



# Quarterly Report

## FY 2022, Quarter 2

Prepared for the  
Mental Health Advisory Council (MHAC) Meeting  
May 18, 2022

and

Indiana Protection and Advocacy Services (IPAS)  
Commission Meeting  
May 20, 2022

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**Equity Through Advocacy**

The Protection and Advocacy System for the State of Indiana



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## Executive Director's Report

### Key Updates

- IDR received the Public Health Work Force Grant from the Administration on Community Living. The grant is to be used to support the salary and benefits of a public health worker to focus on discharge from congregate living settings.
- IDR interviewed and has selected a 2022 Disability Law Fellow. Once the hiring process has been completed, IDR will issue an announcement. The position will be funded in part by the Governor's Council for People with Disabilities.
- IDR will be hosting three summer interns (two law students, one undergraduate).
- Melissa Keyes was appointed to the Indiana Advisory Council for the U.S. Commission on Civil Rights.
- IDR was recently announced as the recipient of 2022 Indianapolis Bar Foundation Grant to support its self-determination work.
- IDR Executive Director attended the in-person NDRN CEO conference, where she presented on a panel about multi-year priority setting.
- A Communication audit started in the fall of 2021 with NDRN has been completed. A communication plan, in line with the Commission's strategic plan and IDR's P&O work will be developed in the next quarter.
- IDR has been named as the recipient of this year's NDRN Advocate of the Year award for our work on a national level with expanding access to Supported Decision-Making. Melissa Keyes will accept the award on IDR's behalf at the NDRN conference in June, 2022.
- IDR continues to operate under a continuing resolution. We are waiting on the final budget allocation amounts for FFY 2022.

### Operations Updates

- The State of Indiana's PeopleSoft Human Capital Management (HCM) system is undergoing modernization. Staff are preparing to transition to an updated version which includes improvements such as mobile-friendly and more user-friendly interface.
- The State of Indiana has updated some of its State Personnel Department policies as part of its [NextLevel State Work](#) initiative. The updates are intended to enhance the experience of State employees and include flexible work arrangements, competitive compensation, and employee programming focused on engagement and well-being.
- IDR will be posting several opportunities for contract work to support our priorities and objectives.
- IDR's central office building ramp is being renovated, beginning in April 2022.
- IDR is still seeking applicants to fill its Litigation Paralegal position.
- IDR has contracted with two additional Representative Payee reviewers to assist with addressing a backlog of cases from the pandemic.



## Diversity, Equity, and Inclusion

### Key Updates

- IDR Bilingual Paralegal, Carmen Ledezma connected with Telemundo for an interview about IDR services.
- The IDR Diversity & Cultural Competence work group continues to meet bi-monthly. Areas of discussion include the agency’s internal practices, particularly regarding our denial of services to potential clients. Additional review of the agency’s internal communication audit was completed, and there was furtherance of outreach efforts to targeted minority populations, especially relating to vaccine outreach. Training efforts are being coordinated with the Governor’s Office of Equity, Inclusion and Opportunity.

### Client Demographics

#### Hispanic Ethnicity Demographics

	Q1 Count	Q1 Percent	Q2 Count	Q2 Percent	Q3 Count	Q3 Percent	Q4 Count	Q4 Percent	Total Count	Total Percent
<b>Hispanic</b>	6	2%	6	2%					12	2%
<b>Not Hispanic</b>	50	19%	44	16%					94	17%
<b>Blank</b>	209	79%	232	82%					441	81%
<b>Total</b>	265		282						547	

Figure 1 – Client Hispanic Ethnicity Demographics

#### Gender/Sex Demographics

	Q1 Count	Q1 Percent	Q2 Count	Q2 Percent	Q3 Count	Q3 Percent	Q4 Count	Q4 Percent	Total Count	Total Percent
<b>Female</b>	49	18%	53	19%					102	19%
<b>Male</b>	95	36%	100	35%					195	36%
<b>Other</b>	0	0%	1	0%					1	0%
<b>Unknown</b>	3	1%	2	1%					5	1%
<b>Blank</b>	118	45%	126	45%					244	44%
<b>Total</b>	265		282						547	

