal period and developed recommendations regarding integrated employment options. NDALC continues to participate in these activities to advocate for further community-based employment at competitive wages.

NDALC staff reviewed new regulations regarding home and community based services and monitored those potential situations where heightened scrutiny was required by the State's Medicaid agency and federal regulators.

When a service provider in Las Vegas proposed using Medicaid waiver funding for housing options that potentially violated the new standard for home and community based services, NDALC drafted and submitted public comments to the State's Medicaid agency outlining NDALC's concerns regarding potential violations of federal regulations and policy.

PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS (PAIMI)

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

Nevada's intensive community based services for persons with mental illness are generally provided in small group homes of two to five people; called "supportive living arrangements" (SLA). The SLA providers are not licensed and are not subject to the regulatory scrutiny required for group homes consisting of six or more people.

In fiscal year 2015, NDALC initiated a monitoring project of these SLAs. The agency contacted the State's housing coordinators in both Northern and Southern Nevada and obtained a list of all SLAs paid with State general fund money. NDALC gained access to more than 15 SLAs in Northern and Southern Nevada.

The project is ongoing and issues of concern are addressed in conjunction with the State's housing coordinators. As a result of the monitoring and distribution of agency posters and brochure information, clients and their families are made aware of NDALC services.

In 2015, NDALC monitored the commitment court process in Southern Nevada. The court uses video conferencing equipment for the commitment proceedings for those patients in private, psychiatric units in Clark County. This was initiated a number of years ago after a patient committed suicide during transport from a private hospital to the state hospital where commitment court physically occurs. NDALC met with the judge presiding over the commitment court process in Southern Nevada, the public defender, and a State Deputy Attorney General to discuss gaps in community based services and other issues impacting clients in Southern Nevada. NDALC attorneys also attended the commitment hearings of patients appearing via video conference. Based upon observations, NDALC sent a letter to the presiding judge outlining several areas of concern, which were subsequently remedied by the judge.

For example, because of the configuration of the court room and placement of video conferencing equipment, patients had difficulty knowing who was speaking to them at any given time and patients could not see their public defender during the proceeding. These issues were remedied by the judge following receipt of NDALC's letter.

NDALC developed and continues distribution of surveys for patients appearing by video-conference to provide us with ongoing feedback about commitment proceedings.

In FY 2015, NDALC also began to monitor the psychiatric units of private hospitals, the bed count of which have expanded greatly since implementation of the Affordable Care Act (ACA). NDALC ensures its agency's rights' posters are prominently displayed throughout the units and we regularly monitor the State's three psychiatric hospitals as well.

Illustrative Case: ES is a 28 year old woman with a mental illness, borderline personality disorder and an intellectual disability who was held in solitary confinement at a Nevada men's prison for a period in excess of 13 months. With the assistance of another prisoner, ES filed an action in federal court alleging the conditions of her confinement violated her Eighth Amendment right to be free from cruel and unusual punishment. Because of the seriousness of the allegations contained in the complaint, at the request of the United States District Court of Nevada Magistrate, NDALC was contacted for assistance by staff of the United States Court of Appeal for the Ninth Circuit and was subsequently appointed counsel for plaintiff for the purposes of early settlement. Upon notice of NDALC's appointment, ES was immediately transferred from the men's prison back to the women's prison. A Nevada licensed psychiatrist was also appointed guardian ad litem to assist NDALC for purposes of settlement. A settlement conference was held at the women's prison in Las Vegas and the case settled for a significant amount of money which was placed in a special needs trust for the benefit of ES. Because of ES's severe self-harming behaviors, some of the settlement funds were set aside to pay for an expert in Dialectical Behavioral Therapy (DBT). Also, as part of the settlement agreement, the Nevada Department of Corrections agreed to work in good faith with state mental health staff to ensure she was safely discharged from prison. She was safely discharged from prison to the state mental health facility where she has been receiving intensive DBT from an expert in the field at the University of Nevada.

PROTECTION AND ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT)



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

NDALC continues to provide individual case representation to children and adults with disabilities, who are in need of assistive technology devices and services. As a result, we were able to secure assistive technology that permits individuals to live more independently within the community.

In partnership with Easter Seals, NDALC facilitated the *Assistive Technology Options for Living, Learning, Playing and Working Training*. The training was designed to address assistive technology

concerns of Hispanic families that have children with special health care needs. During the training, participants learned about a variety of important assistive technology topics such as, cutting-edge assistive technology devices; how to use them and how to request them at school and through Medicaid. Participants met with other families with similar concerns, learned from one another and networked with the guest speaker. Additionally, participants shared common issues related to

assistive technology, such as overcoming the gaps in bilingual assistive technology services in Southern Nevada, and how assistive devices can help their children become more independent. This collaboration increased awareness within the Hispanic community about the programs and services NDALC has to offer.

