



NEW WORLD

For Persons with disAbilities

July 2013

Californians for Disabilities Rights, Inc.

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DISABILITY CAPITOL ACTION DAY

By Kathleen Barajas

"Honoring the Past, Inspiring the Future" was the theme for 2013. Disability Capitol Action Day is an annual event coordinated by The Disability Action Coalition (CDR is a member). It is an opportunity for people of various disabilities and their allies to come together in solidarity for learning, accessing resources, unity and sharing the current issues that affect their daily lives in California.

Disability advocates, seniors, and caregivers, and all other people who support them converged to rally on the east steps of the capitol on Wednesday, May 22nd, hearing from legislators and disability leaders. This year's event was also a resource fair and attendees were encouraged to enter the capitol to meet with their own legislators and talk about the issues that affect those with disabilities.

This year is the 10th anniversary of DCAD, along with the 35th anniversary of IHSS. A few IHSS Pioneers who were around at the birth of IHSS spoke and were honored, of their role for getting the services started.

CDR was present there, and had a table for attendees to visit to learn about what CDR is about and get information on how to join. Fliers for the upcoming Laura Williams Memorial Scholarship were also given out.

CURRENT CDR ISSUES

By Susan Chandler

The Governor's Office of Planning & Development proposed guidelines for **Accessible charging stations for Electric Vehicles** and failed to include people with disabilities. CDR members Richard Skaff, HolLynn D'Lil, and Rocky Burks brought this to CDR's attention and CDR was able to get some changes made to the proposed guidelines for the charging stations, even though at the onset, the disability community was not even asked to participate in developing them!

Managed Care integration: Dual eligibles (Medi-Medi patients) are being defaulted into Managed Care. (Continued on page 6)

PRESIDENT'S MESSAGE

CDR is the only CA cross-disability member supported defender of Civil Rights for people with disabilities. CDR was started in 1970 when several young wheelchair users (some with polio or other disabilities and some were Viet Nam vets) who were fed up with not being able to get around their communities. They got together and started to talk to their legislators and worked with them to start developing the Title 24 building access codes. They rallied people together to attend meetings to hash out the standards that have existed since the late 70's, but are taken for granted today by everyone.

Why do these issues still need to be talked about? Because many business people don't want to be "told what to do" by government; this includes architects who want to have the freedom of designing without any restrictions and building inspectors who don't want to be bothered by "minor details".

How many people with disabilities have been stymied by "a few inches"--at the threshold, or between the toilet and the wall, by the height of the toilet, the high lip or the steepness of a curb ramp, etc.? This is why ***we need continued pressure at the legislature to keep these regulations from being assaulted*** by the constantly changing crop of legislators.

As I and many others continue to struggle with their personal health issues, access to facilities is an even more pressing issue. I constantly have to remind new doctor's offices that I use a wheelchair and will need a lift assist if necessary. "Good to know" one person recently said. Don't forget to advocate for yourself AND for others. On that note, the local community center (County property) finally improved their only access and parking after only 3-4 years of my nagging them with pictures and suggestions to do something.

Good news, CDR has a new Treasurer, **Kathleen Barajas**. She is CDR's web mistress, membership guru, newsletter producer, and former Foundation Chair. She is also an advocacy team member and board member of CALIF Independent Living Center in LA. Lastly, she went to Sacramento for a leadership conference and then again to DCAD. Whew! We can't thank her enough for all her work and the energy she puts into CDR on behalf of all people with disabilities.

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CDR's Mission - To Improve the Quality of Life for All Persons with any Disability Through Education and Training - By Working to Remove Barriers Through Advocacy and Change in Public Policy.

Originally organized in 1970 as CAPH (the California Association of the Physically Handicapped) --with five members, CDR has grown to become an effective and widely respected cross-disability advocacy force.

FIVE CRITICAL QUESTIONS DERIVED FROM THE MEDI-CAL MANAGED-CARE TRANSITION

By Nancy B Kennedy

1) If I was authorized to get a particular drug for the next year by my doctor for a prior (authorization) different word here while in fee for service (FFS) for the next year, will I be allowed to get it when I am transferred to managed care? What protections do I have that my drugs will not be discontinued? What rights do I have if the plan wants to discontinue one or more of my drugs? What is the appeal process? Am I able to keep obtaining the drug until I get a hearing? What assurances do I have that the plan will follow the law and give me my due process notice?