Figure 2 – Client Gender/Sex Demographics



### Race Demographics

	Q1 Count	Q1 Percent	Q2 Count	Q2 Percent	Q3 Count	Q3 Percent	Q4 Count	Q4 Percent	Total Count	Total Percent
<b>Asian</b>	2	1%	2	1%					4	1%
<b>Black/African American</b>	29	11%	27	10%					56	10%
<b>Race Unknown</b>	2	1%	0	0%					2	1%
<b>White</b>	99	37%	116	41%					215	39%
<b>Blank</b>	131	49%	134	48%					265	48%
<b>Two or More Races</b>	2	1%	3	1%					5	1%
<b>Native Hawaiian/Other Pacific</b>	0	0%	0	0%					0	0
<b>American Indian/ Alaskan Native/ Indigenous</b>	0	0%	0	0%					0	0
<b>Unknown-Declined</b>	0	0%	0	0%					0	0
<b>Total</b>	265		282						547	

Figure 3 – Client Race Demographics

### Age Demographics

	Q1 Count	Q1 Percent	Q2 Count	Q2 Percent	Q3 Count	Q3 Percent	Q4 Count	Q4 Percent	Total Count	Total Percent
<b>1 to 3</b>	0	0%	4	1%					4	0%
<b>4 to 10</b>	21	8%	31	11%					52	10%
<b>11 to 21</b>	61	23%	65	23%					126	23%
<b>22 to 40</b>	65	25%	59	21%					124	23%
<b>41 to 65</b>	71	27%	81	29%					152	28%
<b>66 to 80</b>	14	5%	12	4%					26	5%
<b>81 and above</b>	0	0%	1	0%					1	0%
<b>Blank</b>	30	11%	27	10%					57	10%
<b>Data errors</b>	3	1%	2	1%					5	1%
<b>Total</b>	265		282						547	

Figure 4 – Client Age Demographics



## Priorities and Objectives Progress

### **GOAL 1: PREVENTING, FINDING, AND STOPPING ABUSE, NEGLECT, AND EXPLOITATION OF PERSONS WITH DISABILITIES IN FACILITIES.**

#### **PRIORITIES TO ADDRESS:**

#### **1.1. Conduct systemic investigations at private secured facilities and psychiatric rehabilitation treatment facilities.**

##### **Educate**

###### Know Your Rights Presentations:

- No presentations to report in this quarter.

###### Know Your Rights Handbook:

- Staff continued to work on a draft of the handbook for review in early Q3.

##### **Monitor and Investigate**

###### PRTF and PSF Monitoring

- 2 facility visits completed
- 6 reports filed with overseeing entities
- **Outcomes:**
  - The targeted facility has made substantial changes to dangerous practices based on IDR recommendations/suggestions, specifically to the bath/shower rooms on the units. They have removed ligature points, removing unnecessary doors, covering plumbing, replacing breakable light fixtures, and replacing mirrors with safety mirrors. They have also changed the bathroom monitoring procedures to ensure documentation of the bathroom monitoring when youth are in the bathroom.
  - IDR filed a complaint with DCS. IDR has not been notified of the results.
  - IDR continues to monitor serious occurrence reports to ensure proper reporting practices.
  - IDR connected with the Waiver Reimbursement Analyst who is now conducting an audit of PRTF compliance with state and federal rules for reporting. .

##### **Advocate**

###### Litigation

*Ashley W. et al v. Holcomb et al (3:19-cv-00129-RLY-MPB; U.S. District Court, Southern District of Indiana)*

IDR continues to litigate. The case is currently stayed in the district court while the Defendants appeal the district court's decision denying their motion to



dismiss on abstention and standing grounds. The Seventh Circuit Court of Appeals held oral argument on Defendants’ appeal on March 30, 2022. A decision is forthcoming. Plaintiffs are still pending class certification in the district court. Plaintiffs have connected with a potential ADA expert.

Policy Advocacy

Public Comment

- IDR provided public comments on Senate Bill 180 relating to direct representation of children involved in the juvenile justice system.