106 individuals received assistive technology training; including 25 professionals from the non-profit and private sectors.

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 the 2015 fiscal year, NDALC's PAVA staff trained 200 individuals at six voter rights' education events. Two trainings were held at Las Vegas high schools and were directed to students who are deaf or hard of hearing, and teachers or teachers' aides.

Trainings included the use of a PowerPoint presentation, a mock

election, student-led discussions, and dissemination of NDALC's voter education guide. In addition, 871 PAVA brochures were distributed at 30 community events.

NDALC staff visit a number of polling sites each year to determine if locations are accessible to individuals of all abilities. In the last year, NDALC brought two

polling location issues to the attention of the Registrar of Voters' office. Improvements to one site included a new ramp, curb cuts, signage and trimming back vegetation. The other location has not been addressed at the time of this report. NDALC will continue monitoring this site location until issues are resolved.

LAWYER REFERRAL AND INFORMATION SERVICE (LRIS)

Public service grant to assist in the funding of law-related public service or educational activities provided by the Nevada Bar Association.

NDALC was awarded \$5,000 in 2015 to fund a new education program titled, “*Disability Rights Workshops — Access to Justice*”.

“*Disability Rights Workshops — Access to Justice*” provided consumers with the knowledge and skills to instill the necessary confidence to empower consumers, and their families, to advocate for the services needed to allow them to live their lives as independently, productively, and fully as possible.

NDALC conducted six trainings that were attended by 160 individuals. NDALC presented

four trainings in English and Spanish, which were designed to empower family members of children with disabilities. Each of the parent trainings covered effective self-advocacy techniques, provided information on how to navigate systems of care, and explained what disability services are available in Nevada.

Families were informed about the importance of keeping accurate and organized records of care. The Healthcare Notebook NDALC developed was distributed to all attendees for record-keeping.

NDALC also held two trainings in

Las Vegas on *Guardianship and Decision Making Options for Adults with Disabilities*.

The objective of these trainings was to educate and assist individuals with disabilities (and their family members) about the legal implications of guardianships, as well as alternatives to guardianships.

These are the first trainings NDALC has presented in Spanish.

The Hispanic population is considered an underserved population in Nevada.

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 PAIMI programs, or the Client Assistance Program (CAP).

NDALC served 63 individuals under the PAIR grant during the 2015 fiscal year. In addition, NDALC provided information and referral services to 437 individuals with disabilities, or family members of individuals with disabilities. Outreach was provided to 6168 individuals at 16 community events.

NDALC, in partnership with State and other non-profit agencies, hosted Town Hall meetings throughout Nevada in order to learn about the concerns of residents who are blind or visually impaired living in urban as well as rural Nevada.

Approximately 108 individuals provided input.

A report summarizing the input gathered at the town hall meetings was prepared by NDALC and distributed to State agencies and other non-profit stakeholders. During the 2015 Nevada Legislative Session, Senate Bill 419 was approved; authorizing the Aging and Disability Division to establish a program to provide independent living services and assistive technology for a person with a disability who needs those services.

Illustrative case: KB is a 53 year old female with an orthopedic impairment and a respiratory disorder who relied on supplementary oxygen to breathe.

The Medicaid contracted Managed Care Organization repeatedly denied the client’s oxygen therapy services through several levels of appeal.

NDALC represented the client on the final level of the administrative appeals process, and was able to resolve the matter before it went to hearing. The client received the oxygen therapy services that she needs.

PROTECTION AND ADVOCACY FOR TRAUMATIC BRAIN INJURY (PATBI)

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

The CDC identifies traumatic brain injury (TBI) as a serious public health problem in the United States. Every year, at least 1.7 million TBIs occur; either as an isolated injury, or along with other injuries. The 2007 Nevada Center for Health Statistics and Informatics (latest available data) reported a total of 12,222 cases of TBI/spinal cord injuries (SCI) from 2000 to 2005 in Nevada; of which 47.2% were sustained by Clark County residents.

To address the growing concern regarding trauma-related injuries, an NDALC advocate was appointed as a member-at-large of the Southern Nevada Regional Trauma Advisory Board (RTAB) and the Trauma Procedure/Protocol Review Committee (TPPRC). These two oversight bodies set regulations and are coordinated

by the Southern Nevada Health District's Office of Emergency Medical Services and Trauma System (SNHD EMSTS).

The NDALC advocate's primary role is to ensure there is a system of quality patient care for victims of trauma. The advocate promoted the quality of care agenda by voting to ensure the public hospital (University Medical Center), a Level One Trauma facility, retains its certification in the face of a move to change the catchment areas, which promoted other for-profit hospitals and diminished the care given at UMC.

The advocate was instrumental in making recommendations and assisting in the ongoing design, operation, evaluation, and revision of the system from initial

patient access, to definitive patient care; including needs associated with aftercare. The RTAB and TPPRC are addressing Nevada's lack of a statewide trauma registry.

