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CTD Annual Report Fall 2005 - Summer 2006

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I. Advocacy: All Year, Every Year

There is no longer an “interim year” for public policy advocacy, the year between Texas legislative sessions. **Advocacy work is now year-round, every year.** With the Legislature not in regular session, advocacy is focused on state agencies, interim committees of the Legislature and in preparation for the 2007 legislative session. While we work with numerous organizations on a variety of issues, CTD particularly appreciates the consistent partnership on broad-based disability advocacy of the Texas Center for Disability Studies, Advocacy Inc. and ADAPT.

Major Advocacy Project: State Services Privatization:

Integrated eligibility also known as the call centers system. The State of Texas is moving forward with replacing several thousand of its field workers with a privatized integrated eligibility system relying on call centers and web sites. CTD has closely monitored the pilot effort in central Texas, continually meeting with federal agency and state agency leaders. Recognizing that people with disabilities will turn to the Centers for Independent Living for assistance, CTD advocated for additional funding for the centers, **achieving success when the Health & Human Services Commission released a \$10 million RFP to support community-based organizations** for this assistance.

Medicaid managed care is expanding from its one location in Houston to eight more urban areas. CTD has been very active in design meetings and legislative efforts. Not preferring one version over the other, CTD focused on the priorities for any managed care system to effectively serve people with disabilities. **Results:**

- In response to advocate concerns that simultaneous expansion in all areas would create excess confusion, the **expansion will be a staggered schedule**, with four areas to start on January 1, 2007.
- In response to our request for consumer education and outreach, the State has **implemented an outreach program** through the Center for Disability Studies.
- To promote consumer directed services, the managed care organizations have **contract requirements to increase the utilization of consumer directed services.**

- **Effective relocation practices are a contract requirement** for the managed care organizations.
- Appropriate **community long term services to all who are SSI eligible** without a waiting list remains in the STAR Plus model and is a requirement in the Integrated Care Management concept.
- Several of the managed care organizations—Superior, Amerigroup, Evercare—are implementing mechanisms for **advocate input through advisory councils**.

Major Advocacy Project: Protecting the Americans with Disabilities Act (ADA)

In his official capacity as the state’s top lawyer, Texas Attorney General Greg Abbott is fighting for state immunity from the civil rights protections of the ADA. He is taking the position that Texas has sovereign immunity from the ADA and is therefore allowed to commit acts of discrimination based on a person’s disability without recourse. CTD is at the forefront of the battle.

Members will recall CTD’s involvement in the notorious *Miller v. Texas Tech ADA case*, Miller had requested that high contrast tape be placed along stairs at Texas Tech University as a safety measure for the legally-blind professor. Tech refused the reasonable accommodation and was sued by Miller. Attorney General Abbott, acting as defense counsel, argued that Texas’ immunity from the ADA rendered any discriminatory act moot. CTD strongly supported Miller through media activities and an amicus brief filed pro bono by ADA attorneys Cirkiel and Associates. After five years, Miller got her day in court. Miller won her case, though the ADA was not part of the court decision. Will this ruling finally end the State’s claims of immunity and allow Texans the basic civil right of being free from discrimination based on disability? We think not. The ruling was narrow and cited other legal prohibitions against discrimination, not the ADA.

The *McCarthy v. Hawkins* case was based on the complaint that community services waiting lists were discriminatory under the ADA. The recent settlement, though positive, stopped short of the State waiving immunity to the ADA.

At this time, **we believe that Texas state legislation is still needed to definitively resolve this critical issue.** This is an issue that is in the interim, awaiting the 2007 Legislative Session. In the meantime, the ADA information on the CTD home page at www.cotwd.org gets more comments than anything else on the site.

Advocacy: Futile Care: Don't Pull the Plug

CTD has been invited by State Representatives Rodriguez and Hughes to get involved in the Advanced Directives Futile Care debate. Doctors and hospitals can now give a patient and the family a ten day notice that all care will be terminated. **Our issues: that people with disabilities would be judged to have a low quality of life therefore less “worthy” of a full effort and that doctors simply are not always right in their diagnoses.** CTD’s position is that care must not be cut off, but provided pending transfer to another care setting. At an interim hearing of the House Public Health Committee, CTD's John Morris and William Greer testified to their own histories and how each has exceeded doctors' predictions. Legislation is expected in 2007.

Advocacy: Keeping the Ride with Texas Mobility Dealers:

CTD formed a working relationship with a group of mobility dealers, businesses that do vehicle conversions, adding ramps, lifts and other accommodating devices. The group is examining **out-of-date state regulations that are hampering the delivery of this important transportation service** to Texans with disabilities. A change in State law is required and CTD has secured a Senate sponsor for the legislation.

Advocacy: Fighting for Accessible Voting

CTD gave invited testimony before the House Elections Committee, contending that federal **HAVA requirements must apply to all elections** in Texas. Some are proposing that accessible voting needs to be denied in elections that don't have a federal election.