**Community Connections**

- DCS Ombudsman – IDR’s Investigations Coordinator met to understand more about the role of that office and opportunity for collaboration.
- Medicaid Waiver Reimbursement Analyst – IDR’s Investigations Coordinator met to understand Medicaid’s role in oversight of these facilities.
- Private bar attorney with an interest in cases involving children in institutions for purposes of referrals to IDR.
- Connected a provider to Child Advocates to advocate for a child to avoid placement at a PRTF.

**1.2. Investigate suspected abuse, neglect, and exploitation in facilities or by a service provider.**

**Educate**

No education activities tied to this priority.

**Monitor and Investigate**

Rep Payee – IDR presented 33 Rep Payee reviews to SSA which are now in end stages.

Investigations – 28 investigations were opened or still open during Q2; 1 investigation was substantiated. 4 investigations were conducted. 3 referrals for additional action were made. Limited advocacy was provided in 1 case.

<b>Investigations in Q2</b>	<b>Opened</b>	<b>Closed</b>
Unnecessary Restraint	0	1
Death of Patient	4	1
Neglect	2	3
Other Abuse	1 (physical abuse)	0
<b>TOTAL</b>	<b>7</b>	<b>5</b>





## **Advocate**

### Individual Cases

- 7 cases opened in Q2
- 5 cases closed in Q2

### Advocacy Project

IDR reduced monitoring at the CRMNF in Marion to a monthly basis. The facility has maintained the substantial improvement in the environmental conditions of the facility. There continue to be ongoing rights violations of people sleeping on mattresses on the floor, restricted from community activities due to staff shortages, among others. IDR recently opened three investigations:

- One due to an overdose on medication not prescribed to the individual. The investigation was substantiated and staff terminated.
- One due to physical assault by a staff person. The investigation was substantiated and staff terminated.
- One due to alleged self-harm and accidental fall that resulted in stitches, sutures, and multiple bruises. The investigation was unsubstantiated.

No complaints were filed this quarter.

Additionally, there has been an increase in discharges at the facility since IDR began investigating this facility. During Q2, three additional people were discharged.

### Policy Advocacy

#### Workgroups

- BQIS Incident Reporting Process Workgroup Collaborative Workgroup
- Mortality Review Committee (MRC)

## **Community Connections**

- No new connections from this quarter tied to this priority.

**1.3. Use monitoring authority to ensure appropriate treatment of residents in: children's nursing homes, mental health facilities, nursing facilities, private psychiatric facilities, sheltered workshops, educational settings, waiver settings, juvenile detention centers, and jails and prisons.**

## **Educate**

### Presentation

- Melissa Keyes gave a presentation about IDR and our access authority on March 17, 2022, to 27 child residential service providers. The IARCA requested the presentation.



## Monitor and Investigate

IDR conducted 39 monitoring visits at 12 facilities. Of these 12 facilities, 8 were assigned PAIMI, 2 PAAT, 1 PADD and 1 PAIR.

**Outcome:** In collaboration with Social Security Administration (SSA), IDR conducted a monitoring visit to Homestead Healthcare, a nursing facility in the Indianapolis area. SSA received reports regarding a homicide that occurred at the facility and assigned IDR's Representative Payee team a fiduciary review of the facility's RepPayee services. To ensure the residents' health and safety, IDR advocates versed in abuse and neglect investigations and general monitoring duties conducted an unannounced monitoring visit to the nursing home. Surprisingly, but to everyone's relief, the facility presented with no red-flag issues and as a generally safe environment. The homicide, it seems, was an isolated incident and the suspect has, subsequently, been permanently removed from the facility.

## Advocate

### Litigation

*Indiana Protection and Advocacy Services Commission et al v. Commissioner, Indiana Department of Correction (1:08-cv-01317-TWP-MJD; Southern District of Indiana)*

The settlement monitoring period was extended. IDR is beginning a prison monitoring project starting in Q3 that will cover multiple topics, including mental health treatment.

