

Nevada's Protection and Advocacy System for Individuals with Disabilities



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.

2018 - FISCAL YEAR END REPORT

ABOUT US

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 or 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.



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PROTECTION & ADVOCACY (P&A) 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 protection and advocacy programs in all U.S. states and territories 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.

ACCESS AUTHORITY - Under federal law, Protection and Advocacy (P&A) agencies have special authority to access facilities serving individuals with disabilities, including hospitals, prisons, jails, residential facilities, schools, group homes, supported living arrangements, nursing homes and other locations.

The purpose of this access authority is to allow the P&A to perform routine monitoring, investigate allegations of abuse or neglect, and provide rights training and information to individuals with disabilities.

OUR PROGRAMS

Federal funds are allocated under most of the protection and advocacy (P&A) programs under statutes as 'formula grants', which are based on State populations; with the smallest states guaranteed a 'minimum allotment for most programs. Our Agency is a minimum allotment state.

Protection and Advocacy for Individuals with Developmental Disabilities (PADD) – PADD was the first P&A program created by the Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975. P&A agencies pursue legal, administrative and other appropriate remedies for the rights of individuals with developmental disabilities under federal and state laws.

Client Assistance Program (CAP) – CAP was established by the 1984 Amendments to the Rehabilitation (Rehab) Act.

Protection and Advocacy for Individuals with Mental Illness (PAIMI) – PAIMI was established in 1986. Agencies are mandated to protect and advocate for the rights of people with mental illness and investigate reports of abuse and neglect in facilities that care for or treat them, as well as those who reside within the community.

Protection and Advocacy for Individual Rights (PAIR) – Established by Congress under an amendment of the Rehabilitation Act in 1993. PAIR provides for services to persons with disabilities of any type, who are not eligible for services under the three previously listed programs.

Protection and Advocacy for Assistive Technology (PAAT) – PAAT was created in 1994 when Congress expanded the Technology Related Assistance for Individuals with Disabilities Act (Tech Act) to include funding for acquisition, utilization, or maintenance of assistive technology devices or services through case management, legal representation, and self advocacy training.

Protection and Advocacy for Beneficiaries of Social Security (PABSS) – PABSS was established in 1999 when the Ticket to Work and Work Incentive Improvement Act (TWWIIA) was enacted into law. Agencies provide advocacy and other services to assist beneficiaries of Social Security to secure or regain gainful employment.

Protection and Advocacy for Individuals with Traumatic Brain Injury (PATBI) – PATBI was created in 2002 to provide protection and advocacy to individuals with traumatic brain injury. Although PAIR, CAP or PABSS can provide services under those programs, PATBI offers more resources to specifically address the unique needs of this population.

Protection and Advocacy for Voting Accessibility (PAVA) – PAVA was established in 2003 as part of the Help America Vote Act of 2002 (HAVA) Agencies help to ensure individuals with disabilities can participate in the electoral process (in part) through voter education, training of poll officials, registration drives, and polling place accessibility surveys.



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Work Incentives Planning and Assistance (WIPA) – While WIPA is not part of the national P&A system, our agency is responsible for the program in our State. Under the Ticket to Work and Work Incentive Improvement Act (TWWIIA) of 1999, the WIPA program assists beneficiaries of Social Security or Supplemental Security Income (SSI) based on disabilities in making informed choices regarding their return to work, or entering the workforce for the first time.

Protection and Advocacy for Beneficiaries of Social Security (PABRP) – PABRP was initiated in 2018 under the Strengthening Protections for Social Security Beneficiaries Act of 2018. Agencies conduct periodic, or discretionary onsite reviews of representative payee individuals or organizations. Reviews may be conducted for educational needs, or based on allegations of payee misconduct.

NDALC provides protection, advocacy, information and referral, and legal services under funding provided by our FEDERAL PARTNERS:

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)

PAIMI – serves individuals with mental illness

U.S. Department of Health and Human Services, Administration for Community Living (ACL)

PADD – serves individuals with intellectual and developmental disabilities

PAVA – serves individuals with disabilities regarding their voting rights and access

PAAT – serves individuals with disabilities who need assistive technology devices or services

PATBI – serves individuals with traumatic brain injuries

U.S. Department of Education, Office of Special Education and Rehabilitation Services (OSERS)

PAIR – serves individuals with disabilities not covered under other P&A programs

CAP – serves individuals with disabilities applying for or receiving services under the federal Rehabilitation Act



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Social Security Administration, Office of Acquisition and Grants (OAG)

PABSS – serves beneficiaries of Social Security Income (SSI), or Social Security Disability Insurance (SSDI) under the Ticket to Work and Work Incentives Improvement Act (TWWIIA) and offers assistance with the removal of barriers preventing them from returning to work.

WIPA – serves beneficiaries of Social Security and offers work incentives and planning assistance under the Ticket to Work and Work Incentives Improvement Act (TWWIIA)

PABRP – reviews are conducted of representative payees under Social Security Administration programs to confirm responsibilities are appropriately carried out on behalf of the beneficiary.