2) If my most important doctors are specialists, what assurances do I have that I will be allowed to continue to see these doctors for the next year if the specialist is not in the plan? Even if the specialist is in the plan, what assurances do I have that I will be able to continue to see the specialist?

3) What assurances do I have that the plan contracts with a broad range of hospitals? What are my rights? What assurances do I have that the plan contracts with specialty doctors like orthopedic doctors who do hip, knee, shoulder replacements or spine surgeries? What requirements are there in place to insure that the plan has appropriate contracts for specialty care?

4) What information will be provided about primary care doctors so that I can make an intelligent decision? I need more than the name and address.

5) What assurances do I have that the ombudsman will help me when he represents the interest of the Department at Administrative Law Judge (ALJ) hearings and submits the State's statement of position? The ombudsman is also the one who denies a request for rehearing. So this office is representing the Department. We need ombudsmen with Medical backgrounds that can protect us and make sure we get the specialty care and drugs that we need and ensure that the plans comply with the law.

CDR FOUNDATION REPORT

By Shira Leeder

The Foundation has gotten off to a slow start this year, but we have had two meetings in Los Osos and have had four new members join us: Daniel Mart, Joannette Tavares, Steve Evans, and Kim Anderson. We are always looking for new members; they can be part of the community, not necessarily CDR members. If you are interested or know anyone who would be interested in serving on the Foundation Board or as an Officer, please contact the Foundation Chair, Shira Leeder, at shira@leeder.com.

We are again planning the Macy's fundraiser in late August. We are also looking at other ideas. We've reconfirmed the reason for the Foundation: to support the educational efforts of CDR Inc, through Scholarships, the New World newsletter, and other administrative costs.

MACY'S SHOP FOR A CAUSE - AUGUST 24th
Contact CDR Foundation for tickets

LEGISLATIVE REPORT

By Ruthee Goldkorn

The Legislative committee has been very busy this legislative year. We endorsed many bills that had a direct and indirect impact on our constituency, and we approved a simple sentence to be proffered to legislators to amend their bills.

This simple sentence is "Californians for Disability Rights, Inc. will support the bill if disability rights compliance with all state and federal disabled access requirements under Title 24, the ADA and the Rehabilitation Act of 1973 sections 504 and 508 is added". There are several bills that this amendment is effecting and thus far, no legislator has disagreed with the amendment. This will be a standard for all bills that are written for physical, programmatic or electronic programs.

There is one bill that passed and was signed by the Governor, ABX1, authored by the Speaker John Perez, which is attached to the federal ACA and Medi-Cal eligibility.

Please see <http://www.legtrack.com/> or <http://www.leginfo.com/> for details of any of these bills.

The bills that CDR officially endorsed and letters of support were sent to the authors that are now on a 2 year track are:

- AB 5(Ammiano)-Homeless Bill of Rights
- AB 666(Wiechowski)-Traffic enforcement systems (relevance to our constituency is unknown at this time)
- SB 550(Jackson)-Accessible, affordable housing

The bills that CDR officially endorsed and sent letters of support to the authors that are still in process/progress are:

- AB 16(Speaker Perez)-Domestic violence inflicting corporal injury: Out of the Assembly and going to the Senate
- AB 138(Olsen)-Mandatory UC tuition equal at all campuses: In committee
- SB 247(Wagner)-Voluntary contribution through personal income tax to support California Senior Legislature: In Committee
- AB 381(Chau)-Reporting of undue influence and elder abuse: In floor process
- AB 581(Ammiano)-Penalties for retaliating against anyone who files a grievance or complaint at or about a nursing home: In committee
- AB 663(Gomez)-LGBT training for nursing home and long term care workers (this is relevant as the LGBT community is our constituency): In committee process