### Policy Advocacy

#### Workgroups

- Facility-based human rights committees
- Institutional Modernization Workgroup

## Community Connections

- LTCO Researcher - IDR Executive Director met with a researcher to provide feedback on Indiana's Long-Term Care Ombudsman program.

## 1.4. Investigate instances of discharge delays for individuals dually diagnosed with developmental disabilities and mental illness in mental health facilities.

## Educate

No education activities tied to this priority.

## Monitor and Investigate

See Advocacy Project on page 8. IDR will be posting a position for a discharge advocate in Q3.



## **Advocate**

### Individual Cases

IDR staff informally advocated with state agencies on behalf of an individual with I/DD to remain in a community placement for competency restoration services and avoid admission to a state operated facility.

### Systemic Advocacy

IDR is meeting with representatives from the Public Defenders Council to discuss issues related to individuals with ID/DD or dual diagnosis ID/DD and SMI being found Incompetent to Stand Trial.

### Policy Advocacy

#### Workgroups

- ResCare Marion Bureau of Developmental Disabilities Services (BDDS) Transition Meeting

## **Community Connections**

- Marion County Public Defenders Office, Public Defenders Council regarding legislative strategy for addressing ICST and civil commitment issues.
- Executive Director of CMHC's association group in Indiana about collaboration opportunities on policy initiatives related to dually diagnosed clients.

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## **Success Story – Goal 1:**

*IDR was notified by several children in services that they were placed in suicide smocks (turtle suits) for extended periods, sometimes weeks at a time. Using its access authority, IDR requested, received, and reviewed records for the DCS wards involved and discovered an overuse of the smocks. Additionally, the facility was not properly documenting assessment regarding the initiation, continuation, and discontinuation of the smock. After months of discussion and pressure from IDR, the facility eliminated use of the smock.*

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**GOAL 2: BREAKING DOWN BARRIERS TO ENSURE RIGHTS ARE RESPECTED AND SUPPORTS ARE AVAILABLE FOR PERSONS WITH DISABILITIES TO PARTICIPATE IN AN EQUITABLE AND INCLUSIVE SOCIETY.**

**PRIORITIES TO ADDRESS:**

**2.1. Provide individual legal advocacy to ensure the protection of rights for individuals with disabilities in the areas of self-determination, health care, abuse and neglect, discharge from institutions, civil rights, education, employment, justice, and voting.**

**Educate**

**Presentations**

- IDR Employment Team members presented to several Centers for Independent Living about the CAP Program:
  - 6 individuals from The WILL Center,
  - 10 individuals from AccessABILITY
  - 12 students at Bosma
- Emily Munson presented “Making Advocacy Work” at the Work to Include Summit on March 8, 2022. 100 individuals came from organizations that advocate for employment and education for people with disabilities (Vocational Rehabilitation Services, Indiana Department of Education, vocational rehabilitation providers, employers, etc.) Emily Munson, Zaida Maldonado-Prather, and Bonnie Bomer were asked to serve as facilitators for small group discussions. Bonnie also assisted in planning this event.
- Emily Munson and Bonnie Bomer presented “Assistive Technology in the Workplace” as a Work to Include webinar to 39 attendees on March 22, 2022. This training has also been made available online.
- On March 23, 2022, Emily Munson presented “Legal Considerations regarding Reasonable Accommodations” to the Association of People Supporting Employment First (APSE). There were 32 in attendance which mainly comprised of job coaches.
- On March 31, 2022, Bonnie Bomer spoke about reasonable accommodations in the workplace at Marion University’s Panel on Equity in the Workplace – Disability Equity. There were 6 attendees.

**Materials**

IDR’s Employment Team and Policy and Special Projects Team developed a set of fact sheets regarding the VR process and consumer rights.

**Monitor and Investigate**

No monitoring/investigating activities tied to this priority.



## Advocate

### Individual Advocacy Cases

282 individual client cases were open or opened during this quarter.

