



The DD Community Update

December 2009

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The Michigan
Developmental Disabilities
Council

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Advocacy Alert

To help solve the problem of falling revenues in Michigan, Governor Granholm recommended that both tax increases and the closing of tax loopholes be used to protect state programs. Leaders of the Democratic House and Republican Senate, however, agreed to achieve a balanced budget using only cuts to services with no new revenues.

The result was a state budget with devastating cuts to state programs. Cuts to Medicaid benefits, mental health services, adult dental care, and more were made. Legislators believe it was a success to protect the Michigan taxpayer by balancing the budget with no new taxes, at the expense of important services that people rely on. The time has come to let legislators know that this solution to the budget is not a success, and is greatly impacting the quality of life for many of Michigan's vulnerable citizens.

Let your legislators know how these drastic cuts to services have affected you. Your personal stories are important and can be powerful in showing your legislator how these cuts have harmed the residents of Michigan.

Deliver your message to your own representative and senator.

To find your representative, visit: http://house.michigan.gov/find_a_rep.asp

To find your senator, visit: <http://senate.michigan.gov/SenatorInfo/find-your-senator.htm>

You can also deliver your message to the two legislative leaders. Their contact information is:

Representative Andy Dillon: andydillon@house.mi.gov, (888) 737-3455

Senator Mike Bishop: senmbishop@senate.michigan.gov, (877) 924-7467

Health Care Reform

On November 21st, the Senate passed a motion to proceed the debate of the Patient Protection and Affordable Care Act (H.R. 3590). The bill includes:

- Major insurance reforms such as the elimination of pre-existing condition exclusions and annual and lifetime caps
- Coverage of rehabilitation and habilitation services and devices in the essential benefits package for the new insurance exchange
- An expansion of Medicaid eligibility up to 133% of the federal poverty level
- The Community Living Assistance Services and Supports (CLASS) Act which will establish a nation wide long term services insurance program
- The Community First Choice (CFC) Medicaid option which will make comprehensive community-based services available to Medicaid beneficiaries in states that choose the option
- Requiring the development of standards for accessible diagnostic and other medical equipment

Conservative Democratic senators stated that they would join Republicans to delay the final passage of the bill unless the public option for the new insurance exchange is removed. Debate will begin after Thanksgiving and is expected to last until Christmas recess.

An insurance exchange is intended to create a more organized and competitive market for health insurance by offering a choice of plans. An exchange is a key element in providing coverage to the uninsured and in making changes to the insurance market, especially for people who buy insurance on their own.

An exchange also provides information to consumers, and helps make insurance more portable for consumers that move from job to job.

(www.arcmi.org, www.kff.org)

Winter Road Safety



Winter holds many safety risks for drivers and passengers on the road. The best advice for driving in bad winter weather is to avoid it altogether, and wait until snow plows and icing trucks have cleared the roads. But if you must drive, follow these guidelines for traveling in icy weather.

- Decrease your speed and leave at least 3 times more space than usual between you and the car in front of you.
- Break gently to avoid skidding. If your wheels lock up, ease off the brake.
- Make sure your lights and windshield are clean.
- Don't use cruise control or overdrive on icy roads.
- Don't pass snow plows or icing trucks— the drivers have limited visibility.
- Be especially careful on bridges, overpasses and infrequently traveled roads that freeze first.

If you get stuck:

- Do not spin your wheels. This will only dig you in deeper.
- Turn your wheels from side to side a few times to push snow out of the way.
- Press the gas lightly to ease your car out.
- Use a shovel to clear snow away from the wheels.
- Pour sand, kitty litter, gravel or salt in the path of the wheels for traction.

Make sure you have the proper mix of antifreeze and water in your cooling system and enough windshield washing solution. Also check your tire treads. Keep the fuel tank near full—low fuel levels cause condensation to form and can cause the fuel line to freeze. Keep emergency supplies in your car such as: small battery powered radio, flashlight, windshield scraper, jumper cables, shovel, blanket, extra clothes, flares, bottled water and nonperishable foods, first aid kit, tow chain or rope, de-icer and extra anti-freeze, tire repair kit and pump, and extra batteries. Drive safe!

