

On Target

Informing Indiana About
Disability Issues

May | Volume 18 Number 5 | Informing Indiana About Disability Issues

On Target is a monthly publication of the Indiana Governor's Council for People with Disabilities.

We welcome your suggestions for newsletter content and ideas concerning the actions of the Council. *On Target* is made available in accessible formats upon request.

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Budget bill impacts disability programs

For the Indiana General Assembly, everything hinged on the final day of the legislative session, April 29. While the news media heralded the passage of high-profile bills to fund a new Colts stadium and consolidate Indianapolis government entities, disability advocates breathed a sigh of relief about the state's biennial budget bill.

"Advocates definitely stepped up to the plate this year," said Kim Dodson, Arc of Indiana director of government relations and development. "There had been so much anticipation about the changes to be made, but in the end the budget bill was okay, and the process opened up great communication with the new administration."

In the final hours of the legislative session, state legislators passed House Bill 1001, which included generally flat-lined or increased spending for human services programs and removed many of the harmful provisions proposed in earlier versions. The bill included \$49 million for emergency waiver services for people with developmental disabilities - the first time such services have been anticipated in a budget bill - and capped the Medicaid growth rate at 5.2 percent, an increase from percentages recommended in previous versions (but still less than the projected growth rate for the Medicaid

program).

Grassroots advocacy preserves CHOICE, First Steps

WBecause of a "groundswell of grassroots efforts" from Hoosiers with disabilities, Dodson said, the disability community avoided many harmful changes to First Steps and the CHOICE program, a home and community-based care option for seniors and people with disabilities. The negative CHOICE changes, such as creating an asset cap of \$250,000, requiring applicants to be ineligible for Medicaid and requiring applicants to have limitations in at least three daily living activities (an increase from two), were removed from the final bill or amended. The new asset cap for CHOICE is \$500,000.

In addition, legislators changed language that would have reimbursed CHOICE service providers at Medicaid rates. Because Medicaid reimbursement rates are typically lower, advocates expressed concern that the change would put many service providers out of business. Instead, language in the final bill states that the Family and Social Services Administration will set reimbursement rates in consultation with local Area Agencies on Aging.

Advocates are concerned, however, about a provision stating that CHOICE payments cannot be applied toward the Medicaid spend-down requirement. This will increase out-of-pocket home and community-based care expenses for some Hoosier families. Some families have also expressed concern about the surviving First Steps changes. For example, the cost participation fee will now apply to families earning 250 percent of the federal poverty level, down from 350 percent.

In response to outcries about First Steps changes, however, FSSA created a First Steps

stakeholder group, which will include First Steps consumers and service providers and review proposed policy changes prior to implementation.

Health insurance bill dies

Advocates were successful in their fight against House Bill 1075, which would have waived many of the state's insurance mandates for insurance offered by companies with fewer than 50 employees. For example, those insurance plans would no longer have been required to cover off-label drugs or dental anesthesia for people with developmental disabilities. Although the bill did not pass during this legislative session, the issue of mandates is likely to be revisited as legislators seek solutions for businesses' rising insurance costs.

Bill requires voter identification

Gov. Mitch Daniels signed into law a bill requiring voters at Indiana polling places to produce photo identification before voting. The bill will go into effect July 1, although that implementation date could be delayed by a lawsuit filed by the Indiana Civil Liberties Union on behalf of the Indianapolis Resource Center for Independent Living, United Senior Action of Indiana, the NAACP and other groups. They believe the bill unfairly disenfranchises many low-income voters, including people with disabilities. For more information about this new voter requirement and ways to obtain a government-issued photo ID, watch for the June issue of On Target.

Anticipate next steps

Although the legislative session is over, disability advocates expect many changes to Indiana human services programs to be made administratively. For that reason, Dodson encouraged people with disabilities to carefully

review communications they receive from the state and be sure they understand the potential impact of new policies and procedures.

"Changes can still be made," Dodson said. "We need to pay attention to that."

Visit www.in.gov for more information about these and other bills addressed during the recent legislative session.