Funding by Yearly Award Allotment - FY18

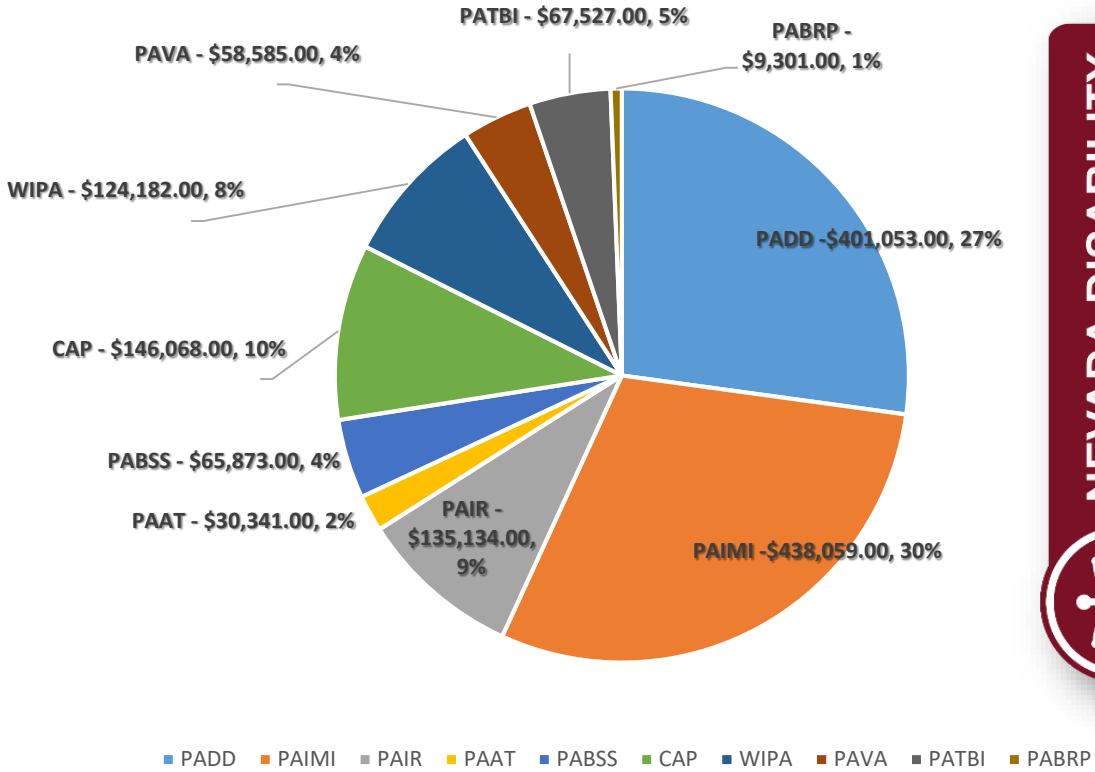
PAIMI	\$428,000.00	25%
PADD	\$404,556.00	23%
PAVA	\$98,209.00	6%
PAAT	\$50,000.00	3%
PATBI	\$50,000.00	3%
PAIR	\$171,598.00	10%
CAP	\$131,917.00	8%
PABSS	\$100,000.00	6%
WIPA	\$120,500.00	7%
PABRP	\$177,897.00	10%
	\$1,732,677.00	100%

This publication was made possible by funding support from the above Federal agencies.

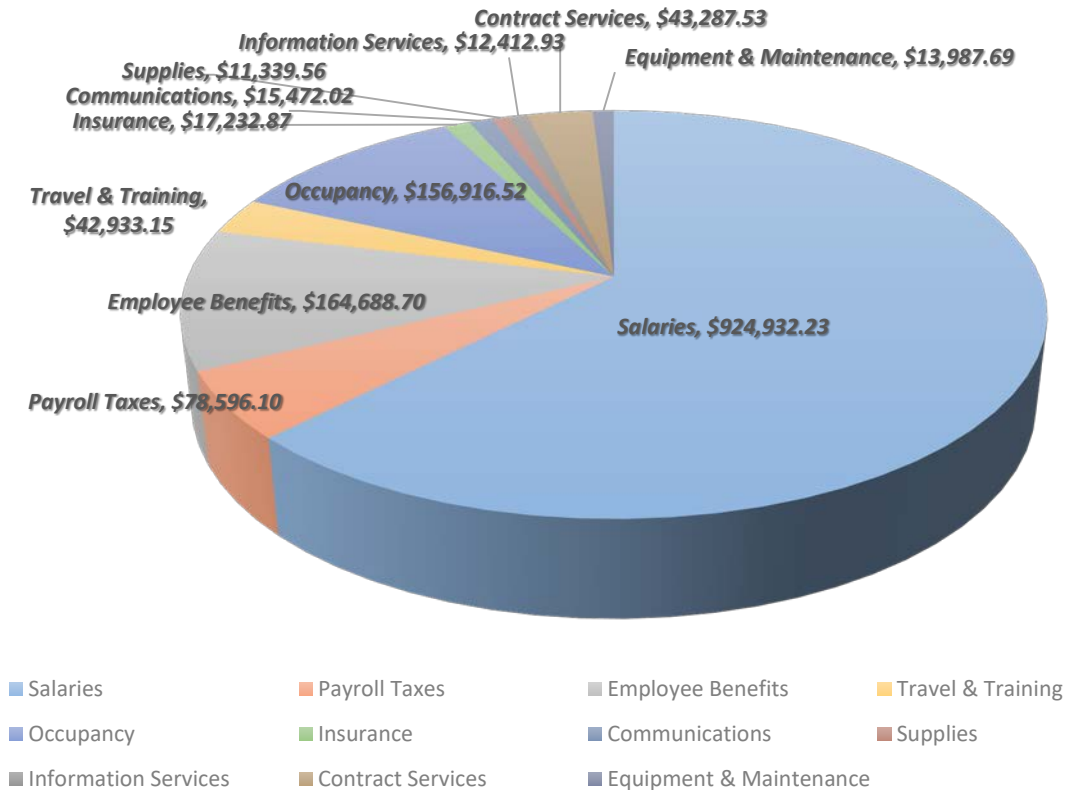
The contents are solely the responsibility of NDALC and have not been reviewed or endorsed by the federal government, nor does it constitute an official document under any of the above agencies.