- AB 880(Gomez)-Commonly referred to as the Wal Mart bill this will not allow large employers to reclassify employees or reduce the workforce to avoid compliance with ACA regulations for health insurance: In floor process
 - AB 1041(Chesbro)-Developmental Services Employment First Policy: In Rules Committee
 - AB 1136(Levine)-Drug disclosures of altered states or side effects must be written on the bottle and described in all formats by the pharmacist
 - AB 1180(Pan)-This is an ACA bill for California compliance: In committee process
 - AB 1194(Ammiano & V. Manual Pérez)-Safe Routes To School Grants: Pending referral to committee
 - AB 1241(Weber)-Cal Grant: In Senate Education Committee
 - SB 18(Hernandez)-Health benefits review program; this is an ACA California compliance program: In committee process
 - SB 20(Hernandez)-Health care work force training: Pending referral to committee
 - SB 28(Hernandez & Steinberg)-Another ACA California compliance program to institute the Health insurance Exchange: In committee process
 - SB 60(Wright)-Human trafficking: Pending referral to committee
 - SB 65(Leno)-2013/2014 Budget: In committee process: CDR **partially** supports this bill due to the lack of full restoration of funding for Medi Cal, Denti Cal, and IHSS as well as Services to Students with
 - Disabilities: In committee process
 - SB 130(Anderson & Corbett)-Allows victims of crime with disability testifying in court to have 2 advocates with them while on the witness stand: In committee process
 - SB 288(Ted Lieu)-This is an employment bill requiring time off: In committee process
 - SB 354(Correa & Roth)-Dept of Veterans Affairs monitoring outcomes of veterans employment programs: In committee process
 - SB 362(Padilla)-Secures polls (voting) during natural disasters: Pending referral to committee
 - SB 716(Lara)-Inmates civil rights: Pending referral to committee
 - SB 770(DeSaulnier)-Unemployment compensation: disability benefits/paid family leave: Pending committee referral
- These are bills we oppose unless amended:
- AB 477(Chau)-Notary Publics: Mandated reporting of financial elder abuse or a person with

LEGISLATIVE REPORT (Cont.)

disability: We oppose unless an amendment for specialized training of what financial abuse is and what defines this.

- AB 241(Ammiano)-This is a labor standards bill and we oppose the inclusion of language form Wage Order 15 of the DOL. The DOL is weighing in on this issue as you have seen from the DOL newsletter forwarded to the Members Exchange
- SB 364(Steinberg)-Mental health care: We oppose unless amended to remove forced medicating mentally ill persons
These are bills we support if amended:
- AB 166(Roger Hernandez)-Financial literacy curricula: We asked for inclusion of all children in Special Ed but we have not been told this will be an amendment: Bill is in committee and author's office is considering amendment
- AB 386(Levine)-CSU cross enrollment on line: Amendment of our standard disability rights language
- AB 505(Nazarian)-Medi Cal recipients moving into managed care programs language assistance: Support if amended to include our standard disability rights language and ASL
- AB 606(Quirk-Silva & Williams)-Student financial aid in community colleges: Amend to add our standard disability rights language
- SB 265(Lara)-College electronic text books: Amend to include CDR's standard disability rights language, add books for the blind and sight impaired, and audio books
- SB 344(Padilla)-ELL supplemental funding for school district master plans: Add CDR disability rights language and include ASL as a foreign language for all UC campuses as some allow ASL to be a foreign language course in HS and some do not give credit for admission
- SB 353(Padilla)-Health care coverage language assistance: Include CDR standard disability rights language and ASL
- SB 460(Pavely)-Prenatal testing education for environmental health: Add CDR disability rights language
- SB 522(Hueso)-Dependent children supplemental reports of SSI: Include CDR disability rights language

The bills CDR officially endorsed and sent letters of support to the authors and that are dead for any number of reasons are:

- AB 152(Yamada)-We had asked for SDI to be included in the assistance to the unemployed
- AB 261(Chesbro)-This was about fees and charges for care in nursing homes
- AB 299(Holden)-This bill would have changed prescription drug benefits under Medi-Cal
- AB 534(Wiechowski)-College financial information for students
- AB 553(Medina)-Notification of financial guardians or family members of a reverse mortgage
- AB 693-roger Hernandez-This was an employment bill
- AB 895(Rendon)-On line education task force
- AB 961(Levine)-Investigating health facilities
- AB 1117(Donnelly)-Electronic access to initiative petitions on line
- AB 1138(Chau)-Workers comp records
- ACA5(Grove)-Parental notification for abortion services
- SB 296(Correa)-County Veterans service offices
- SB 320(Beal)-Insurance coverage for post acute care of TBI and all rehab services
- SB 351(Hernandez)-Hospital billings
- SB 597(Lara)-Legal aid: court interpreters
- SB 609(Wolk)-Long term Care Ombudsmen
- SB 705(Block)-Reinstating funding for Services to Students with Disabilities
- SB 761(DeSaulnier)-Family temporary disability insurance

There will be a final Legislative Committee wrap up report of the 2013 legislative year in the Fall as the legislative year ends 11:59PM, August 31st.