Choosing summer activities for kids

School will soon be over, but children with disabilities can choose from a wide variety of fun, educational summer activities.

One possibility is residential summer camps, some of which have specific programs for children with asthma, diabetes or other disabilities. Examples include:

- Camp Crosley YMCA (North Webster) - www.campcrosley.org or (877) 811-6189 (voice)
- Camp Isanogel (Muncie) - www.isanogelcenter.org or (765) 288-1073 (voice)
- Camp Riley (Martinsville) - www.bradwoods.org or (765) 342-2915 (voice)
- Camp Millhouse (South Bend) - (574) 233-2202 (voice)
- Deaf Children's Camp (Milford) - www.deafcamps.org or (574) 658-4831 (voice)
- Happy Hollow Children's Camp (Nashville) - www.happyhollowcamp.org or (317) 638-3849 (voice)

For other options, visit www.ipin.org and click on "resource directory."

Summer can also be a great time to explore - and practice using - assistive technologies that might enhance your child's learning experiences. Also contact your local YMCA, school, library, or parks and recreation department to ask about day-camp programs, which are often tailored to specific subject areas.

Finally, watch your local media for information about summer activities such as festivals, outdoor concerts and fairs that provide fun, different learning experiences.

Court to decide whether ADA applies to cruise ships

The Supreme Court is considering a disability-related case, Douglas Spector et al v. Norwegian Cruise Line Ltd., focusing on whether the Americans with Disabilities Act applies to foreign-owned cruise ships that dock in the United States.

Cruise passengers with disabilities say they were discriminated against because they were segregated in a single cluster of accessible cabins, for which they were charged double fares. In addition, many features of the ship, such as casino tables, were not accessible.

While parties agree that such accessibility barriers violate the ADA, the cruise line industry argues that it is not governed by that statute.

The case, for which the Court heard oral arguments Feb. 28, hinges on whether Congress intended the ADA to apply to ships based in other nations, called "foreign-flagged" ships. Representatives of the cruise line industry argue that applying the ADA to foreign-flagged ships would create conflicts with international treaties and maritime regulations, and Congress would

not have wished to create such conflicts.

Representatives of the passengers argue that the ADA should apply because cruise passengers are mostly American, most cruises begin and end in U.S. ports, most marketing is directed toward American consumers, and most cruise lines require any complaints brought by passengers to be governed by U.S. law. Those factors, they say, mean even foreign-flagged cruise lines are governed by the ADA, because Congress has authority to regulate any and all aspects of American commerce. A ruling is expected in June. Visit www.supremecourtus.gov for more information.

MiCASSA reintroduced in Congress

Home and community-based care is one of the cornerstones of the disability rights movement. That is why many disability advocates support a congressional bill called the Medicaid Community-Based Attendant Services and Supports Act (MiCASSA). The bill would shift the funding bias in Medicaid from institutional care to home and community-based care, giving people with disabilities more and better options.

The bill has been introduced several times since 1997 without passage. It is strongly opposed by the nursing home industry, which would lose both residents and funding. Now, however, the bill has been reintroduced in both houses of Congress.

In February, Representative Danny K. Davis (Illinois) reintroduced MiCASSA in the House (H.R.910), while Sen. Tom Harkin (Iowa) did so in the Senate (S.401). As of late April, the House version had eight co-sponsors, while the Senate version had 12. None were from Indiana.

"I strongly believe that it is important to level the playing field and give eligible individuals equal

access to community-based services and supports," Sen. Harkin said in a statement. "This vital legislation will open the door to full participation by people with disabilities in our neighborhoods, [our] workplaces, our economy and our American Dream."

Now is the time to contact your legislators to share your opinions about MiCASSA and the Medicaid funding formula. Your opinions are important and can make a real difference! If you need contact information, visit www.in.gov and click on the "Who's Your Legislator?" link. Visit thomas.loc.gov to follow the progress of this and other federal disability-related legislation.