The publication was developed and printed at U.S. taxpayer expense.

FY18 - Grant Funds Received - \$1,476,123



FY18 DISBURSEMENTS TOTALING \$1,481,799



TOTAL CLIENTS				TOTAL SERVICE REQUESTS			
1256				1710			
CLIENTS - P&A Programs				SERVICE REQUESTS - P&A Programs			
1215				1316			
<i>Clients Self-Identify for Ethnicity & Disability</i>							
GENDER	%	Clients	S/R	PRIMARY DISABILITY	%	Clients	S/R
Male	55%	669	730	Absence of Extremities	0.6%	7	8
Female	45%	546	586	ADD/ADHD	0.9%	11	12
				AIDS/HIV	0.7%	8	9
				Arthritis	0.2%	2	2
AGE	%	Clients	S/R				
0-5	4%	52	55	Autism Spectrum Disorder	9.5%	116	126
6-11	7%	83	89	Autoimmune Disease	0.5%	6	7
12-18	8%	92	98	Blindness (both eyes)	1.0%	12	12
19-25	5%	66	69	Cancer	0.9%	11	11
26-35	14%	165	185	Cerebral Palsy	2.4%	29	32
36-45	12%	146	167	Deafness	0.8%	10	13
46-55	19%	226	248	Diabetes	0.8%	10	11
56-65	18%	221	237	Digestive Disorders	0.3%	4	4
66-75	6%	70	74	Down Syndrome	0.2%	2	2
76+	2%	29	29	Epilepsy	0.5%	6	6
Unknown	5%	65	65	Genitourinary Conditions	0.4%	5	5
				Hard of Hearing (not deaf)	1.4%	17	20
ETHNICITY		Clients	S/R				
American Indian / Alaskan Native		13	15	Heart & Other Circulatory Conditions	1.9%	23	23
Asian		25	27	Intellectual Disabilities	6.5%	79	83
Asian (H/L)*		0	0	Learning Disabilities	0.2%	2	2
Black		135	148	Mental Illness	35.5%	431	477
Black (H/L)*		7	7	Multiple Sclerosis	0.8%	10	12
Hispanic/Latino		230	252	Muscular Dystrophy	0.1%	1	1
Multiracial		52	56	Muscular/Skeletal Impairment	0.2%	3	3
Multiracial (H/L)*		59	65	Neurological Disorders	4.6%	56	58
Native Hawaiian / Other Pacific Islander		7	8	Orthopedic/Physical Impairments	15.5%	188	200
Not Stated		22	22	Other Emotional/Behavioral	0.2%	2	3
Unknown		110	113	Respiratory Disorders	1.4%	17	18
White		691	743	Specific Learning Disabilities (SLD)	1.4%	17	18
White (H/L)*		93	112	Speech Impairments	0.7%	8	8
*(H/L - Hispanic/Latino)				Spina Bifida	0.2%	3	3
				Substance Abuse	0.2%	3	3
				Traumatic Brain Injuries (TBI)	5.0%	61	66
				Visual Impairment (Not Blind)	1.8%	22	23
				Not Stated/Unknown	2.7%	33	35
REGION	%	Clients	S/R			1215	1316
Northern	23%	279	303				
Southern	67%	810	877				
Rural	6%	126	136				
Northern Counties:	Carson City, Douglas, Lyon, Storey, Washoe						
Southern Counties:	Clark, Lincoln, Nye						
Rural Counties:	Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Mineral, Out of State, Pershing, White						
CLIENTS - WIPA				SERVICE REQUESTS - WIPA			
41				394			



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NDALC SERVICE PRIORITIES – Fiscal Year 2018



NDALC initiates the process of determining service priorities in August of every year for the upcoming fiscal year by collecting input and public comments through the distribution of our Annual Advocacy Survey.

For 2018, the survey was released to approximately 1,000 individuals. Multiple delivery methods were used:

- direct mailing with stamped, return envelopes,
- an e-mail survey blast through Survey Monkey,
- a link on the Home page of the agency’s website, and
- face to face releases at outreach and in-service events.



ABUSE and NEGLECT – Reduce or eliminate instances of abuse and neglect among people with developmental and/or mental illness.

ASSISTIVE TECHNOLOGY – Accept cases when a person with a disability is denied assistive technology.