Advocacy: Medicaid Estate Recovery: Correcting Communications

Implementation of the new Medicaid Estate Recovery program caused an undesired result: **eligible recipients were turning down needed services because they thought it involved signing over title to their homes.** A federal requirement, Estate Recovery is not that bad and Texas has adopted a reasonable program. Most Texans would not have their estates ever repay Medicaid. In response to advocacy from CTD and its partners, the State agreed to go back to everyone who had turned down Medicaid and make sure they understood Estate Recovery. Then, CTD participated in a focus group to redesign the State's materials about the program.

Advocacy: Expanding the Preferred Drug List

CTD testified before the Pharmaceutical and Therapeutics committee to include highly effective drugs for late stage renal disease. The “P and T” committee approves the drugs that Medicaid will pay for. CTD believes that drug companies, doctors and pharmaceutical representatives dominate the P and T process and that the **intended beneficiaries should be heard from.**

II. Raising the Vote of the Community of People with Disabilities
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CTD aggressively worked to promote voting by people with disabilities and to spread the word about new accessibility voting machines and requirements for polling places.

- Worked with Texas Secretary of State Roger Williams to ensure that **voters with disabilities are the center of his statewide VOTEXAS** project. Technical assistance to Williams and his staff.
- Facilitated **trainings on Help America Vote Act (HAVA)** throughout Texas and provided **funding to 21 disability organizations** to support the trainings.
- Organized representation from people with disabilities at **VOTEXAS kick-off** media events.
- Invited Presenter, Secretary of State Election Law Seminar, “Polling Place Accessibility” to 300+ county judges and election officials.
- Producer, web-based **video training for poll workers** on interactions with voters with disabilities.

III. Strengthening the Foundation of CTD Public Policy Work

CTD worked on strategies to strengthen the framework of disability advocacy. The strategies were not issue-specific, but rather designed to improve resources for any ongoing policy issues.

Political Leaders to CTD: CTD's **best-ever lineup of political speakers** is at the 2006 Convention, with gubernatorial candidates Carole Strayhorn, Chris Bell and Kinky Friedman, US Senate candidate Barbara Ann Radnofsky and Texas Secretary of State Roger Williams. Gubernatorial candidate Gov. Rick Perry sent a customized video message. Through the successful invitations, CTD has elevated issues of concern to Texans with disabilities.

Raise Your Voice! Web Communications: CTD's on-line communications system to policy makers is introduced, allowing advocates to easily identify and communicate with their decision makers in Austin.

Brain Injury Association of Texas: CTD is solidifying this partnership. BIATX is now co-located at CTD and we have hosted the regional BIATX conference.

VISTA!: CTD is now a VISTA site, gaining four VISA volunteers for our work.

Livable Communities: A collaboration between advocates for people with disabilities and older Americans: In its third year, CTD collaborated with AARP on community organizing and technical assistance in El Paso, San Antonio and Houston.

IV. CTD Appointments/Affiliations

CTD works to place its staff and individual members on a variety of committees, workgroups, task forces and boards that have influence over issues of importance to Texans with disabilities. Once at the table, CTD staff and members are active participants.

Staff placements:

Gubernatorial appointee, The State Independent Living Centers (SILC) Board

CTD is working to increase SILC involvement in policy education and advocacy and take a proactive stance in planning the long term future of independent living services in Texas.

HHSC Executive Commissioner Appointee, Promoting Independence Advisory Council

CTD is using this policy forum to ensure that Texas' promoting independence initiative continues to move forward.

Appointee, Consumer Directed Services Workgroup

CTD promotes that people with disabilities control the recruitment, hiring, management, and firing of their personal assistants, which results in lower attendant turnover rates. Expansion of consumer directed services in all waiver programs will likely add durable medical equipment and respite care to consumer directed services. The committee makes recommendation directly to the Legislature.

Member, SB1055 Workgroup on Personal Assistance Services

This group studied whether a residential complex that restricts providers of personal assistance services may escape regulation. CTD pushed that such complexes are actually assisted living centers and must be subject to regulations.

Appointee, HR 3295 Help America Vote Act Advisory Committee, Office of the Secretary of State. CTD is working with the Office of the Secretary of State to implement this federal legislation. CTD has submitted substantive comments that ensure that Texans with disabilities may vote freely and privately.

Member, DADS Service Delivery System Design Project

CTD had representatives in all the workgroups giving major recommendations for DADS to improve service delivery.

Appointee, Advisory Council, SB 95 Evaluation of Personal Attendant Training Programs

CTD provides pilot project grantees across the state with technical assistance, support, and procedural guidelines for systems change goals affecting three community care projects.

Waiting List Stakeholders

CTD is regularly attending these meetings to ensure that reduction of community services waiting lists is progressing.

Member, DADS Commissioner Candidate Forum

CTD participated in questioning the finalists for the DADS Commissioner position.

Member, National AARP Social Impact Workgroup on Housing

CTD advises AARP national office in Washington on policy needs for affordable, accessible, integrated housing.

Member, Goodwill Central Texas Community Advisory Council

CTD advises on state advocacy issues related to employment of people with disabilities.