#### Individual Advocacy Case Data

	Opened	Closed
Civil Rights	36	23
COVID-19 Vaccine	0	0
Education	38	29
Employment	23	25
Health Care	5	6
Self-Determination	12	5
<b>TOTAL</b>	<b>114</b>	<b>88</b>

### Individual Representation Outcomes

#### *Eshan – Education*

“Eshan” was a middle school student with bipolar, PTSD, ODD, depression, and a learning disability. Eshan’s school limited his learning to one classroom for the entire day without access to general education. IDR successfully advocated for Eshan to receive a new Functional Behavior Assessment (FBA), agree to a transition plan for returning to general education classes, and continue to receive social worker services.

#### *Turner – Health Care*

Despite previous exploration of SGL placement and substantial health and safety risks to self and other, “Turner’s” CIH Waiver application was denied by BDDS. Turner’s mother appealed the decision and requested assistance from IDR. While awaiting an administrative hearing, Turner, his parents, and IDR advocate Michelle Reynolds pressed BDDS on SGL placement options. One option was presented, but after meeting Turner, the facility concluded his needs were too great for admittance.

Emily Munson represented Turner in his administrative hearing. The Administrative Law Judge concluded that BDDS had violated Turner’s rights and that he should be eligible for the CIH Waiver.

### Litigation

*Crumley v. Forestall et al. (1:19-cv-04110-TWP-DML; U.S. District Court, Southern District of Indiana)*

IDR continues to litigate under the Americans with Disabilities Act and the Rehabilitation Act. The lawsuit alleged that client suffered unexplained injuries while incarcerated and the defendants failed to provide him with any accommodations or supports while in their custody. The Indianapolis Metropolitan Police Department (IMPD) and nurse’s motions for summary



judgment were granted and they have been dismissed from the case. The Marion County Sheriff's (MCSO) motion for summary judgment was granted as to the individual defendants and denied with respect to the ADA and Section 504 claims. Plaintiff's ADA and Section 504 claims against the MCSO will proceed to trial. Settlement negotiations between Plaintiff and MCSO restarted after the summary judgment decisions. If those are unsuccessful, trial is scheduled to begin August 1, 2022.

### Policy Advocacy

#### Public Comment

- IDR submitted written comments about HB 1102 to the Indiana House Agriculture & Rural Development committee, explaining that the bill would streamline federal and state laws regarding service animal access. (IDR's previous Quarterly Report described the agency's extensive communication with Representative Ledbetter as she drafted the bill.)  
**Outcome:** The bill passed the House but died in the Senate on March 1, 2022.
- IDR provided initial feedback on proposed changes to Article 7.

#### Workgroups

- Disability Employment Technical Assistance Center (DETAC) Grantee Advisory Workgroup
- Fair Housing Center of Central Indiana Board of Directors
- Indiana Association of People Supporting Employment First (INAPSE) Public Policy Committee
- National Board of Directors for Association of People Supporting Employment First (APSE)
- RISE Peer Mentor
- State Personnel Department (SPD) Employees with Disabilities Workgroup

#### **Community Connections**

- No connections from this quarter tied to this priority.

## **2.2. Civil Rights – Improve the accessibility of buildings and public services.**

### **Educate**

#### Technical Assistance

- Provided technical assistance to a member of Jennings County Election Board in requesting accommodation to attend meetings remotely due to COVID and safety concerns.
- Provided technical assistance to renter in requesting reasonable modification from landlord and requesting financial assistance from VA.



- Provided technical assistance to resident of provider in South Bend to request an accommodation in connection with facility’s requirement that residents perform chores.

### **Monitor and Investigate**

No monitoring/investigating activities tied to this priority.

### **Advocate**

#### Individual Representation Outcome

##### *Caitlin – Civil Rights*

“Caitlin” is an individual with PTSD, anxiety, bi-polar disorder, and suffers from panic attacks. Caitlin has a service dog to assist when she suffers symptoms from her disabilities. In January 2022, she attempted to shop at a local store with her service animal. Store employees asked improper questions of her and forced her to leave. IDR sent a letter to the store on Caitlin’s behalf requesting that they allow her and other persons with disabilities shop at the store with service animals and to train its employees on its obligations under the Americans with Disabilities Act (ADA). The store’s training manager wrote back to inform IDR that it had updated its policies and trained its employees on the requirements of the ADA. Caitlin reported that the store has posted a sign stating that no animals other than service animals are permitted, and that she was able to shop there with her service animal without issue.