CLIENT ASSISTANCE – Assist people with disabilities in resolving problems they are experiencing with Nevada’s federally funded rehabilitation programs.

COMMUNITY INTEGRATION – People with disabilities will live in the community of their choice with the supports they need for successful integration.

DEVELOPMENTAL DISABILITIES PARTNERS – NDALC will support the activities of the Developmental Disability partners in the State of Nevada.

DISABILITY DISCRIMINATION – Public entities and places of public accommodation will not discriminate on the basis of disability in violation of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

EDUCATION – Students with developmental disabilities in Nevada will have access to quality special education services.

EMPLOYMENT – Social Security beneficiaries will obtain or retain employment.

HEALTH CARE – People with disabilities will have increased access to health care services they need.

INDIVIDUAL RIGHTS – People with disabilities will have their rights protected.

PAIMI ADVISORY COUNCIL – NDALC will support the activities of the Advisory Council.

VOTING ACCESS – People with disabilities will be educated about their voting rights and barriers to voting will be eliminated.

WORK INCENTIVES PLANNING and ASSISTANCE – Social Security beneficiaries will be able to make informed choices about work and will be able to successfully transition to self-sufficiency.

NDALC Case Selection Criteria

The applicant must meet the program eligibility guidelines and the legal problems must fall within an objective or priority for services.

Services will be provided only to persons whose legal problems are related to their status as an individual with a disability, whose legal problems are susceptible to resolution by NDALC staff, and whose claims have legal merit.

Services will generally only be provided to individuals whose problems cannot be solved through self-advocacy or by other individuals, agencies, attorneys or organizations.

While NDALC will provide direct legal representation to individual clients, legal issues that are systemic in nature will receive priority.

The demand for NDALC services exceeds the available resources, and the agency must plan its activities in a strategic manner to effectively utilize its limited resources. Therefore, NDALC may decline to provide direct advocacy assistance even in situations where a case may be within the priorities and meet case acceptance criteria.

NDALC resolves disputes whenever possible through non-adversarial means such as negotiation, mediation, conciliation, and exhaustion of administrative remedies, where appropriate, prior to initiating legal action in a Federal or State court

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HIGHLIGHTS of OUR FISCAL YEAR

Note – the following pages are representations only, and are not all inclusive excerpts from our program activities for Fiscal Year 2018.

PAIMI – PROTECTION and ADVOCACY FOR INDIVIDUALS with MENTAL ILLNESS

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

Solitary Confinement in Jails Project

In 2018, NDALC and the American Civil Liberties Union of Nevada (ACLU) continued to work together to end prolonged isolation of prisoners and pre-detainees. Both agencies met to best determine the extent of solitary confinement of individuals with mental illness in Nevada's jails. A checklist was developed and NDALC and ACLU began visiting Nevada jails and meeting with law enforcement. The agencies jointly visited a jail in Las Vegas and scheduled 4 additional visits; 3 of which are in rural counties. NDALC and ACLU are obtaining jail segregation policies and will prepare a report of their findings in FY 2019. This work follows ACLU, Solitary Watch and NDALC's 2017 work which resulted in a joint report, ***Unlocking Solitary Confinement; Ending Extreme Isolation in Nevada State Prisons.***

Advocacy on behalf of Mentally Ill Inmates

- NDALC has been collaborating with the Clark County Public Defender (CCPD) for several years concerning criminal defendants entering pleas of *Guilty but Mentally Ill* (GBMI). In 2018, NDALC and CCPD continued to work to facilitate the most effective process with the Nevada Department of Corrections (NDOC) to ensure continuity of care for those adjudicated GBMI.

United States Department of Justice and Nevada Olmstead Concerns

On several occasions, NDALC was contacted by attorneys with the United States Department of Justice (DOJ) for input with respect to any Olmstead concerns within the State.

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On several occasions, NDALC was contacted by attorneys with the United States Department of Justice (DOJ) for input with respect to any Olmstead concerns within the State.

NDALC communicated various concerns to the DOJ; including the absence of appropriate step down services or programs for children with serious mental illness

returning from intensive out-of-state residential facilities. NDALC is concerned that the lack of appropriate step-down programs and services puts children at risk of unnecessary re-institutionalization in out-of-state facilities or jails.

Intensive Monitoring of Community Based Living Arrangements

In FY 2018, the State conducted a statewide audit of the Community Based Living Arrangements (CBLAs) that provide housing and services to individuals with mental illness. The audit found widespread health and safety problems.

NDALC staff attended a legislative committee meeting regarding serious deficiencies in state funded residential settings and later contacted the Office of the Nevada Attorney General and obtained the provider names and locations of all of the CBLAs in the state. Subsequent to the publication of the audit findings, NDALC monitored more than 30 provider homes, serving more than 100 individuals with mental illness. When problems were discovered during the monitoring process, NDALC took appropriate actions to notify the responsible individuals or departments to remedy the problem(s).

Following publication of the internal audit findings, the State made the decision to terminate its contract with a large provider in Southern Nevada, thus impacting more than 200 individuals with serious mental illness. NDALC was contacted by many of these individuals who expressed fear of losing their housing and services, as well as frustration at the lack of notice. NDALC contacted the State's mental health administrator in Southern Nevada and the Deputy Attorney General and outlined the individuals' concerns and advocated for appropriate planning. As a result of NDALC's involvement, individuals impacted by this significant change did not lose their housing, or have an interruption in their benefits.

