



DISABILITY LAW COLORADO AGENCY PRIORITIES FY 2016

PROTECTION & ADVOCACY FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES (PADD)

PRIORITY 1: Investigations of Abuse & Neglect

1:1 Monitor serious abuse, neglect, or exploitation investigations which are conducted by agencies within the intellectual and developmental disability system and Regional Centers.

1:2 Conduct independent investigations of allegations of abuse, neglect or exploitation when necessary.

PRIORITY 2: Olmstead: Out of Institutions and Into the Community

2:1 Represent individuals with developmental disabilities who are living in institutional or long term care settings, who desire to live in community residential settings, and who are facing legal obstacles.

2:2 Monitor the state regional centers and other institutional settings for deficiencies in the delivery of appropriate services and make recommendations to the State for improvements.

PRIORITY 3: Medicaid Home and Community Based Waiver Services

3:1 Represent people with developmental disabilities to ensure they are receiving the waiver services to which they are entitled.

SPECIAL EDUCATION (SPED)

PRIORITY 1: Least Restrictive Environment - Ensuring kids with disabilities are included in school and activities with kids without disabilities to the maximum extent possible.

PRIORITY 2: Disciplinary Process - Ensuring that school districts are following proper procedures and not violating the rights of students with disabilities during the disciplinary process.

PRIORITY 3: Investigations of Abuse & Neglect - Investigating allegations of abuse and neglect in public schools, including allegations of inappropriate use of restraint and seclusion.

PROTECTION & ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS (PAIMI)

PRIORITY 1: Facilities

1.a. ***Investigations of Abuse & Neglect*** - DLC will investigate complaints/reports from or on behalf of PAIMI eligible residents alleging abuse, neglect and rights violations, resulting in serious injury or death. Facilities include mental health institutes, nursing homes, children's residential treatment facilities, public and private psychiatric hospitals and jails. DLC will determine whether there is probable cause to investigate the

complaint/report, negotiate and monitor a corrective action plan, and if necessary, take action to remedy any abuse/neglect or rights violations found to exist.

1.b. ***Olmstead: Out of Institutions and Into the Community*** - DLC will take action to ensure Colorado complies with the Americans with Disabilities Act as interpreted by *Olmstead v. L.C.*, which requires that individuals with disabilities residing in nursing homes and mental health institutes receive services in the most integrated setting appropriate to their needs.

1.c. ***Jail Wait Case & Monitoring*** - DLC sued the Executive Director of the Colorado Department of Human Services and the Interim Superintendent of the Colorado Mental Health Institute at Pueblo (CMHIP) challenging the lengthy delays (months) to admit pretrial detainees for court ordered competency evaluations and restorative treatment. The case was settled in 2012 and DLC began monitoring CMHIP's compliance with the agreed upon deadlines. In the summer of 2015, CMHIP breached the settlement agreement by failing to meet the admission deadlines causing DLC to file an enforcement action to bring CMHIP back into compliance. The case is pending in federal court.

PRIORITY 2: Housing

To prevent homelessness and to promote living in the least restrictive setting for PAIMI eligible clients. DLC will represent PAIMI eligible individuals in subsidized housing, who are at risk of losing their residence. Representation under this priority does not extend to representation at eviction or foreclosure proceedings.

PRIORITY 3: Investigations of Abuse & Neglect in Colorado Department of Corrections (DOC) and the Colorado Division of Youth Corrections (DYC)

DLC will investigate complaints/reports from or on behalf of PAIMI eligible adults committed to the Colorado Department of Corrections (DOC) and juveniles committed or detained by the Colorado Division of Youth Corrections (DYC), and juveniles placed by court order in residential treatment facilities, alleging abuse, neglect and rights violations resulting in serious injury or death.

PRIORITY 4: U.S. Bureau of Prisons, U.S. Penitentiary Administrative Maximum Facility in Florence, CO, known as ADX

DLC will investigate inmate complaints and take action to stop abuse, neglect and rights violations. DLC sued the U.S. Bureau of Prisons to stop the cruel and unusual punishment of inmates with mental illness at the ADX who were being held in lengthy isolation without adequate mental health treatment. The case is pending in federal court.

CLIENT ASSISTANCE PROGRAM (CAP)

The priorities in the CAP program are set directly by the U.S. Department of Education Office of Rehabilitative Services. In Colorado, CAP works with individuals receiving or seeking services from the Division of Vocational Rehabilitation and Independent Living Centers.

