

DISABILITY RIGHTS LOUISIANA Protect. Advocate. Empower.



2021 ANNUAL REPORT

Presented by:

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2021 ANNUAL REPORT

After another challenging year of the COVID-19 pandemic, we mourn those who lost their lives, and send our love and support to those who lost people close to them. This report describes how we protected, empowered, and advocated for Louisianans with disabilities in 2021, by providing legal services, community support, legislative advocacy, training, helpful information, and community resources.

In summary, in 2021, Disability Rights Louisiana (DRLA) provided free legal and advocacy services to 1.970 people throughout the state. We provided training events to people with disabilities, families, lawyers, judges, advocates, and other professionals to empower them to fight for the rights of people with disabilities in their communities. Finally, DRLA provided information and referral to individuals who needed guidance around self-advocacy strategies or who needed connections to other community resources.

A WORD FROM OUR EXECUTIVE DIRECTOR

In June of 2021, Ronald Lospennato was appointed as DRLA's new interim executive director. The agency bade farewell to Christopher Rodriguez, who stepped down at the end of April to pursue another opportunity after serving as executive director since 2018.

Lospennato brings a lifetime of working experience as a disability rights attorney to his new leadership role. "I look forward to working to fulfill our mission, developing our priorities to meet our greatest needs, and working with all of you to achieve great things across our state for people with disabilities."

Lospennato has been employed at DRLA since 2010, most recently serving as legal director. Previously, he served as legal director at Disability Center New Hampshire and headed the prison to school project at Southern Poverty Law Center for 3 years. In June of 2022, Lospennato's term was renewed for another year.

In Loving Memory



Glyn Faye Butler Kilbourne

We mourn the loss of our beloved colleague and friend, Glyn Faye Butler Kilbourne, who passed away on Friday, October 15th, 2021. Glyn worked at Disability Rights Louisiana for over 24 years, helping adults and kids with disabilities access the educational and employment services they needed so that they could achieve their full-potential, independence, and financial security. She was widely known for her infectious smile, her unmatched dedication, and as someone whose patience and kindness rubbed off on everyone around her.

Glyn's dedication and prolific body of work led her to take on the role of Program Manager for the Client Assistance Program and Protection and Advocacy for Beneficiaries of Social Security at DRLA. She served on the Louisiana Rehabilitative Council and trained people with disabilities, service providers, advocates, social workers, and school personnel on issues ranging from special education, transition, and employment-related issues.

We will always hold Glyn's memory deep in our hearts and share our love with her family, friends, and those who were fortunate enough to know her.



ABOUT DISABILITY RIGHTS LOUISIANA

Mission

Disability Rights Louisiana (DRLA) is a 501(c)(3) not-for-profit organization that protects and advocates for the human and legal rights of people with disabilities of all ages across our state. We work to empower the disability community to live an integrated life, free from abuse, neglect and exploitation.

History

Starting in 1977 with a budget of \$64,000, a staff of four, and one office in New Orleans, Disability Rights Louisiana (DRLA) was founded pursuant to a federal law establishing Protection and Advocacy (or P&A) systems in each state and territory in the U.S.

The mandate of the protection and advocacy systems is "to pursue legal, administrative, and other appropriate means to ensure the rights of persons with development disabilities in the state." Since 1977, we have added populations to our client base to include all people with mental, physical, and intellectual disabilities.

Today, DRLA has a budget of \$4.1 million, and a staff of fifty who work out of branch offices in New Orleans, Baton Rouge, and Lafayette, and in field offices throughout the state.

DRLA pursues our mission by providing free legal services to protect clients' rights, advocating for clients so they can accomplish their goals, empowering clients by providing self-advocacy training and other helpful information, and by furthering the rights of people with disabilities through our legislative advocacy.



ABOUT DISABILITY RIGHTS LOUISIANA

Name Change from Advocacy Center

Effective February, 2020, we changed our name from Advocacy Center of Louisiana to Disability Rights Louisiana.

Our intention is to clarify our brand and broaden awareness of our services, which have expanded to include more areas of focus than ever before. By adopting the new name, Disability Rights Louisiana associates more clearly with a national network of federally authorized state organizations committed to advancing disability rights.

We have not altered our longtime mission or services in any respect. We will continue to fight relentlessly for the rights of people with disabilities in all parts of the state, from urban centers to rural areas. It is our privilege to give people with disabilities the resources and assistance they need to claim for themselves the rich, full, and integrated lives they deserve.