(www.weather.com)

Medicaid Adult Dental Elimination

The elimination of Medicaid adult dental services, and other federally defined optional services, is threatening the lives of vulnerable people in Michigan. Restoring these services helps keep Medicaid recipients healthy, and can save money in the long run.

Since the July 1st elimination of dental benefits, an elderly woman with a developmental disability in Northern Michigan died on October 7, 2009 from an untreated dental infection. Another Michigan man with a disability cannot get dentures because of loss of dental benefits. It has caused him limited food intake and is threatening his health.

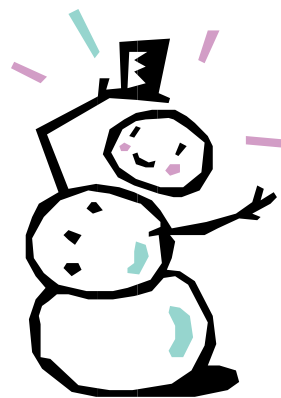
The state of Michigan must defend a lawsuit filed on behalf of 400,000 Medicaid beneficiaries for the cancellation of dental benefits. The lawsuit states that Michigan residents will be more vulnerable to debilitating and possible life-threatening illnesses.

Lower-cost dental services as well as vision, chiropractic, and podiatric care are necessary to avoid complications that are even more expensive to treat in emergency rooms or intensive care units. In addition, these cuts will cause Michigan to lose \$16 million in federal dollars to pay dental providers to offer services in an appropriate setting.

Policy makers must understand that these cuts are threatening the lives of Michigan's citizens. Please contact your legislator today and make them aware of your feelings and position on this issue.

This information was taken from a letter to legislators written by the Michigan League for Human Services.

It has been signed and supported by over 30 organizations state-wide, including the Michigan Developmental Disabilities Council. Please see page 7 for information on dental advocacy trainings around Michigan.



Olmstead Still Fighting For the End of Segregation



The Supreme Court decision in *Olmstead v. L.C.* required states to eliminate unnecessary segregation of persons with disabilities and to move people who could function in the community out of segregated facilities. In 2009, President Obama issued a proclamation launching the “Year of Community Living,” and directed the Administration to redouble *Olmstead* enforcement efforts. At the end of November, the US Department of Justice (DOJ) filed three friend of the court briefs in *Olmstead* cases in Virginia, New York, and Connecticut.

The DOJ is supporting an effort by the Arc of Virginia and the Virginia Protection & Advocacy (P&A) to block the state from spending \$23 million on a new, segregated facility for 75 individuals with intellectual disabilities. An independent review of the individuals found that none of them had needs any more complex than people already living in community settings. In New York, the P&A won a lawsuit that found placement of people with mental disabilities in large adult homes was in violation of the Americans with Disabilities Act. P&A argued for 6,000 new community-based placements but the state proposed approximately 1,000 new community spaces in the state-run system. In Connecticut, DOJ is supporting a suit by the Connecticut P&A that challenges the confinement of over 200 people with mental illness in three large, private nursing homes. The P&A and DOJ allege that these people could live in more integrated community settings.

From the Capitol Insider, www.lifewithoutlimits.org

Holiday Donations

The deep budget cuts in Michigan have caused many services that people with disabilities rely on to be endangered and even eliminated. The upcoming months will be difficult for Michigan’s disability community as it experiences unemployment, lack of housing, and disappearing support services. It will be harder to depend on state or local agencies for effective support of our community. As 2009 draws to a close and you consider charitable contributions you want to make, please consider what you can do to help by sending a year-end gift to your favorite disability organization or charity.

Michigan Seclusion and Restraint Legislation Announced

On Wednesday, December 2, 2009, Michigan Protection and Advocacy Service, Inc. (MPAS) joined with Representative Deb Kennedy, parents and other organizations to announce legislation targeting abusive disciplinary practices in Michigan Schools. MPAS also officially released a report, *“Safe and Protected? Restraint and Seclusion Remain Unregulated and Underreported in Michigan Schools,”* which highlights the use of restraint and seclusion on students with disabilities in schools throughout Michigan. The information in this report will be given to Michigan policymakers and others to emphasize the urgency of passing legislation to end these abusive practices.