Additionally, following publication of the

audit findings, NDALC was contacted by the associate counsel of Senator Cortez-Masto's office to discuss NDALC's services and investigative authority, who was made aware of the work of protection and advocacy agencies.

In FY 2018 NDALC also discovered that Medicaid had developed a Medicaid Sanctions/Office of Inspector General Exclusions List that included some of the CBLA providers. NDALC contacted the Deputy Attorney General and requested that the regulatory agency over the CBLA providers automatically receive a copy of the list. The DAG affirmed to NDALC that this would happen in the future.



NDALC provides ongoing training and education to clients, providers and family members. Examples include: **The ABLE Act** – overview of the legislation and information on establishing ABLE accounts and how they affect benefits e.g., SSI and Medicaid; **Service Animals and the Law** - community trainings to educate business owners, the general public, and persons with disabilities about service animals under the Americans with Disabilities Act; **Rural Outreach Project** - monthly outreaches in Winnemucca, Nevada provided an opportunity for people with disabilities and/or families to discuss legal or service problems. Other numerous outreach events e.g., Veterans Outreach, Montevista Psychiatric Hospital, and the So. NV Mental Health Peer to Peer Fair were offered.

PADD – PROTECTION & ADVOCACY FOR INDIVIDUALS with DEVELOPMENTAL DISABILITIES

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

NDALC continued its monitoring project of community supported living arrangement homes (SLAs) for persons with developmental and intellectual disabilities. SLA homes throughout Nevada were visited by Agency staff, with a focus on Northern locations. NDALC staff toured the SLAs, met with staff and residents, and reported concerns/complaints to the Aging and Disability Services Division as necessary. NDALC staff also ensured that posters informing residents of their rights and NDALC contact information were displayed in all SLAs. Approximately 42 visits were completed – some were multiple visits to the same location.

NDALC had several collaboration meetings with the ACLU of Nevada on monitoring Nevada county and municipal detention centers for their solitary confinement practices. During the upcoming 2019 grant period, NDALC will be joining ACLU staff on monitoring visits statewide to county and municipal jails.

Representative Examples -- NDALC provided individual case advocacy and engaged in systemic advocacy (in part) by participating on committees and conducting trainings. Agency staff conducted presentations to early intervention developmental specialists on self-advocacy and our agency's services. NDALC's Executive Director participated on the Nevada Governor's Council on Development Disabilities (DD Council) and he serves on the Evaluation and Policy Committees. NDALC collaborated with the DD Council on trainings targeting Hispanic parents and individuals with developmental disabilities. The agency staff provided information and presentations to Partners in Policy Making class on our services and the ABLE Act and set-up of accounts.

Discussions and meetings continue with the DD Council and the Hispanic community to maintain and further our collaborative efforts. Other representative agencies included (in part): Easterseals Nevada, the Regional Transportation Commission,

Nevada Early Intervention agency staff, Families for Effective Autism Treatment, Milagros Escondidos, a private therapy agency, and the Mexican Consulate.

Staff also conducted presentations to transition age students about competitive, integrated employment options, social security benefits, and services available to obtain training to enter the workforce at high school resource fairs and vocational rehabilitation services' offices. Additional presentations were made to case managers at a large sheltered workshop setting on services and benefits planning. Other staff participated on the State's Special Education Advisory Committee, providing input to the State Department of Education on issues such as high school graduation requirements. And another addressed students with disabilities on obtaining vocational rehabilitation services through the State's vocational rehabilitation agency.

NDALC monitored proposed changes to Medicaid's private duty nursing services by the State's Medicaid agency. If implemented, the proposed will change definitions of medical necessity for this Medicaid service and place limits, which could potentially lead to individuals with developmental disabilities moving to institutional placements. NDALC will continue to monitor efforts by the State's Medicaid agency making these changes, and may take action if warranted.

During monitoring of supported living arrangement homes, operated by private providers serving individuals with developmental and intellectual disabilities, and funded by the State's Aging and Disability Services Department (ADSD), NDALC noted concerns about medication administration, CPR training for staff, and resident conditions. NDALC obtained the policy for medication handling/storage from ADSD and reported its concerns to that agency. A complete report of our monitoring visits for supported living arrangements was submitted to the

Quality Assurance Manager at ADSD.



NDALC received concerns about Nevada's existing laws on court ordered sterilization for adults under guardianship. An NDALC Rights Attorney provided testimony to the Nevada Legislative Subcommittee on Senior Citizens, Veterans and Adults with Disabilities outlining the agency's legal concerns on the existing Nevada law for sterilization of adults under guardianship and will provide input to proposed legislative changes.

A general overview effect of NDALC's activity - Over 1,000 people with disabilities were provided with community-based information resulting in community integration and independence, and approximately 500 individuals were informed/educated on public and private services that were made more accessible. Others were informed/helped to access benefits, remain in their homes, or live in a healthier, safer, or otherwise improved environment. Some were children with disabilities who would receive appropriate services in the most integrated settings, or students with disabilities who were able to remain in school, and there were also those who benefitted from the Agency's findings of investigations of abuse and neglect.