FEDERAL GRANTS

PAIMI: Protection & Advocacy for Individuals with Mental Illness

PADD: Protection & Advocacy for individuals with Developmental Disabilities

PAVA: Protection & Advocacy for Voting Access

PAAT: Protection & Advocacy for Assistive Technology

PATBI: Protection & Advocacy for individuals with Traumatic Brain Injury

PAIR: Protection & Advocacy for Individual Rights

CAP: Client Assistance Program. Provides assistance and information as well as advocacy to people with disabilities who are getting or applying for services under the Rehabilitation Act

PABSS: Protection & Advocacy for Beneficiaries of Social Security. Serves beneficiaries of Social Security Income (SSI), or Social Security Disability Insurance (SSDI) and offers assistance with the removal of barriers to employment.

WIPA: Work Incentives Planning & Assistance. Serves beneficiaries of Social Security who are seeking employment, by offering work incentives counseling.

PABRP: Protection and Advocacy for Beneficiaries with Representative Payees (PABRP) program. Conducts reviews of representative payees under Social Security Administration programs to confirm responsibilities are being met.

STATE GRANTS

SILAP: Supported Independent Living Advocacy Program. Provides free services to persons with developmental disabilities residing in supported independent living environments

CLOP: Community Living Ombudsmen Program. A Louisiana network of trained advocates, or Ombudsmen, who visit persons with developmental disabilities living in group or community homes.

Other funding

FAIR: Financial Accessibility Inclusion and Resource Project. Provides financial coaching and case management services to assist formerly incarcerated people with disabilities in combating employment and resource barriers to achieve long term financial security – Kessler Foundation, Greater New Orleans Foundation, JPMorgan Chase & Co., and Rosamary Foundation

IOLTA: Interest on Lawyer's Trust Account – Louisiana Bar Foundation

Supported Decision Making: Training, Education & Advocacy

DRLA provided input to ARC of Louisiana in their development of the language for the legislation passed in August 2020, formally recognizing Supported Decision Making (SDM) as an alternative to more restrictive legal status changes such as tutorship and interdiction. It is also known as the Dustin Gary Act after its namesake, who drove the legislation.

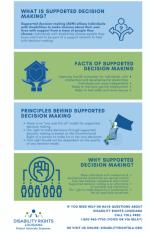
Since its passage and throughout 2021, DRLA's Assistant Director of Legal Services, Melanie Bray has been working with Ashley McReynolds from the ARC of Louisiana to conduct trainings about SDM to get the word out to families and non-legal advocates.

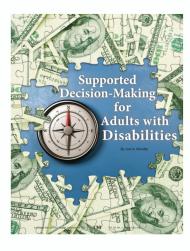
2021 also saw Ms. Bray pen an article entitled, "Supported Decision Making—A New Perspective on an Old Concept" that was featured in the October edition of Voice of Experience, a monthly e-newsletter from the American Bar Association.











in June we released a <u>statement</u> following Britney Spears' court testimony in the globally publicized case eventually resulting in her autonomy, which disclosed the shocking details of her conservatorship, and sparked a public conversation about the commonly abusive nature of these arrangements applied to people who are diagnosed with a broad range of physical and mental disabilities.

In 2022 we continue with a focus on reaching attorneys and medical professionals to ensure they have all available information about alternatives to interdiction. Additionally, we are working with the Louisiana State Bar Association to provide training to Louisiana State Judges about SDM and how it changes the law for interdiction petitions.

Protecting, advocating, and empowering during COVID-19



We have worked to protect, advocate for, and empower the disability community as we face challenges related to the COVID-19 pandemic in the following ways:

- by helping to secure basic educational services for children and their families, or compensation wherever appropriate
- by responding to employment related complaints and providing assistance to help secure workplace accommodations
- by advocating for persons in congregate settings, including jails, ICF-DDs, prisons, and nursing homes who have been exposed to the virus out of proportion to the general possibility, resulting in the denial of rights, illness, and sometimes, death.
- by addressing issues in nursing homes.
 Currently, we are monitoring facilities to ensure equal access to the vaccine so individuals may choose whether they want it or not.

Due to loss of income, many persons with disabilities are being subjected to eviction proceedings. We have demanded that the courts develop and implement procedures for accommodations to provide meaningful access.

