

WILL'S CORNER, OKLAHOMA



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(Serving the Disability Community of Oklahoma)

When You Need a Friend

All of us come to a time in our lives when we really need a friend. We may develop a serious medical problem. In the current financial crisis we may lose our job. Sometimes we may experience marital differences, and our personal life may be in chaos.

If you are an individual who is lacking in financial resources and involved in the criminal/court system, that friend may be a lawyer from the Oklahoma Indigent Defense System. Oklahoma and Tulsa counties have their own indigent defense system, but all other 75 counties come under the jurisdiction of the Oklahoma Indigent Defense System in Norman.

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Civil Rights for People with Disabilities

The Americans with Disabilities Act of 1990 (ADA) is the federal law establishing civil rights for qualified individuals with disabilities. That law is divided into several "titles" based on particular issue.

Title I looks at the civil rights of people with disabilities in employment, and that title is enforced by the Equal Employment Opportunities Commission (EEOC). Title II deals with state and local government, and Title III treats facilities and businesses which serve the public.

The U.S. Department of Justice in Washington, D.C. enforces the provisions of the ADA in Title II and Title III. They also provide information and technical assistance about the law. The Department of Justice's toll-free number is 800-514-0301 or 800-514-0383 TTY.

If you call the Department of Justice, you will hear an automated message. Press 7 to be connected to an ADA Specialist. Specialists are available from 9:30 a.m. to 5:30 p.m. Monday through Friday except on Thursday. On Thursday those times are from 12:30 p.m. to 5:30 p.m.

The ADA Specialist will ask questions to determine if your concern is an ADA violation. If you continue to have concerns, the ADA Specialist can mail you an ADA complaint form to actually file a complaint. You may download a complaint form from the Department of Justice website (www.ada.gov), or you may write a letter to the DOJ explaining your concern. This letter will be treated like a complaint.

**ODC web site:
www.odc.ok.gov**

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Civil Rights for People with Disabilities (continued)

At this point, your concern about an ADA violation may take one of two paths. You may make an ADA complaint asking for an investigation from the Department of Justice. You may register a complaint with the request that your complaint be mediated.

Not every complaint sent to the Department of Justice will be investigated. Sheer numbers require selection. Every complaint will be read and evaluated.

If you make a complaint to be investigated by the Department of Justice, you should receive a reply within eight to twelve weeks. If you still have heard nothing, you may call the toll-free number again to request information on the status of your complaint.

If an investigation does occur on your complaint, that investigation may continue for an unspecified time depending on a lot of factors. Investigators may need to travel to the site of an alleged violation. There may be requests for additional information.

It is easy for the complaining party to develop unrealistic expectations if a complaint is selected for investigation. When an investigation begins, the issue becomes the concern of the United States government. The issue is not just the concern of the complaining party.

Sometimes in the course of an investigation, the respondent may voluntarily correct the situation of concern. Sometimes investigators will draw up a Settlement Agreement. The Settlement Agreement may be formal or informal. It outlines what must be done in order to correct the violation of the law which investigators have found.

If you request mediation on your ADA complaint to resolve your concern, the Department of Justice will determine if your concern is a candidate for mediation. If the answer is "yes", the department will ask you to sign a release of information so that

Peace starts with
a
smile.



potential mediators may review your complaint. This release is necessary because mediators are not employees of the U.S. Department of Justice.

The Department will contact the respondent to let them know a complaint has been made and mediation has been requested. For mediation to occur, both parties must agree to participate.

Mediation will occur locally where both parties have the opportunity to meet face to face and express their views on all matters of concern. While some mediators may actually be lawyers, they do not function as lawyers.

The mediator is present to hear all viewpoints and to move the discussion on to a resolution. People with disabilities have the opportunity to hear other viewpoints, and other people have the opportunity to understand the needs of people with disabilities.

The resolution of mediation must be put in writing. The mediation is not terminated until all terms of the agreement have been implemented.