RENEW YOUR MEMBERSHIP TODAY!!!

If you are past due and have not already done so, please remember to renew your membership with CDR. The Membership Committee is currently e-mailing and/or phoning members who are past due in their fees. If you have been contacted, please renew and or respond to the request.

Renewals are encouraged to be made online at:

www.disabilityrights-cdr.org/memberform_elec.html

*Payments can be made via PayPal or mail

OUR CRITICAL CONCERNS REGARDING THE COORDINATED CARE INITIATIVE

*By Nancy B Kennedy
& IHSS Consumers Union*

People with disabilities and seniors should be able to make an informed choice to join a managed care plan that will meet their specialized needs and not be forced into any plans until they are sure they are right for them.

Additionally, they must be assured that they will have appropriate notifications, with instructions to ombudsman services and aid paid leave pending a legal appeals process, so they are not harmed by discontinuity of care if they actively choose managed care.

If people are defaulted into or make the wrong choice about managed care because they don't have the right information, they may be separated from the doctors and medical treatments that have kept them alive. Additionally, they may be sent into a new system that may not be equipped to give them the continuous medications, life preserving treatments, medical equipment, and specialists they need.

If they have cognitive or language difficulties, they are essentially being captured and taken advantage of because of their impairments.

Although seniors and people with disabilities may have the right to opt out of managed care in the following month, they may not understand how to do it, or the State may not be ready to move with the speed necessary because it is trying to deal with the medical transitions of too many people at one time.

In summary, there is great concern that currently, no safety net is seen for those who have been and could be harmed during these future transitions. Also, seniors and people with disabilities who are passively enrolled are often enrolled without medical records, so new physicians have to rely on patient self reports and health risk assessments that can be inadequate for most, especially those with cognitive or language difficulties.

It's also very important that seniors and people with disabilities have consumer moderated town hall meetings with Senior and Disability Rights Attorneys.

CURRENT CDR ISSUES (Cont.)

Here is a link where Sylvia Yee details the problems that people have tried to navigate through the new managed care system that is being foisted upon them with passive enrollment into plans: <http://www.youtube.com/watch?v=2jNAhWljOHo&feature=youtu.be>. By watching this video you can make an educated decision about whether to opt in or out of managed care in its current state. See the CRITICAL CONCERNS article.

There is continuing dialogue on health care facility access on the MembersXchange. This is an excellent site that will help one with access problems at medical facilities:

http://www.ada.gov/medicare_mobility_ta/medcare_ta.htm#part3.

I recommend printing out the whole brochure and taking it with you when you go to medical appointments. Let the office make copies of the relevant parts but keep the brochure for yourself for other times. Ruthee Goldkorn, CDR Executive Committee recommends filing complaints with the CA DOJ and the CA Medical Board.

For IHSS issues, look for the IHSS Consumers Union on Facebook:

<https://www.facebook.com/groups/IHSS.ConsumersUnion/?fref=ts>

**Visit the NEW & IMPROVED
CDR Website at
www.disabilityrights-cdr.org**

and the

**CDR Foundation Website at
www.disabilityrights-cdr.org/cdrfoundation.html**

AD RATES FOR NEW WORLD

\$15 for business card

\$75 for quarter page

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\$175 for full page

Contact Susan at: **805-528-4695**

or barnonhill@aol.com

for information



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Dedicated to Helping People with Disabilities Keep their Civil Rights!"

If you would like this electronically in MS Word or PDF format, please contact Ben Rockwell at rocky.ben@verizon.net or (562) 432-0448.

CDR MEMBERSHIP APPLICATION		
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CHAPTER (If known)	DATE	AMOUNT ENCLOSED
[] Please put me on the CDR Members Exchange via Yahoo Groups (must supply e-mail address)		
INSTRUCTIONS: Check the web site for more membership info: www.disabilityrights-cdr.org Print out this form, complete all entries, and mail it with a check for amount due, payable to: CDR, INC., 909 12th Street, Suite 200, Sacramento, CA 95814		