Representative Kennedy, a member of the House Education Committee, unveiled a plan that would:

- Ban the use of restraint and seclusion practices
- Limit physical force to only be used to: break up a fight, disarm a student, calm or comfort a student, or physically escort a student
- Require school officials to notify the student’s parents or guardians within 24 hours of any incident involving the use of physical force
- Require schools to report all incidents of physical force to the Michigan Department of Education and Michigan Protection and Advocacy Service.

In mid 2009, MPAS collected stories from the public and received over 50 responses from parents living in 32 different counties across the state. To obtain a copy of the MPAS restraint and seclusion report, visit their website at www.mpas.org or call 1-800-288-5923.

Additionally, lawmakers are expected to introduce national legislation to curb abusive restraint and seclusion practices in the nation’s schools. A government report released in May drew concern from the president, the secretary of education, and members of Congress who pledged action. Representative George Miller, D-Calif. and Representative Cathy McMorris Rogers, R-Wash., are planning to introduce legislation on Wednesday, December 9, 2010.

If legislation is passed, it will provide a regulated, mandatory policy in regards to seclusion and restraint in the nation’s schools.

(www.disabilitycoop.com, www.housedems.com)



Disability Terminology

On November 17, 2009, two senators introduced “Rosa’s Law” (S. 2718), a bill to substitute outdated, stigmatizing terms in federal health, education and labor laws. The terms “mental retardation” and “mentally retarded” would be substituted with the terms “intellectual disability” and “individual with an intellectual disability.” The change in terminology would not change the eligibility requirements for services and supports. (www.lifewithoutlimits.org)

The bill is named after Rosa Marcellino, an 8 year old girl from Maryland who has Down syndrome. Her family convinced the state legislature to change the official phrase from “mentally retarded” to “individual with an intellectual disability” in the health and education code at the state level. The movement began as a family effort when Rosa’s elementary school changed the coding on her education plan from “health impaired” to “mentally retarded.” The school agreed to drop the terminology, and Rosa’s sisters Gigi and Maddie set out to get petitions signed to change state legislature as well. (www.abcnews.go.com)

Self-Advocacy Trainings for Medicaid Dental

The Michigan Developmental Disabilities Council and its grant project, Smiles Across Michigan, are holding free training sessions on self-advocacy to reinstate the Medicaid Adult Dental Benefit that was cut last year. Advocacy trainers will teach you how to develop your public speaking skills and help you write an advocacy letter. For more information about the workshop, contact Andrea Goodwin at 734-722-4154 or agoodwin@comlivserv.com.

Lunch is provided to those who RSVP. Each training session must have at least 20 participants to proceed, so act now!

To RSVP, call the DD Council office at 517-334-6123 or email Dee Florence at florenced1@michigan.gov. The dates and locations for the next trainings are:

January 14, 2010 in Grand Rapids* (RSVP by January 7, 2010)

January 27, 2010 in Detroit* (RSVP by January 20, 2010)

*Exact locations are being finalized and will be available soon.

Upcoming Events

December 17, 2009

Nominations for the 2010
Outstanding Avocate Awards due to
Council office

January 15, 2010

Medicaid Dental Advocacy
Training—Grand Rapids, MI
(see page 7)

December 25, 2009



January 27, 2010

Medicaid Dental Advocacy
Training—Detroit, MI (see page 7)

January 2010 Council Meeting Schedule

Council Meeting: January 12th, 10:45 am—4:30 pm

Program Committee: January 12th, 9 am—10:30 am

Public Policy Committee: January 12th, 9 am—10:30 am
(Joint meeting with Diversity Committee)

Education Workgroup: January 19th, 3:30 pm—5 pm

RICC Teleconference: January 28th, 1 pm—3 pm

Health Issues Work Group: January 19th, 1 pm—3 pm

Family Support Work Group: January 20th, 10 am—12 pm

Housing Work Group: January 11th, 1 pm—3 pm

Transportation Work Group: January 14th, 10 am—12 pm