PRIORITY 1: Advising Clients of Available Services

Advising and informing clients, client applicants, and individuals with disabilities in the State, especially individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs, of—

- (i) All services and benefits available to them through programs authorized under the Rehabilitation Act and title I of the Americans with Disabilities Act (ADA); and
- (ii) Their rights in connection with those services and benefits;

PRIORITY 2: Direct Client Assistance

Upon the request of a client or client applicant, assisting and advocating on behalf of a client and client applicant in his or her relationship with projects, programs, and community rehabilitation programs that provide services under the Act by engaging in individual or systemic advocacy and pursuing, or assisting and advocating on behalf of a client and client applicant to pursue, legal, administrative, and other available remedies, if necessary—

- (i) To ensure the protection of the rights of a client or client applicant under the Act; and
- (ii) To facilitate access by individuals with disabilities and individuals with disabilities who are making the transition from public school programs to services funded under the Act; and

PROTECTION & ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY (PABSS)

**PABSS' priorities are set by the Social Security Administration. PABSS serves Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries with disabilities who want to work by helping to remove barriers to employment. Services offered by the PABSS include but are not limited to:

PRIORITY 1: Advocacy

Securing services from community agencies, including employment networks providing services under the Ticket to Work program.

PRIORITY 2: Self-Advocacy Assistance and Education

Helping people who are entitled to benefits understand work incentives and issues with their disability benefits.

PRIORITY 3: Advocacy for Appropriate Working Conditions

In conjunction with other protection and advocacy programs and priorities, protecting beneficiaries' rights regarding conditions of employment.

PRIORITY 4: Self-Advocacy Assistance and Education

In conjunction with other protection and advocacy programs and priorities, helping beneficiaries understand and protect their employment rights, responsibilities and reasonable accommodations under the Americans with Disabilities Act and other applicable laws.

PRIORITY 5: Transportation

In conjunction with other protection and advocacy programs and priorities, protecting rights to transportation.

PRIORITY 6: Housing

In conjunction with other protection and advocacy programs and priorities, protecting access to housing assistance.

PRIORITY 7: Assistance with Division of Vocational Rehabilitation Services

Assistance obtaining vocational rehabilitation and employment related services and supports.

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

PRIORITY 1: Housing

In conjunction with other protection and advocacy programs and priorities, assist individuals in addressing housing problems related to their traumatic brain injury.

PRIORITY 2: Special Education

In conjunction with other protection and advocacy programs and priorities, assist students with traumatic brain injuries who are experiencing legal issues in receiving special education.

PRIORTIY 3: Assistance to Veterans

Assist military veterans with traumatic brain injuries to get appropriate services from military or civilian providers and assure they are not being discriminated against due to their disability.

PRIORITY 5: Direct Representation

In conjunction with other protection and advocacy programs and priorities, assist individuals in appealing terminations from Federal or State funded programs.

PRIORITY 6: Olmstead: Out of Institutions and Into the Community

Represent individuals with traumatic brain injuries who are living in institutional or long term care settings, who desire to live in community residential settings, and who are facing legal obstacles.

PROTECTION & ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT)

PRIORITY 1: Assistance Acquiring AT Devices

Assist people in securing needed AT devices and services

PRIORITY 2: Education

Explore the integration of technological advances with their practical applications for people with disabilities.

PROTECTION & ADVOCACY FOR INDIVIDUAL RIGHTS (PAIR)

PRIORITY 1: Assistance for Participants of State or Federally Funded Housing Programs

Provide direct representation as well as information, referral, technical assistance, and community outreach to help remedy disability discrimination – including issues involving service or companion animals - for tenants and applicants of subsidized, public, and other state or federally funded housing programs.

PRIORITY 2: Assistance to Remedy Discrimination in Employment

Provide direct representation, advocacy, information, referrals, and technical assistance to remedy disability discrimination for individuals who are not employed by the federal government and experience disability discrimination in the employment setting.

PROTECTION & ADVOCACY FOR VOTING ACCESS (VOTE!)

PRIORITY 1: Full Accessibility of the Election Process

Ensure that voters in Colorado have accessible voting systems, accessible mail elections, registration, and accessible polling places.

PRIORITY 2: Protecting Rights of Voters with Disabilities Through Individual and Systems Advocacy

Assist individuals with disabilities in filing complaints under the state-based grievance procedure required by the Help America Vote Act (HAVA).

PRIORITY 3: Education and Outreach

Educate individuals with disabilities on voting rights and accessible voting systems and elections. Educate poll workers, volunteers, and election officials on the voting rights of people with disabilities. Training and continuing professional development for the PAVA Coordinator on accessible elections.

PRIORITY 4: Legislative Work

Participate in committees focused on election legislation. Monitor/support/oppose election bills affecting the rights of people with disabilities. Monitor/comment/testify on election rules affecting the rights of people with disabilities.