NDALC also continued its participation as a voting member of the Interagency Coordinating Council (ICC) providing input into Nevada's early intervention program.

NDALC did not receive any reports of inappropriate seclusion or restraint during the 2018 fiscal year, nor were there any death reports.



PAAT – PROTECTION & ADVOCACY FOR ASSISTIVE TECHNOLOGY

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

NDALC developed an Assistive Technology (AT) trifold brochure in English and Spanish that describes AT resources in Nevada, addresses how to select an AT device or service, and discusses potential funding options.

The Agency also continues to collaborate with organizations targeting Hispanic children with disabilities in the Las Vegas area on AT advocacy and training opportunities.

Presentations were given in English and Spanish to parents of children with disabilities as well as professionals about AT devices and services, and how to advocate for AT items.

NDALC also focused on accessible websites and reviewed school districts and government websites for accessibility concerns. The Agency's own site has been under revision and updated to address accessibility concerns and requirements.

The Northern office of NDALC continues to host an AT demonstration area in conjunction with the State's AT project and continues to provide space for a weekly meeting of individuals with visual impairments to discuss various topics; including the use of assistive technology devices and services.

NDALC maintains a collaboration with an AT provider to address and present trainings on commonly shared issues relative to AT within the Hispanic community – in part, how to overcome a bilingual gap, how AT devices can help to function more independently, and how to access AT services without prejudice and discrimination.

The Agency also continues to collaborate with the Clark County Elections Department on testing new audio functions on the new electronic voting machines to assist people with visual impairments with the voting process.

PAVA – PROTECTION & ADVOCACY FOR VOTER ACCESS

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

In order to ensure compliance with the Voter Registration Act of 1993, NDALC sent a letter to state funded, disability service providers reminding them of their obligation to provide registration information/assistance to individuals.

The Agency continues to have a good working relationship with the Nevada Secretary of State's (SOS) office and local election officials and is able to resolve voting accessibility concerns by working directly with these agencies.

In fiscal year 2018, NDALC undertook the review of accessibility at polling places in rural Nevada communities. Starting with a Google Earth review to see if there were any initial problems, the Executive Director then traveled to

several rural Nevada communities to conduct on-site reviews of those locations.

Some of the locations reviewed include: the Amargosa Valley Community Center; the Battle Mountain, Nevada, Civic Center; the Esmerelda County Courthouse in Goldfield, Nevada; the Grass Valley Community Center in Winnemucca, Nevada; the Tonopah, Nevada, Convention Center; the Smith Valley Library; Moundhouse Fire Station; and Virginia City polling location.

Most of the accessibility concerns identified were related to lack of accessible disability parking, improper signage for disability accessible spaces and no, or poorly executed,

curb cuts.

NDALC contacted the Nevada Secretary of State's office about the findings of the agency's review of the rural polling locations and the SOS's office followed up with election officials in those counties where problems were identified. In all cases, the appropriate temporary signage will be used or alternate accessible parking will be created with appropriate signage.



PATBI – PROTECTION & ADVOCACY FOR TRAUMATIC BRAIN INJURIES

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

Representative Activities from the 2018 fiscal year included:

NDALC targeted the rural community of Winnemucca, Nevada for our recurring advocacy clinic that offered individuals with disabilities (including individuals with traumatic brain injury and their families) the opportunity to meet with an NDALC Advocate to discuss any issues they may be experiencing. Examples of those issues may include Medicaid, special education, and Social Security Benefits. In 2018, the rural advocacy clinics were held at the local JobConnect office.

In Las Vegas, several apartment complexes whose residents are individuals with physical and cognitive disabilities (including individuals with traumatic brain injury) were also targeted for advocacy clinics' presentations. A Rights Advocate again met with individuals in that area to provide assistance on topics such as Social Security benefits, Medicaid, and housing issues.

Another staff member hosted three (3) outreach events in Northern Nevada at ASI housing complexes for individuals with multiple disabilities (inclusive of traumatic brain injuries). Staff provided information about NDALC services and met privately with individuals to conduct legal consultations.

A Salvation Army homeless shelter in Las Vegas provided an opportunity for an NDALC Rights Advocate to meet with individuals who identified as having a

traumatic brain injury. Information on NDALC services and community resources was provided.

A group home in Las Vegas operated by the Nevada Community Enrichment Program (which provides rehabilitation services to individuals with traumatic and acquired brain injuries) was monitored. NDALC staff did not note any health/safety concerns, or violation of resident's rights and NDALC agency posters in English and Spanish addressing resident rights and contact information for NDALC were posted in the facility.

NDALC staff monitored other community based living arrangements for individuals with mental illness and developmental/intellectual disabilities in the Las Vegas area as well as in the Reno/Carson City area. Because of the limited number of direct services for individuals with traumatic brain injury in Nevada, those who are dually diagnosed with a traumatic brain injury as well as a mental illness or developmental/intellectual disability may reside in the same settings.

During their monitoring visits, NDALC staff looked for health/safety issues and potential violation of rights. NDALC staff spoke with any residents who wanted to speak with agency staff while conducting the monitoring visits. NDALC ensured NDALC posters outlining resident rights and NDALC contact information were posted. NDALC also reported any potential

issues to State agencies providing funding and/or oversight.