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The Oklahoma Living Choice Project

We all like to have a say in what directly affects our lives, and this same desire exists among Oklahomans who live in an institution. An institution is a congregate residential setting such as one of the state schools for people with developmental disabilities or even a nursing home which houses people who are elderly and people with disabilities.

The Medicaid program is often thought of as having a bias towards providing services in an institutional setting, but there can be other alternatives if we choose. We can choose to serve the needs of people who are elderly and people with disabilities in the community in which they live. We can allow people the choice of whether to get their needs met at home or in an institution.

That is what the Oklahoma Living Choice Project actually does, and it is an important milestone for the people with disabilities in our state. In January 2007 the Center for Medicare and Medicaid Services (CMS) in Washington, D.C. awarded the Oklahoma Health Care Authority a grant for 41.8 million dollars to offer people living in institutions the opportunity to move back into the community with supports. The Oklahoma Health Care Authority supported this grant with another 10 million dollars of state funds.

Thus was born the Oklahoma Living Choice Project, and the program hopes to move its first person out of a nursing home and back into the community late in October, 2009. A lot of work has gone into this project to get us where we are right now.

The Oklahoma Health Care Authority had to establish written guidelines on how it would set up community services and meet the needs of real people with disabilities who wanted to live in the community. These guidelines had to be approved by CMS. At that point the Oklahoma Health Care Authority had to contract with providers who were willing to do the legwork in assessing people's needs and finding ways to meet those needs in the community setting.

Many people have left their homes behind and have sold or given away their furniture and household items. They need these things again if they are going to live successfully in the community.

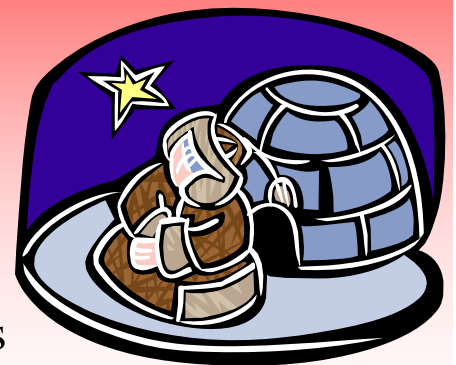
People living in the community will need a place to live and transportation to medical appointments and shopping. Some individuals will need personal care attendants and community medical services. People living in the community will need a bank account and a state I.D. card to function.

Providers contracted with the Oklahoma Health Care Authority will be responsible for writing an individual transition plan to meet the individual needs of the person with disabilities who is transitioning into the community. This individual transition plan is to be written with full input and consent from the individual who desires to move.

People with disabilities moving back into the community will be followed one year from the date they move. They will have a transition coordinator to work out any problems that may arise in the new setting. This one-year period is known as the "demonstration period".

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What do Eskimos get from
sitting on
the ice
too
long? ..
..
Polaroids



Legislative Advocacy

People with disabilities have many needs. Some of those needs can be met within the existing service-delivery system in Oklahoma. Some of them can't. Sometimes the services do not exist, and in times like this we need to advocate for ourselves or the significant people in our lives.

The Oklahoma Legislature convenes the first Monday in February and adjourns the last Friday in May. In the summer and fall, legislators are frequently busy considering bills which they will sponsor in the upcoming legislative year.

Legislators have staff to assist them in writing bills which will very specifically address the concerns they would like to propose as Oklahoma law. If you have an issue that you would like to see addressed in a bill before the Oklahoma Legislature, you may contact the Representative or Senator representing your district.

If you do not know how to contact the State Representative or State Senator representing you, call the County Election Board in the county in which you reside. The County Election Board should be listed in the government pages of your local telephone

directory. Look under county government.

When you call the County Election Board, provide your address and ask for the State Representative and the State Senator who represents your district. The County Election Board can give you contact information.

Your state legislators will have a local address in the district as well as an office in the State Capitol in Oklahoma City. Call 405-0126 at the State Capitol and ask to be connected to the name of the State Senator you would like to talk to. Call 405-521-2711 or 800-522-8502 and ask to be connected to the name of the State Representative you would like to talk to.