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Indiana organization graduates assistance dogs

In March, a record six assistance dog teams graduated from the Indiana Canine Assistant and Adolescent Network (ICAAAN). The commencement ceremony capped off months of training for the dogs and an intensive eight-day course for the canines and their new human companions.

Founded in 2001, ICAAN trains assistance dogs for Hoosiers with disabilities. The dogs help their human partners with tasks such as opening doors and retrieving objects. In addition, the dogs help knock down social barriers and provide emotional support. Hoosiers with disabilities are not the only people who benefit. At-risk youth and adults in six Indiana correctional facilities train the assistance dogs while learning responsibility, empathy and communication skills.

The newest ICAAN graduate teams are:

- Julie Dunn, Anderson, and her assistance dog, Daisey.
- Brad Duerstock, Lafayette, a paralysis researcher at Purdue University, and Jonesey.
- Lyz Matula, Valparaiso, a student at Indiana State University, and Lexi.
- Shelagh Wise, Monterey, and Rudy.
- Connor Wantz, Indianapolis, and Amali.
- Kitley Intermediate School, Indianapolis, and Lucy. Lucy will assist students and faculty in the school's special education program.

To date, ICAAN has placed seven assistance dogs with people with disabilities, two facility dogs at schools, and four therapeutic in-home dogs. About 30 dogs are in training. For more information or to apply for an assistance dog, visit www.icaan.net or contact ICAAN Executive Director Sally Irvin at icaan1@aol.com (e-mail) or (317) 250-6450 (voice).

Council announces evaluation drawing winners

Congratulations to the following people, whose names were drawn from among those who submitted Disability Awareness Month 2005 evaluation forms. The Council relies on feedback from the evaluation forms to improve future Disability Awareness Month campaigns.

- Sharon Armstrong - Bona Vista Programs (Peru)
- Jane Burns - Atterbury Correctional Facility (Edinburgh)
- Michael Camper - Richmond
- Denise Holland - Major Hospital (Shelbyville)
- Julie Kuhn - Alternative Living Center

(Warsaw)

- Helen Mayer - Berne Public Library (Berne)
- Kathy Miller - Tarkington Media Center (South Bend)
- Donna Mundy - SIRS (Ferdinand)
- Doreen Taylor - Gary Human Rights Commission (Gary)
- Carol Trueblood - Moderate/Severe Disability Program (Indianapolis)

Save the date!

The Annual Conference for People with Disabilities, "Building Your Net Worth," will be held Dec. 5-6, 2005.

Of Note Application deadline June 3 for Partners in Policymaking

If you are passionate about promoting change and are a person with a disability or the parent of a child with a disability, you should apply for the Partners in Policymaking Academy. This program teaches participants to become effective advocates for people with disabilities. For more information, contact the Council at (317) 232-7770 (voice/TT), toll-free (866) 234-1635 (voice) or gpcpd@gpcpd.org (e-mail). Or, visit www.in.gov/gpcpd and click on the Partners logo. Applications are due Friday, June 3.

Input sought for changes to education law

The Office of Special Education and Rehabilitative Services will hold a series of public meetings this year to receive comments on the Individuals with Disabilities Education Improvement Act of 2004. The closest meetings will be held Wednesday, June 29, in Chicago. For more information, call (202) 245-7468 (voice) or (800) 877-8339 (TT).

Nominations sought for New Freedom Initiative Awards

The Department of Labor is seeking nominations for the 2005 New Freedom Initiative Awards. The awards recognize nonprofit organizations, businesses or individuals who have demonstrated "exemplary and innovative efforts in advancing the employment and workplace environment of people with disabilities." For more information or a nomination form, visit www.dol.gov/odep or call (202) 693-7880 (voice).

Disability organization launches listserv

The National Council on Disability has launched a new listserv that will provide disability-related information, including a monthly newsletter, news releases, legislative updates and more. To subscribe, send an e-mail to listserv@listserv.access.gpo.gov with only the words "SUBSCRIBE NCD-NEWS-L(FIRST NAME LAST NAME)" in the message. Or, visit listserv.access.gpo.gov and click on "online mailing list archives."

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