NDALC received information about an issue affecting adults with disabilities; including individuals with traumatic brain injuries while under guardianships in Nevada. NDALC was given information by court appointed attorneys representing individuals under guardianship regarding sterilization of adults and not having adequate due process protections under State guardianship statutes. NDALC researched this issue and worked with other advocates to provide information to Nevada legislators about these due process concerns. NDALC is hopeful that legislation will be introduced during this next legislative session to strengthen the due process protections of adults with disabilities under guardianship regarding reproductive rights.

NDALC provided advocacy assistance to several individuals with traumatic brain injury that were denied eligibility for paratransit services in the Las Vegas area.

NDALC regularly receives referrals from the State's long-term care ombudsman and makes referrals to that agency as well. NDALC continues to participate on various committees on the prevention and treatment of traumatic brain injuries in Nevada e.g., the Southern Regional Trauma Advisory Board and the Southern Nevada Injury Prevention Partnership.

PABRP – REPRESENTATIVE PAYEE

Under the direction of the Social Security Administration, NDALC will conduct reviews of representative payees to educate and verify that the duties and responsibilities of that position are carried out correctly and benefits are being used appropriately on behalf of Social Security beneficiaries.

This is a completely new program that was awarded to the NDALC agency at the very end of the 2018 fiscal year so there is no activity to report at this time.

Assists individuals who may be having issues with vocational rehabilitation programs.

NDALC continued to focus on the Hispanic community in fiscal year 2018 and conducted presentations in the Las Vegas area. Staff presented informational sessions on the Client Assistance Program (CAP), and other NDALC services to a Partners in Policy Making class sponsored by the Governor's Council on Developmental Disabilities (DD Council). Other sessions conducted included training(s) on transition services, social security work incentives, vocational rehabilitation services, benefits planning, and CAP services at a conference sponsored by the DD Council and a Las Vegas area Hispanic advocacy group.

In rural Nevada, NDALC's CAP staff coordinated a training to high school students with disabilities on vocational rehabilitation services and CAP. The training resulted after NDALC received concerns from high school teachers about the pre-employment and vocational rehabilitation services offered by the State's agency.

An NDALC Supervising Rights Attorney is a member of the State's Vocational Rehabilitation Council (as the Client Assistance Program (CAP) representative), as well as the chairperson of a Rehabilitation Council subcommittee tasked to review the client satisfaction survey process. The Rehabilitation Council made recommendations for changing the consumer satisfaction survey process in order to get better input from applicants/clients of state vocational rehabilitation services by providing input to State contractors (*in this reference, NDALC*). Revisions included were for the client satisfaction survey instrument, as well as changing the timeframes for surveying individuals.

NDALC also provided input to the Rehabilitation Services Administration (RSA) on Nevada's State vocational rehabilitation agency and its services during RSA's monitoring of the State's vocational rehabilitation agency. An NDALC CAP (*Rights*) Advocate contacted a rural school district regarding implementation of the State's pre-employment and vocational rehabilitation services provided within the community. NDALC received a variety of concerns from school staff about the application process and lack of understanding by students with disabilities about vocational rehabilitation services. As a result of the information, NDALC's CAP staff coordinated a training to the high school students with disabilities on vocational rehabilitation services and CAP.



PAIR – PROTECTION & ADVOCACY FOR INDIVIDUAL RIGHTS

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

As noted above, this program addresses some client needs when they have no eligibility available under 3 other major programs - which creates a varied client base, resolution options, and training needs.

As an overview for the 2018 fiscal year under this program -- approximately 600 people attended 16 different educational events presented by NDALC staff members, and individual, client cases addressed architectural accessibility, program access, government benefits/services, transportation, and healthcare. For the most part, NDALC was able to close those cases partially or completely in favor of the client's needs. NDALC achieved results on behalf of the clients through various involvement methods – technical assistance, self-advocacy awareness, investigation/monitoring, up to administrative hearings. Client disabilities also ranged through a diverse listing – blind/visual, deaf/hard of hearing, orthopedic, neurological, respiratory, and heart.

Educational/Informational events ranged from general, community outreach events, through provider in-service presentations, to targeted groups requesting a specific subject matter.

Examples (*although NOT all inclusive*) would be five (5) Monthly Rural Outreach sessions in Winnemucca, Nevada covering diverse topics and/or specific questions from the attendees; Effective Advocacy Skills, Health Care Notebook and Navigation Pathways training to prospective clients, their parents/families and/or professionals about rights for individuals with disabilities and how to effectively self-advocate and navigate the path to services; high school resource fairs, Veteran's Outreach Fairs, and presentations to State program staff such as SHIP (State Health Insurance Assistance Program) volunteers.

Throughout Nevada - NDALC's Executive Director and his Canine Companions' service animal as well as a Rights Advocate and her service animal provided a number of community trainings to educate business owners, the general public, and persons with disabilities, about service animals under the Americans with Disabilities Act.



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

During fiscal year 2018, NDALC continued to monitor the integrated, competitive employment efforts by various entities in Nevada.

NDALC's PABSS staff conducted outreach and training to various groups about employment options, with an emphasis on transition age students and their parents. Outreach and training activities focused on employment, vocational rehabilitation and SSA work incentives.