People with disabilities may contact their legislators about whatever concerns they have. They may be concerned about transportation, housing, attendant care services, nursing homes or anything that touches the lives of people with disabilities.

People with disabilities may have concerns which they feel should be addressed in Oklahoma law.

(Continued on page 5)



The words
racecar, kayak,
and level are three



words in the
which can be
or



English language
read either front
backwards.

Legislative Advocacy (continued)

You may ask a legislator to sponsor a bill to address your concern. Many people never thought of doing such a thing.

The Office of Disability Concerns tracks bills in the Oklahoma Legislature through the various legislative deadlines until the Governor signs successful bills. Last Legislative Session we tracked 116 bills from both the House and the Senate of which only 21 became Oklahoma law.

If you want to become more knowledgeable about bills which touch the disability community, go to our website at www.odc.ok.gov and scroll to Legislative Bills Touching the Disability Community.

This office reviews all proposed bills looking for those which are related to disability. We post bills giving you the bill number, the bill sponsor and a brief description. You can also get information on the current status of that bill as it goes through the various legislative deadlines.

We will post the bills touching the disability community in the 2010 Legislature around the first of February. If any of those bills interest you, you may click on the bill number, and it will take you automatically to the full version of the bill as introduced into the Legislature.

If you have a bill which you support, you may call your legislators and ask their position on that bill. Be prepared to tell them the bill number and the authors of that bill. (This information will be listed on our website.) When you talk to your legislator, provide them with your address. It is important that the legislator know that you are indeed his or her constituent.

Be polite when you speak with a legislator or that legislator's staff even if the legislator disagrees with your position. You may want to contact that legislator on another issue in the future, and it is important you have a good relationship.

You can choose to call or write your legislator. Get

right to your concern with specifics on why you are concerned. You can propose a way you think your concern could be addressed. You can identify your opinion on specific bills being considered by the current Oklahoma Legislature.

Legislators do not hear from constituents nearly enough. If they receive three or four phone calls about a specific piece of legislation, they consider that good public support. Legislators will be impressed by constituents who are knowledgeable about specific bills and are able to state simply and concisely why they do or do not support that bill.

If you would like your legislator to take a particular position on a bill, ask him or her to do just that. Be aware of what outcome you want and ask for that legislator's support. Follow up a phone call or letter when appropriate. If a legislator has supported your position, thank them for their support.

Disability Day at the Capitol is sponsored by the Oklahoma Department of Rehabilitative Services. It will occur April 7, 2010. Disability Day at the Capitol offers you an opportunity to come to the State Capitol in Oklahoma City and browse the many booths with information on services for people with disabilities. It is also a day that you may speak with your legislators after having made an appointment a few weeks in advance.

Disability Day at the Capitol is held during the middle of the Legislative Session. If you are interested in a specific bill, you can express your support. Some people just desire to come to the State Capitol to meet their legislator without a specific political agenda.

Again, if you would like to view specific bills touching the disability community which are being considered by the 2010 Oklahoma Legislature, review a listing of these bills on the website of the Office of Disability Concerns at www.odc.ok.gov. Knowledge is power, and it helps advocates get their needs met.

When You Need a Friend (continued)

People who are charged with a crime and do not have the means to hire their own defense attorney may apply to be represented in court through the indigent defense system. The judge looks upon that application and determines if the person meets the criteria.

Tim Laughlin is the Division Chief of the Oklahoma Indigent Defense System. He shares that a disproportionate percentage of Oklahomans charged with a crime also have a disability. Many people come through his office who suffer a mental illness, a cognitive disorder or problems with substance abuse.

Bill was one of those clients. He had a rare chromosomal condition known as Klinefelters Disease where he had two X chromosomes and two Y chromosomes instead of one each. That seemingly innocuous, small condition produced mental retardation. Bill had an I.Q. of less than 70.

He first got in trouble with the law by touching a minor over her clothing inappropriately. Bill came from a single-parent household and received little supervision at home. His family seemed more interested in receiving his SSI check than about Bill. Bill went to jail.