#### Policy Advocacy

##### Workgroups

- Americans with Disabilities Act (ADA)-Indiana Steering Committee
- Back Home in Indiana Alliance Steering Committee
- Carmel Advisory Committee on Disability
- Division of Disability and Rehabilitative Services (DDRS) Advisory Council
- Fishers Advisory Committee on Disability
- Indiana Department of Transportation (INDOT) Americans with Disabilities Act (ADA) Community Advisory Working Group
- Indianapolis Mayor’s Advisory Council on Disability (MAC-D)
- Paratransit Next Steps Taskforce

### **Community Connections**

- US Attorney’s Office – IDR’s Executive and Legal Director met with the US Attorney’s Office in Indianapolis to discuss current projects and opportunities for collaboration and referral.



### 2.3. Education – Address education barriers for children in institutions (e.g., juvenile detention, private secure facilities).

#### **Educate**

No education activities tied to this priority.

#### **Monitor and Investigate**

No monitoring/investigating activities tied to this priority.

#### **Advocate**

##### Advocacy Project – FAPE in Institutions

IDR talked to representatives at Kids Voice and the Director of Special Initiatives for the Marion County Guardian Ad Litem program. IDR was discussed as a referral source for children in facility placements, particularly if the student is experiencing issues with education.

#### **Community Connections**

- Kids Voice to discuss ways to collaborate regarding education concerns for youth in facilities.

### 2.4. Employment – Advocate for increased VR funding and equitable service prioritization within order of selection.

#### **Educate**

Materials – Competitive Integrated Employment Initiative – Seven factsheets on competitive integrated employment were created. Feedback was sought from internal (Employment Team, Policy and Special Projects Team, and Executive Director) and external stakeholders (SAI, people with ID, and GCPD) on the factsheets. Video versions of the information will be developed during quarters 3 and 4.

#### **Monitor and Investigate**

No monitoring/investigating activities tied to this priority.

#### **Advocate**

##### Advocacy Project

IDR continues to meet with the Center for Public Representation and leadership from the Division of Disability and Rehabilitative Services (DDRS) to discuss programmatic changes needed to increase opportunities for people with disabilities to achieve and maintain competitive integrated employment (CIE).





DDRS and its Advisory Council also began hosting monthly workgroups to consider systemic changes to promote CIE opportunities. IDR has a presence on two of DDRS's four employment workgroups.

### Policy Advocacy

#### Public Comment

- IDR submitted written comments to members of the Indiana Senate Commerce and Technology Committee regarding HB 1242. Specifically, IDR explained why arrangements like the one supported by the bill, involving State purchasing preferences from organizations employing segregated workers with disabilities, are contrary to the General Assembly's commitment to promote competitive, integrated employment opportunities for Hoosiers with disabilities. IDR also noted why businesses owned by people with disabilities, rather than businesses merely hiring people with disabilities, should be included within the definition of a "diversity business."

**Outcome:** The bill passed the General Assembly and was signed into law by Governor Holcomb on March 18, 2022.

#### Workgroups

- Vocational Rehabilitation (VR) Commission
- Work to INclude Advisory Committee
- Work to INclude Coalition
- DDRS Advisory Council CIE Workgroups

### **Community Connections**

- Emily Munson received the Kirles Byrkett Consumer Advocacy Award from the Indiana Association of People Supporting Employment First on March 10, 2022.
- Recipient of VR services for purposes of hearing about concerns related to current VR services, recipient was connected to additional resources at the federal level.