We continued to address our Hispanic communities and increased knowledge capacity there on not only the basics of their benefit programs, but also the possible impact various life changes could have on those benefits. While we have done so in the past, we will continue to provide a range of educational and informative programs, employment option information, benefits planning, educational materials, and outreaches to that cultural group, and in both English and Spanish. As a success example on how NDALC's PABSS program helped individuals overcome barriers to employment – we assisted a 51 year old man from Las Vegas who receives SSI benefits obtain paratransit eligibility to allow him to access job training opportunities.

The past year showed 23 outreach/informational presentations were offered that reached over 1,100 individuals and covered (in part) information/activities such as reasonable accommodation requests in the workplace, vocational rehabilitation, the ABLE Act, and SSA work incentives. Venues ranged from disability fairs, through school district functions, JobConnect programs, a sheltered workshop site, to the Lou Ruvo Clinic.

We anticipate expanding the PABSS staff in the 2019 year and to continue collaborations with the agency's sister program – WIPA – to coordinate services and ensure seamless referrals between the programs and increase the Agency's capacity to provide services to eligible beneficiaries.

WIPA – WORK INCENTIVES PLANNING and ASSISTANCE PROGRAM

Assists Social Security beneficiaries with disabilities in making informed choices about returning to work, or entering the workforce for the first time.



NDALC received 394 service requests and addressed 41 individual cases over the 2018 fiscal year.

The agency maintains three, fully certified Community Work Incentives Coordinators (CWIC) on staff to provide clients with personalized benefits planning services statewide. Each CWIC is also required to maintain an additional and yearly certification requirement encompassing both federal and state specific benefits' programs.

There is one CWIC in each NDALC office, although each CWIC may have clients in any area of the State and is responsible for providing WIPA services throughout the State. CWIC staff members develop working relationships with community partners, youth educators and disability employment service providers; opening the door to future client referrals and collaborations.

Presentations/Events throughout the year included Vocational Rehabilitation Counselors in Winnemucca – rural Nevada, Nevada Hopes in Reno, outreach to 250 transition aged youth at the Nevada Student Leadership Transitional Summit, and a presentation to case managers at Opportunity Village. Our WIPA brochure was revised and updated in English and Spanish and shared with various community referral services.

The WIPA program's planning services include:

- (1) advice on working and the earning potential while receiving Social Security cash benefits,
- (2) Benefits Analysis – summary of current benefits with an analysis on how benefits may be impacted by employment; including Medicare/Medicaid;
- (3) evaluation of available options and development of a work incentives plan,
- (4) A Plan to Achieve Self Support (PASS) which assists in the development of the PASS and ensures it is properly submitted to the Social Security Administration, information, referral and problem solving, and
- (5) ongoing assistance during the transition to employment.

Eligible individuals are working age Nevadans with disabilities (including transition aged youth, ages 14 - 22), who receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI), are working, have a job offer, or are actively seeking work and are interested in receiving benefits' planning and assistance services.



NEVADA DISABILITY ADVOCACY & LAW CENTER

SYSTEMIC ADVOCACY

is often completed through participation on Boards, Commissions, Committees, or Special Projects. NDALC staff members participate on the following Boards, Commissions, Committees, or Special Projects:

- *AIDD Partners*
- *National Disability Rights Network*
- *Brain Injury Association of America*
- *Federation for the Blind*
- *Desert Regional Center - Human Rights Commission*
- *Elko Transportation Committee*
- *Medicaid Managed Care & Home & Community Based Services - Town Hall Meetings*
- *NV Supported Decision-Making Agreement Committee - Legal Research Subcommittee*
- *Nevada Commission on Services for Persons with Disabilities (CSPD)*
- *Governor's, Taskforce on Integrated Employment Subcommittee*
- *NV- Special Education Advisory Committee*
- *NV Assistive Technology Council*
- *Nevada Governor's Council on Developmental Disabilities*
- *Nevada State Rehabilitation Council*
- *Southern Nevada Adult Mental Health Coalition*
- *Southern Nevada Injury Prevention Committee*
- *Southern Nevada Trauma Advisory Board*
- *Virginia Street Bus RAPID Transit Extension Project*
- *Reno Access Advisory Committee*
- *Northern Nevada Access and Functional Needs Work Group (Emergency Planning)*
- *Comstock Chapter of Canine Companions for Independence*

Locations

SOUTHERN OFFICE

2820 W. Charleston,
Suite B-11
Las Vegas, NV 89102
Phone: 702-257-8150
Toll Free: 1-888-349-3843
Nevada Relay: 711
Fax: 702-257-8170
lasvegas@ndalc.org
Se Habla Español

NORTHERN OFFICE

1875 Plumas Street,
Suite 1
Reno, NV 89509
Phone: 775-333-7878
Toll Free: 1-800-992-5715
Nevada Relay: 711
Fax: 775-786-2520
reno@ndalc.org
Se Habla Español

ELKO OFFICE

905 Railroad Street,
Suite 104B
Elko, NV 89801
Phone: 775-777-1590
Toll Free: 1-800-992-5715
Nevada Relay: 711
Fax: 775-753-1690
elko@ndalc.org

www.NDALC.org