His lawyer filed that he was incompetent to stand trial and was not likely to gain competency. The judge sent Bill to a group home, but his parent caused trouble at the group home, and Bill and his SSI check returned home to live.

The same thing happened again with another girl who was a minor. Tim Laughlin from the Indigent Defense System got the case when Bill was in county jail. He had been beaten severely by other inmates. Even his jailers were concerned.

The District Attorney was not quite so willing to let Bill go this time. Tim had to find a secure place for Bill to go where he would not re-offend before the judge was willing to forego prison time.

He found that secure location at the Greer Center on the campus of the Northern Oklahoma Resource Center in Enid. NORCE is the oldest institution for people with mental retardation in the state of Oklahoma. It provided the structure Bill did not receive at home, and Bill had a chance to get some education.

The Greer Center is an institution, and it may not offer the freedom which we have come to love and appreciate, but it is more appropriate for Bill than incarceration. Hopefully he may one day get enough structure and self-discipline in his life to live in the community without offending. Thanks to Tim Laughlin, he was diverted from a prison sentence.

This is one of the many stories of people represented by our indigent defense system in Oklahoma. The lawyers on staff spend about half their time doing real social work. They pick up the pieces from our broken homes and work for a fair shake for individuals who may or may not have received that in their history. It is not always a pretty job. It is not always easy, but thank goodness someone is there to represent people in court who might not otherwise have representation.

If you are interested in knowing more about the Oklahoma Indigent Defense System, google it on the web. They have a wealth of information on their website. There is a place you may contact staff if you have further questions.

A cat has
32 muscles
in each
ear.





Opportunity
may knock once,
but temptation
bangs on the
front door
forever.

Civil Rights for People with Disabilities (continued)

The information for this article was taken from Sally Conway at the U.S. Department of Justice in Washington, D.C. Sally Conway is the Director of ADA Technical Assistance and Mediation. Visit www.ada.gov which is the U.S. Department of Justice's website on the ADA for a world of information.

OK State web site:
www.ok.gov

The Oklahoma Living Choice Project (continued)

At the end of one year the provider for the Living Choice Project will hand that transition case over to one of the new Oklahoma Medicaid waiver programs to provide services to that individual for life. There's a lot involved in the whole process. Just as it was a major decision for a person to enter a nursing home in the first place, it is also a major decision for an individual to choose to go back into the community.

The decision must be made on a case-by-case basis. There will always be people whose disability is such that they may better be served in an institution. However, there are some people who may experience a much higher quality of life if their needs are met in their own residence in the community.

The Oklahoma Living Choice Project is the beginning of offering a real choice to people with disabilities who currently reside in an institution. For more information, visit the program's website at <http://www.oklivingchoice.org>. Let them give you all the details about this exciting new project in the long-term care delivery system in Oklahoma.

CALENDAR OF EVENTS

November 6-7, 2009

The Oklahoma State Autism Conference will take place at the Embassy Suites Hotel and Conference Center in Norman, Oklahoma. For more information, check out the website www.okautism.org.

**November 15-
December 31, 2009**

This is the open-enrollment period for Medicare beneficiaries to change providers for Part C and Part D Medicare benefits. For more information call the Senior Health Insurance Program of the Oklahoma Department of Insurance at 800-763-2828.

November 19-20, 2009

SOAR training on assisting people with tips on applying for SSI and SSDI disability benefits at the Hardesty Regional Library (8316 E. 93rd St.) in Tulsa. Contact Kelly Earles or Angie Kopp at 405-522-0103 for more information.

January 27-29, 2009

3rd Annual Mental Health Prevention & Substance Abuse Conference sponsored by the Oklahoma Dept. of Mental Health and Substance Abuse. The conference will be held at the Embassy Suites Hotel and Conference Center in Norman. For more information call 405-522-8300.

If you have an event coming up relating to disability, let us know at 800-522-8224 and we'll help you publicize.

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