Disaster Resilience Program

In 2021, DRLA was selected by Equal Justice Works as an implementing partner of Equal Justice Works' Disaster Resilience Program.

DRLA'S Equal Justice Works Disaster Resilience Fellows provide direct legal services to individuals with disabilities who are residents of Louisiana. We are here to help individuals who, as a consequence of COVID-19 and other disasters, are being threatened with losing their home, have been denied appropriate services or accommodations, or have been discriminated against based on their disabilities.

In addition to providing direct legal services, Fellows conduct outreach and education presentations to communities and community organizations to increase disaster preparedness and resilience.

Community Advocacy

Through community advocacy programs, Disability Rights Louisiana:

- Protects and advocates for the rights of individuals with disabilities in group homes and in supported independent living through our CLOP and our SILAP Programs.
- Supports individuals with disabilities to secure financial independence and employment through our WIPA, PABSS, CAP, and FAIR Programs.
- Ensures that individuals who receive help managing their Social Security benefits are treated fairly through our Representative Payee Program.



CAP

The Client Assistance Program (CAP) provides information, referrals, and advocacy to help job seekers with disabilities successfully navigate the Vocational Rehabilitation (VR) process. This includes helping people access eligibility determination, employment services, and transition services offered by Louisiana Rehabilitation Services (LRS).



Over the past fiscal year, CAP served 83 83 iob seekers with disabilities. **Number of clients during Fiscal Year** 32 2021 requesting CAP services due to conflict with the VR services provided by LRS counselors and the vendors who provide VR services. 24% A significant portion of the clients served during this period needed 819% I&R and help with development and implementation of their IPE (24% and 19%) of clients respectively).

CAP Success Story

CAP supported a client in accessing \$20,000 from LRS, to help a client start their own business. The CAP advocate worked with the client to identify how they could start their own business transporting people to and from the airport, and how much funding they would need and could access from LRS for training and insuring the small business. Next the CAP advocate worked closely with the client to make these requests of LRS. The client recently received funding for the insurance premium on the car she uses to transport people.

CLOP

In this program, trained advocates, known as Ombudsmen, advocate for the people with developmental disabilities who live in the over 500 state licensed, privately run group homes across the state to ensure their rights are protected and they are free from abuse or neglect.

In 2021, CLOP filed complaints regarding group homes known as Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) with the Louisiana Department of Health (LDH) Health Standards Section, who are in charge of licensing and compliance, about the conditions in these facilities. These complaints included reports and observations of improper involuntary discharge of residents, and serious physical injury to a resident.

Complaints were also sent to the Medicaid Fraud Unit of the Attorney General's office. Ombudsmen continue to engage with clients and families by participating in outreach events and trainings across the state.



CLOP Success Story

"John" has a developmental disability and shared with his DRLA advocate that he wanted to move out of his group home and live on his own.

For three years his advocate helped him pursue this, by helping him develop a comprehensive plan of care, reinstate his Supplemental Security Income benefits, and access the home-based services he needs to thrive in the community. This year, John moved into his own apartment and started working in a customer service job that helped sustain his newfound independence.

FAIR

DRLA's Financial Access Inclusion and Resources Program (FAIR) is the only program in the region designed to meet the reentry and financial coaching needs of people with disabilities, who are at a disproportionately high risk of financial insecurity and re-incarceration.

Using financial coaching and case management strategies, FAIR helps formerly incarcerated people with disabilities in the Greater New Orleans area achieve their employment and financial goals so they can remain in the community after incarceration. FAIR partners with the Justice and Accountability Center of Louisiana to assist clients in addressing their outstanding traffic and municipal court fines, fees, and warrants. In 2021, DRLA secured funds from Baptist Community Ministries, JPMorgan Chase & Co., Greater New Orleans Foundation, and RosaMary Foundation, to continue FAIR for three more years.

The ongoing COVID-19 Pandemic and Hurricane Ida created additional employment barriers and safety concerns for a population that already faces a number of challenges to rebuilding their lives in the community after incarceration.



In response, we redoubled our efforts to help our clients access public benefits, emergency services, healthcare services, educational and training opportunities, stable housing, legal services, and banking products. Additionally, we supported our clients in managing their debts and benefits.

By the end of 2021, FAIR reached the milestone of providing financial coaching and case management services to 100 formerly incarcerated people with disabilities since the program launched in mid 2019.