In 2000, Congress passed the TBI Act Amendments, which required the CDC to make grants available to states for operating the state's traumatic brain injury registry and collecting data, such as: demographics, circumstances of injury, and information characterizing clinical aspects of the injury; including types of treatment and services used. The advocate will be promoting the development of a trauma registry at the State level and helping SNHD EMSTS staff write grant applications to CDC.

WORK INCENTIVES PLANNING & ASSISTANCE PROGRAM (WIPA)

No-cost service that assists Social Security beneficiaries with disabilities, to make informed choices about returning to work, or entering the workforce for the first time.

NDALC was awarded the Work Incentives Planning and Assistance grant in August of 2015. Through this award, NDALC staff are providing benefits planning assistance and outreach services to Social Security beneficiaries with disabilities (including transition aged youth aged 14 –22). Emphasis will be on providing accurate information about the use of

work incentives so beneficiaries may make informed choices about returning to work, or first time employment.

NDALC staff members providing these services attended a Community Work Incentives Coordinator (CWIC) certification training in Denver, Colorado in September 2015.

All staff listed on the grant were required to, and have obtained, a level five security clearance, as stipulated by the Social Security Administration in order to work under the grant program.

While CWIC staff were busy participating in the many training events, management was developing policies and procedures for the program.

PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY (PABSS)

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

NDALC, through its work on the Governor's Task Force on Integrated Employment, continues to work on diverting Nevada's transition-age youth into community based employment opportunities where they have the supports they need to be successful.

PABSS staff engaged in several systemic activities during this fiscal year period. They met with the Bureau of Vocational Rehabilitation (BVR) program

administrators several times during the year to discuss issues facing BVR clients as they work toward their employment goals. NDALC partnered with community agencies in Las Vegas to develop training materials and a multi-part, bi-lingual training program for families of transition age students to assist with accessing employment services.

NDALC's PABSS staff also attended a variety of training opportunities throughout the grant period. In

addition to sending two staff members to the mandated PABSS training through NDRN, NDALC PABSS staff participated in several webinars to learn about the new Workforce Innovation and Opportunities Act (WIOA) and attended the Nevada Disabilities Conference in Reno, which included topics on employment for individuals with disabilities and transition.

CLIENT ASSISTANCE PROGRAM (CAP)

Assistance for individuals in resolving problems accessing services through any of Nevada's federally funded rehabilitation programs.

NDALC's policy for all programs is to resolve disputes at the lowest level of conflict possible, and to engage in alternative dispute resolution prior to initiating formal, legal remedies, such as a fair hearing. Due to NDALC's advocacy efforts, all issues were successfully resolved through negotiation without a fair hearing during this grant reporting period.

For example, an NDALC Rights Attorney successfully used mediation to resolve a dispute between Client LS and the State's rehabilitation agency.

LS is a 62 year old man from rural Nevada with cancer and respiratory disorders. The State's rehabilitation agency and LS developed an individual plan for employment in which LS would operate his own vehicle towing business.

The vocational rehabilitation counselor failed to obtain the appropriate assessments and get supervisory approval prior to agreeing to the plan for employment. As a result of representations made by the counselor, LS purchased \$30,000 worth of equipment; including a tow truck with the expectation

that the State rehabilitation agency would reimburse him.

After the counselor's supervisor rejected the plan for employment, LS contacted NDALC. An NDALC Rights Attorney requested mediation on behalf of LS. As a result of mediation, LS was able to receive partial reimbursement for the funds he expended out of pocket.

NDALC's CAP program served 46 clients during this reporting period and completed 14 training events, which served 188 individuals.

RYAN WHITE PART B BENEFITS COUNSELING AND LEGAL ADVOCACY SERVICES



NDALC was contracted to provide education and training on the Affordable Care Act to individuals who have been diagnosed with HIV/AIDS and were receiving services from the Ryan White Part B program, but needed to be transitioned to State of Nevada's expanded Medicaid program, or the Affordable Care Act insurance program. In 2015

NDALC assisted 71 individuals under this grant. NDALC was also contracted to provide legal advocacy services which included: access to quality healthcare (both public & private), healthcare and medication denials, healthcare service discrimination, housing discrimination by service providers, and advocacy for state and other locally based

supportive services. In 2015, NDALC provided legal advocacy services to 118 individuals living with HIV/AIDS.

NDALC continues its work with individuals with HIV/AIDS by being on-site once a month at Northern Nevada Hopes to provide legal advice and assistance.

NDALC SERVICE PRIORITIES

NDALC sets annual service priorities based on input from individuals with disabilities. In August of every year, NDALC collects input and public comments about our current and future service priorities. If you would like to give your input, please email your request to survey@ndalc.org.

A complete list of NDALC's annual service priorities is available online at www.ndalc.org, or they can be requested by contacting one of our offices listed below.

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