CTD Member placements:

Appointee, Architectural Barriers Adv. Committee, Texas Dept. of Licensing and Registration

Gubernatorial Appointee, Texas Council on Developmental Disabilities

Appointee, Consumer Directed Services Workgroup

Gubernatorial Appointee, Rehab Council of Texas, DARS

Appointee, Board of Directors, Advocacy, Inc.

Appointee, Austin Mayor's Committee for People with Disabilities

Appointee, Relay Texas Advisory Board

V. Public Awareness, Other Projects, Programs and Awards

Website accessibility: CTD conducted an extensive hands-on product test of a state agency's new website, making design recommendations to improve accessibility to people with disabilities.

People with disabilities and juvenile probation officers: CTD trained the Texas Juvenile Probation Commission on interacting with youth offenders with disabilities.

Help getting prescriptions: CTD joined in the Partnership for Prescription Access. Instead of each drug company having a separate program to help consumers get free prescriptions, the Partnership combines over 150 patient assistance programs into a single system. Consumers who need help should contact 1-888-477-2669 or go to www.pparx.org

Youth Leadership Project: the Kenny Murgia Memorial Scholarship: CTD awards the Kenny Murgia scholarship annually to one high school senior with a disability whose leadership skills have enhanced the lives of people with disabilities in their community. This year's winner is **Christian Ramirez of El Paso**.

Specialized Telecommunications Assistance Program (STAP): For the last seven years CTD has operated outreach, providing financial assistance to individuals with disabilities, so that they may purchase specialized telephone equipment at no cost to them.

Cinema Touching Disability Film Festival: Using the media of film, CTD showed how cinema has reflected the changing societal role of people with disabilities. The second year of what is believed to be the first Texas film festival focusing on people with disabilities took place in October 2005. Highlights included the world premiere of "350 Miles...7 Days...By Hand!" and the participation, by speakerphone and video, of actress Darlene Cates, the star of "What's Eating Gilbert Grape". The film festival received substantial coverage in newspapers, internet, radio and TV. The 3rd Annual Cinema Touching Film Festival will be held in Austin in October 2006.

Cutting-edge technology to help people with disabilities: CTD is working with Revelations in Design, a tech development start-up with a patented design that would improve the ability of people with disabilities to control their environment.

Beyond Ed Roberts: CTD hosted California filmmaker Scott Cooper, creating an on-camera movie set. Cooper lined up several interviews for his documentary on the independent living movement pioneered by Ed Roberts.

Team Everest: Public Awareness of the Potential of People with Disabilities: CTD's multimedia presentation on Team Everest was given several times this year. The presentations featured slides, video and first hand accounts by Gary Guller of the internationally recognized expedition. "The Making of Team Everest" multimedia presentation was introduced, describing how a small non-profit and a mountaineer with a disability accomplished the historic feat.

Texas PHA Project: This project provided training and technical assistance to Public Housing Authorities in Texas to increase integrated housing for people with disabilities, especially those individuals moving from institutions. Completed in December 2005, 18 trainings were presented statewide during the 3-year project.

An advocacy presentation was delivered at the state independent living conference.

Information and Referral: Each year CTD provides hundreds of Texans with disabilities information and referral services relating to financial, legal, housing, transportation, accessibility and employment issues.

Test Case Advocacy: In situations where advocating can produce a systemic change, CTD will take on an individual's complaint.

- **John S. makes AutoZone accessible:** John is a person with visual and mobility impairments. He lives independently and uses a modified vehicle and driver to get around. When John could not enter his local auto parts store, he contacted CTD. After contacting state enforcers and AutoZone corporate headquarters, the auto parts store was remodeled to accessible standards.
- **Michael, no longer pinned on the Galveston ferry:** A person who uses a wheelchair, Michael drives onto a state-operated ferry from Galveston to Bolivar Peninsula. He remained stuck in his car because there is no accessible space and other cars are tightly parked around him. CTD advocated to TXDOT to adopt new procedures so drivers with disabilities can have safe exit from their vehicles.
- **Jim M. lights on!:** Jim, a low-income veteran with a significant disability, lives independently in a rural area. For years, Jim made payments on his electric bill, never able to pay in full, but always paying something. With his medications requiring refrigeration, Jim was considered a customer with a medical necessity. No more. His power company terminated his service and published a new policy that medical necessity was no longer a reason to continue service. CTD involved Jim's state representative and other officials. Result: Jim gets his electricity back.

Awards:

- CTD was a finalist for *Government Technology Magazine*'s Best of Texas Award for our work on HB2819 and was featured in their e-publication.
- Capitol Ride '05, CTD's public awareness event where Mikail Davenport cycled from South Padre Island to the steps of the Capitol without the use of his legs, won the **Austin Mayor's Media Award** in fall 2005.
- CTD Executive Director Dennis Borel was selected to receive the national **James Neubacher Award** from the University of Michigan, given to an individual for working on rights and opportunities of people with disabilities. Borel graduated from Michigan more years ago than he will admit.

CTD is a social and economic impact organization benefiting Texans with all disabilities of all ages.
CTD is a 501(c)3 membership organization controlled by people with disabilities.