LEGAL ASSISTANCE DEVELOPER (LAD)

PRIORITY 1: Support to Dual Eligibles Project

Continue to provide support for the ongoing development of the Dual Eligibles Advocacy/Ombudsman Program.

PRIORITY 2: Collaboration with Long Term Care Ombudsman

Continue to work closely with the Long Term Care Ombudsman Program.

PRIORITY 3: Elder Abuse Protection

Continue work on implementation of Mandatory Reporting of Elder Abuse in Colorado and work on efforts to provide civil legal services to elder victim of crime.

PRIORITY 4: Legislative work

Promote possible legislation regarding a Public Guardianship program in Colorado and support efforts to reform the current adult guardianship system.

PRIORITY 5: Legislative work

Continue to monitor legislation and regulations in accord with the priorities of the OAA.

PRIORITY 6: Outreach and Training

Continue to offer seminars and workshops to interested groups on a variety of legal issues affecting elders.

PRIORITY 7: Oversight of Direct Legal Services

Assure that legal services that are rendered by the local legal assistance providers are what the clients actually need, as articulated in the priority services under the OAA.

PRIORITY 8: Implementation of 2015 Reporting Tool

The new reporting tool - introduced in 2015 will provide standardized reporting across the state on the types of cases that legal assistance providers have rendered and promote adherence to the current Statewide Standards for Title IIIB Legal Assistance Programs in Colorado. The 2015 Annual report will hopefully contain valuable data on the current state of legal services to elders throughout the state and provide needed direction for future legislative and regulatory efforts.

PRIORITY 9: Outreach and Training

Offer a two-day training for local legal assistance providers in 2017 with CLE credits.

COLORADO LONG-TERM CARE OMBUDSMAN PROGRAM (CLTCOP)

The Colorado Long-Term Care Ombudsman Program provides training and technical assistance to a statewide network of local ombudsmen who visit residents of long-term care facilities, primarily nursing homes and assisted living residences. A local ombudsman can investigate allegations of abuse and neglect and help residents with quality of life issues. Local ombudsmen are employed by the 16 local Area Agencies on Aging. Each year the Colorado Long-Term Care Ombudsman Program provides a report to the Legislature on the activities of the Program.

The Colorado State Long-Term Care Ombudsman can:

- Provide support, education and technical assistance to regional Ombudsmen.
- Provide information & referral to family members and to the general public.
- Provide consultations to facilities.
- Inform the local ombudsman programs of upcoming surveys in their region. The CLTCOP sends out complaints and completed survey information to the local programs weekly.
- Monitoring laws, regulations and public policy and advocate for resident centered policies where necessary.
- Provide annual and periodic training of local ombudsmen.
- On a regular three year cycle, perform on-site assessment of regional ombudsman programs.

- Produce an annual report and distribute it to the Colorado General Assembly detailing the activities of the Colorado Long-Term Care Ombudsman Program.

COLORADO MEDICARE-MEDICAID OMBUDSMAN PROGRAM (Dual Eligibles Advocate)

Through a memorandum of understanding with the Centers for Medicare and Medicaid Services (CMS), The Colorado Department of Health Care Policy and Financing is authorized to test innovative payment and service delivery models to reduce program expenditures under Medicare, Medicaid and the Children's Health Insurance program (CHIP) while preserving or enhancing the quality of care furnished to individuals under such programs. In order to successfully implement this new Financial Alignment model, Colorado has established the Colorado Ombudsman Program for consumers enrolled in the Accountable Care Collaborative Medicare-Medicaid Program to ensure strong beneficiary support, education and outreach statewide.

PRIORITY 1: Outreach

Provide statewide support, education and outreach to beneficiaries who participate in the Financial Alignment model.

PRIORITY 2: Person-Centered Assistance

Ensure that individual beneficiaries have access to person-centered assistance in resolving problems related to the 3 year Demonstration.

PRIORITY 3: Complaint Investigation

Accept and investigate inquiries and complaints related to beneficiary rights to Medicare and/or Medicaid benefits and the quality of services being provided.

PRIORITY 4: Feedback Solicitation

Meet monthly with the Project Advisory Committee, the Alliance, to solicit feedback, guidance and input from members.

PRIORITY 5: Recommendations for Improvements

Inform the State, Regional Care Collaborative Organizations (RCCO's), CMS and other stakeholders regarding beneficiary experience with the RCCO's and recommend areas of improvement.

PRIORITY 6: Data Collection

Maintain and submit monthly beneficiary complaint and inquiry data to the Colorado Department of Human Services, State Unit on Aging.

PRIORITY 7: Reporting

Complete and submit quarterly and semi-annual reports to CDHS/SUA and the Centers for Medicare and Medicaid Services.

All services are provided on a resources-available basis and in accordance with Disability Law Colorado's Criteria for Representation