Through FAIR:

- 51% of these clients have achieved employment. By comparison, in 2021, only 31% of working-age Americans with disabilities, regardless of criminal records, were employed.
- 63% of FAIR's clients increased their income by a cumulative total of \$71,741 per month.
- 60% of clients reduced their debt by a cumulative total of \$63,798.

FAIR: SUCCESS STORY

Mr. P* joined the FAIR program in January 2021. He was 21 years old, and is diagnosed with behavioral and developmental disabilities. He had recently been released from incarceration and needed support to secure his GED, employment, and a driver's license, which he had wanted for a long time.

He was struggling with the written portion of the GED exams, and he believed his disabilities barred him from being able to get a drivers' license.



His FAIR case manager, Pat Holmes, helped him connect to an Accelerated Career Education program so that he could get the educational support he needed. He also advised Mr. P on his rights to access a drivers license. Shortly afterward, Mr. P achieved his GED and he now has his drivers' license.

Pat supported Mr. P in his job search and in accessing vocational rehabilitation services. He secured a job at a restaurant earning over \$1,300 per month. After he received benefits counseling services, Mr. P felt confident to increase his hours and began earning \$1,700 per month. He is happy to be out of the house, earning income, and not purely relying on Supplemental Security Income (SSI) benefits.











REP PAYEE

Disability Rights Louisiana's (DRLA)
Representative Payee Review Program
conducts reviews of representative payee
performance on behalf of the Social Security
Administration (SSA). This program provides
oversight to representative payees and gives
them support to better understand their role
and responsibilities.

Since the program's inception in August 2018, the DRLA Representative Payee staff have conducted reviews of individual and organizational representative payees throughout Louisiana. Hundreds of beneficiaries have been interviewed and connected with services.

The impacts of Representative Payee Review Program include:

Empowerment

• Beneficiaries and others are empowered to report potential misuse more easily.

Independence

 Beneficiaries can be reassessed to determine if they still need a representative payee, a consideration that is particularly important for youth aging out of foster care.

Relationship Building

 Beneficiaries will build relationships with P&As and have access to additional, specialized resources that they need to protect their rights, and improve their access to employment and public benefits.

WIPA Success Story - WIPA staff recently assisted a beneficiary who is working in a part-time paid internship program in a state office while attending school seeking a degree in public policy with a focus on disability issues. The beneficiary was facing a reduction in their SSI benefits which would have impacted their ability to pay for transportation to and from school. DRLA's WIPA was able to successfully assist the beneficiary in requesting an exception to SSA policy making them eligible for a work incentive specific to students. This allowed the beneficiary to keep more of their SSI cash payments while attending school, which would ultimately lead to the beneficiary "working off" benefits in the future.

WIPA

DRLA's WIPA program provides free assistance to beneficiaries of Social Security disability benefits who are working or want to work and live in one of the sixty counties in Texas that DRLA's WIPA program serves. DRLA's WIPA program provides comprehensive benefits counseling and work incentives planning to help beneficiaries make informed decisions and understand how earnings from work may affect their benefits.

WIPA promotes employment and financial independence for beneficiaries of the Social Security disability programs. During the 2021 calendar year, DRLA's WIPA program provided services to 385 Social Security disability beneficiaries. These services empowered beneficiaries to make informed decisions about pursuing employment and to use work incentives so that they could increase their earnings, successfully transition off benefits, or manage their benefits while working.

SILAP

The Supported Independent Living Advocacy Program (SILAP) works to improve the lives and services of individuals with developmental disabilities who are receiving waiver services and supports through the Office of Citizens with Developmenal Disabilities that enable them to live in their homes and communities. In 2021 SILAP protected, empowered, and advocated for 56 individuals in the Greater New Orleans and Baton Rouge areas.



Legal Work

In 2021, we continued our litigation work to serve clients with disabilities across our priority areas:

Community Integration & Healthcare •
Access • Autonomy • Employment
•Voting • Advocacy for Older People •
Rights Protection in Institutions •
Accessible, Affordable Housing •
Strengthening Protections for
Beneficiaries of Social Security •
Education • Assistive Technology

Below is a summary of cases featured in our work throughout 2021:

- AA, et al. v. Gee: a class-action case where DRLA & partners are advocating for mental health services for medicaid eligible children
- AJ, et al. v. Gee: enforcing a settlement agreement to ensure that children on Medicaid waivers can receive life-saving nursing services in their homes
- Tellis v. Leblanc, Civil No. 18-161
 (MD LA): class action suit alleging abusive treatment and inadequate mental healthcare at DWCC (see pg 17)
- Walcott v. Louisiana Department of Health: a case that aims to differentiate competency to stand trial in criminal and civil cases, protecting the rights of people with disabilities in civil cases
- Timothy Hunter v. CPlace
 Timberwood SNF, LLC: protecting a

- client's rights against an improper discharge from a nursing home
- Disability Rights Louisiana v.
 Courtney N. Phillips: an access suit over the Louisiana Department of Health's refusal to provide records for investigation of Westside Habilitation Center
- Cooper v. Gee, Secretary LA DHH
 and Jackson v. Gee, Secretary LA
 DHH: addresses issues stemming from
 the refusal to transfer from jail to the
 state hospital those deemed Not Guilty
 by Reason of Insanity or Incompetent to
 stand trial resulting in prolonged,
 improper imprisonment
- Chisholm v. Gee: asserts that parents are entitled to the timely provision of ABA services for their children
- Isom v. Louisiana Department of Public Safety, et al: protecting the rights of those who have had an offer of employment rescinded on discovery of disability
- Dupont Investigation: advocating for the rights of the family of a child entitled to special education services under their Medicaid waiver, and seeking equivalent, enhanced services
- Rapides Parish School Board
 Investigation: alleges that the school system is concentrating students with severe disabilities into one non-integrated setting
- St. Martinville: investigation of possible abuse & neglect at a facility housing children with behavioral issues & severe mental illness

DRLA goes to trial over abusive treatment and inadequate mental healthcare at David Wade Correctional Center

On February 20, 2018, Disability Rights Louisiana (then Advocacy Center of Louisiana), along MacArthur Justice Center filed an action in federal court, Tellis v. Leblanc, Civil No. 5:18-cv-541 (WDLA), contending that prison authorities at David Wade Correctional Center (DWCC) are violating the rights of prisoners there under the Eighth Amendment of the US Constitution, the ADA, and Section 504 by failing to provide adequate mental health treatment and creating an environment that is abusive and creates or exasperates mental illness.

The action was filed after our investigation found probable cause to believe that Defendants are subjecting people with mental illness to neglect and abuse related to the conditions of solitary confinement and there is no adequate mental health program available to provide much needed treatment or programming. The class members to the lawsuit are held in solitary confinement conditions, which contribute to worsening mental health.

The Court granted class certification on September 20, 2021, approving both the main class and the subclass. A trial was held in front of U.S. District Judge Elizabeth Foote via Zoom from January 10, 2022 through February 3, 2022, the purpose of which was to determine whether DWCC and the State Department of Corrections are liable for the injuries sustained by class members. As of the time of this writing a decision is pending, and the remedy phase is scheduled to begin October 31, 2022.





Policy & Community Engagement

Live at Home LA Coalition Policy Advocacy

Led by Director of Policy and Community Engagement, Tory Rocca, DRLA staff continue to take part in the Live at Home LA Coalition, which seeks to expand Home and Community Based Services (HCBS) for older adults and individuals with adult onset disabilities. In preparation for the 2022 legislative session, DRLA and the other members of the Coalition advocated for the creation of a fund to expand the availability of HCBS waiver services for this population.

The money generated by the proposed fund would be used to support the Community Choices Waiver (CCW). We are continuing to work to build support in the legislature and the administration for the rights of adults with disabilities to live and age at home.

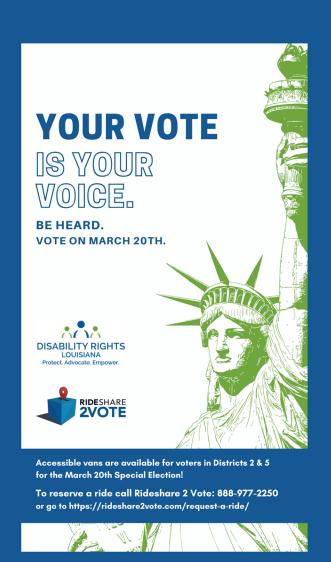
Community Partners in Legislative Advocacy

We continued our collaborations with the Louisiana Developmental Disabilities Council around legislative issues relevant to people with developmental disabilities and their families; the Stop Solitary confinement coalition to end the practice in our jails and prisons, the Governors Advisory Council on Disability Affairs to monitor state compliance with the Americans with Disabilities Act and advise the governor on the needs of individuals with disabilities, and the Louisiana Mental Health Coalition to build a unified message around mental health advocacy across our state.