**2.5. Health Care – (1) Provide individual or systemic advocacy relating to policies or practices around COVID-19, including long-term consequences from those policies and practices. (2) Advocate for policy changes to ensure availability and access to Home and Community-Based Service (HCBS) providers.**

### **Educate**

- The IDR Diversity and Cultural Competency (DCC) Workgroup is developing plans to conduct COVID-19 vaccine outreach to minority and marginalized communities during quarters 3 and 4.
- From January 4 to March 25, IDR added 13 posts to its social media channels regarding the COVID-19 vaccine. These posts included:
  - Ability to use NEMT to get a ride to receive the COVID-19 vaccine



- Partner webinar opportunities
- Center for Health Equity Video Series
- Promotion of IDR's new fact sheet [COVID-19 Vaccine and Guardianship Fact Sheet](#).

## **Monitor and Investigate**

### COVID-19 Vaccine Project

- Monitoring
  - IDR completed contact to 96 assisted living facilities.
    - **Outcome:** Of those facilities who responded (72%), the average vaccination rate is 96%.
  - IDR personnel have undertaken a project to virtually monitor the state's prisons and jails. Procedures have been developed and timelines established so that over the next two quarters, every adult and juvenile correctional facility, juvenile detention center and jail will be contacted, and a series of questions will be asked of both administrators and offenders. This project allows IDR to begin developing relationship within the correctional community and presenting themselves as a resource to the population of incarcerated individuals with disabilities.
- PSFs – IDR requested, received, and reviewed DCS records related to the process of allowing opportunity for youth in PSFs to receive the COVID-19 vaccine. IDR did not identify any procedural barriers.

## **Advocate**

### Individual Cases

No COVID-19 Vaccine cases to report. Intake staff continue to ask all callers about barriers to the COVID vaccine.

### Policy Advocacy

#### Public Comments

- IDR signed on to two letters to Centers for Disease Control & Prevention (CDC) Director Walensky. The first, sent on January 13, 2022, provided suggestions about how the CDC might tweak its messaging regarding people with disabilities in the COVID-19 context. The second, sent March 3, 2022, urged the CDC not to end indoor masking guidance, given the increased susceptibility to COVID-19 experienced by some people with disabilities.
- IDR reviewed regulations for use of non-emergency medical transportation (NEMT) and did not identify any barriers to use of this option to get a ride to receive the COVID-19 vaccine or booster.
- On March 16, 2022, IDR signed onto a letter drafted by the National Disability Rights Network, thanking President Biden and his administration for supporting home and community-based services for people with disabilities.



## Workgroups

- Center for Youth and Adults with Conditions of Childhood (CYACC) Advisory Board
- Health Care Justice Coalition – the group will begin strategizing how to address Medicaid redetermination issues once the public health emergency expires.
- LifeCourse Ambassador Group
- LifeCourse Partners in Transformation Chapter Group
- Long-Term Care Coalition - This quarter, feedback from Coalition members was gathered by the Indiana Statewide Independent Living Council and shared in that organization's legislative advocacy activities and discussions with FSSA's managed care planning team. Coalition members also participated in a listening session with Anthem on February 25, 2022.
- Waiver re-design workgroups
- National Center on Advancing Person-Centered Practices and Systems' Self-Directed Learning Collaborative - This year-long opportunity, which officially begins next quarter, will equip IDR to better advocate for the systemic reform – and extensive development – of opportunities for Hoosiers with disabilities to self-direct their services.

## Community Connections

- IDR met with Chief Medical Officer of the Indiana Department of Health (IDOH), to discuss COVID-19's effect on Hoosiers with disabilities and potential areas for IDR and IDOH to collaborate.

## 2.6. Self-Determination – Expand the knowledge and use of supported decision-making/less restrictive alternatives to guardianship.

### Educate

#### Presentations

- On February 2, 2022, 215 service providers attended a presentation called “Guardianship Basics for Providers” given by Melissa Keyes. A BDDS provider requested the event and BDDS expanded it to be a mandatory training for providers.
- On February 3, 2022, 22 self-advocates listened to a presentation given by Jamie Beck and Melissa Keyes called “Restoring Rights.”
- Justin Schrock presented “Options for Supported Decision-Making” on February 15, 2022, to 12 parents of students receiving special education services.

### Press

Former IDR client Nick Clouse's story continued to be covered in the media during Q2, including by [Kaiser Health News](#) and [National Public Radio \(NPR\)](#). Justin Schrock provided follow-up assistance to reporter Carter Barrett with Side Effects Public Media throughout this coverage.