Voting Rights

We continued to advocate for the rights of voters with disabilities under the Help America Vote Act (HAVA) by providing information about voters' rights to accessible voting options with regard to each election, monitoring polling places, collaborating with partner agencies to provide accessible transportation to polling places, and providing a toll-free hotline on election days for anyone who needs to report a voter accessiblity issue or has a question related to voting with a disability.

In 2021, the state of Louisiana created a Voting System Commission to make a recommendation regarding which voting system the Secretary of State should purchase in coordination with the Office of State Procurement. We stood before the panel and testified on accessibility problems associated with the use of paper ballots, and we continue to be engaged with the Secretary of State's office on the development of policies to provide safe, accessible voting options for people with disabilities throughout Louisiana.







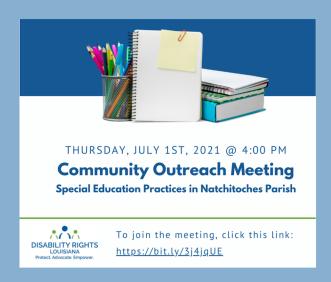
Outreach & Training

In 2021, our outreach efforts enabled more community members to understand how to reach us when they need us, and our trainings empowered people with disabilities and their allies to more effectively self-advocate.

In November 2021, we launched our new Lunch & Learn virtual webinar series. On the first Thursday of each month, DRLA staff share our expertise through these virtual presentations. We started with a general overview of our services, and continued with presentations on disability etiquette, program information and more.

We collaborated with partner agencies across the state on the range of subjects covered under our priorities. For example, we worked with the Natchitoches Parish School Board to get feedback and provide training to education professionals and families of students with disabilities to improve Individual Education Planning Process and to address other special education issues.







FREE Webinar Special Education & COVID 19 Know Your Rights

September 21st at 5 PM

Join us as we discuss an overview of special education rules on creating/amending an IEP for virtual education, the requirements for related supports and services during distance learning, and the basics of compensatory education services for missed time.

Audience: Parents, Caregivers, and Professionals of School-Aged Children/Students.





Outreach & Training

In 2021, we distributed a survey to determine the disability community's feedback on our priorities. As a result, our working plan for 2022 and 2023 is built to address the issues most important to people with disabilities and their families across Louisiana.

We participated in the 2021 Governer's Office of Disability Affairs Conference. The theme was "Moving Forward, The Journey Ahead. DRLA staff gave presentations on transition for students with disabilities after high school, navigating barriers for formerly incarcerated job seekers with disabilities, and voting accessibility.







For more information or assistance, please contact us.

Call: 1-800-960-7705

Visit our website: disabilityrightsla.org

Follow us on social media:











To request a customized accessible copy of this report, report an error, or for any other inquiry, please contact Assistant Director of Communication & Outreach, Kevin Hurstell at khurstell@disabilityrightsla.org

BOARD ROSTER

Disability Rights Louisiana (DRLA) is governed by a voluntary Board of Directors that consist of a diverse group of individuals who reside throughout the State of Louisiana, and who are largely personally impacted by disability. The individuals that serve on the DRLA Board have a wide variety of backgrounds, experiences and expertise that allow them to contribute in a number of ways and to provide responsible oversight of the organization.

Cathy Lazarus, President, Congressional District 1 Hugh Eley, Vice President, Congressional District 6 Patsy White, Secretary, Congressional District 1 (Anna) Gale Dean, Treasurer, Congressional District 4 Gisele Proby Bryant, Congressional District 1 Caroline Meehan, Congressional District 1 Courtney Vance, Congressional District 1 Rickii Ainey, Congressional District 2 Bradley Spedale, Congressional District 2 Meredith Sugarman, Congressional District 2 RaShad Bristro, Congressional District 4 Deanne Groves, Congressional District 5 Tari Hamilton, Congressional District 6

PAIMI COUNCIL

The Protection & Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council supports Disability Rights Louisiana by working with its staff and Board of Directors to develop priorities for the agency's PAIMI program. Advisory members oversee the general effectiveness of the program and work with staff to bring about any needed changes.

Barksdale Hortenstine, Jr. Clarice Gallegos Luliana "Lana" Charles **Sherrard Crespo** Rana Otallah Caroline Meehan Dr. Cirecie Olantunji