### Technical Assistance

IDR provided technical assistance regarding issues within guardianship cases to multiple attorneys and families. Additionally, we provided technical assistance to the following organizations that led to at least three direct referrals:

- BDDS (5)
- Arc of Indiana (2)
- Indiana Legal Services (2)
- Disability Rights Louisiana (1)
- Massachusetts DD Council on legislation
- Crown Point Public Schools (1)
- Center for Youth and Adults with Conditions of Childhood (2)
- Sevita Home and Community Based Health Care/Indiana Mentor (1)
- Marshall Starke Development Center (1)
- Medicaid Waiver Ombudsman

### **Monitor and Investigate**

No monitoring/investigating activities tied to this priority.

### **Advocate**

#### Advocacy Projects

- SDM Indiana State Plan – IDR staff helped facilitate the development of the Indiana SDM Coalition. The Coalition’s Steering Committee held its first meeting. Plans to begin engaging with Stakeholders and determine the Coalition’s activities are underway.
- Transition-Aged Youth – IDR and SAI participated in an interview with representatives from the CYVYC program. The organizations expect to hear soon whether they have been selected.
- IDR was the recipient of the 2022 Indianapolis Bar Foundation Community Empowerment Grant. This grant will support a project proposed by IDR’s 2021 Disability Law Fellow to expand access to advanced directives and other decision-making supports related to health care. Coverage of the grant award was featured in [The Indiana Lawyer](#) and [Indianapolis Bar Association blog](#).

#### Policy Advocacy

##### Legislative Meetings

- Melissa Keyes and Justin Schrock participated in a workgroup led by The National Center for the Right to Counsel regarding avenues for establishment of right to counsel in adult guardianship proceedings.
- IDR educated policymakers about including language in an education bill (HB 1107) that would require schools to provide information to families and transition



aged youth about alternatives to guardianship. Unfortunately, the bill failed despite IDR leveraging its partnerships with other advocacy groups.

#### Workgroups

- Indiana Adult Guardianship State Taskforce (WINGS)
- Indiana Supported Decision-Making Coalition
- National Coalition for a Civil Right to Counsel

#### Community Connections

- Massachusetts DD Council, Maryland SDM Coalition –Melissa Keyes provided technical assistance on SDM legislation and coalition building.
- NDRN and the Center for Public Representation – IDR Executive Director Melissa will be developing and presenting a two-day institute on guardianship reform and restoration of rights.
- Following a presentation to service providers about guardianship and HCBS compliance, Melissa Keyes provided additional technical assistance to a service provider and was also asked to provide additional training to both the Arc network and BDDS providers.
- New Director of the Office of Adult Guardianship for purposes of partnering on a court improvement grant application and to assist with identifying sources of grant matching funds.
- American Bar Association attorney with the Division on Law and Aging about possible collaboration on a grant to address the APS to guardianship pipeline.
- Center for Public Representation for discussion of national court improvement initiatives.
- DC Quality Trust attorney for strategy discussion on right to counsel.

### 2.7. Voting – Ensure elections are accessible to voters with disabilities.

#### Educate

##### Presentation

- On March 15, 2022, Kristin Dulaney and Leah Grandy went to Muncie, IN to present at the Self-Advocates of Indiana board meeting. Alongside two self-advocates, they presented the “Voter Empowerment Training” to 10 self-advocates.

##### Press

The preliminary injunction granted in *American Council of the Blind of Indiana et al. v. Indiana Election Commission et al.*, detailed on page 22, was sent to 16 press sources and resulted in at least 4 articles being published including by [The Indiana Lawyer](#), [Indiana Public Broadcasting](#), and the [Tribune Star](#).



### Outreach

Related to *American Council of the Blind of Indiana et al. v. Indiana Election Commission et al.*, detailed on page 22, IDR prepared an information sheet discussing absentee voting options for voters with print disabilities in light of the court's preliminary injunction. Additionally, IDR conducted an information session with members of the American Council of the Blind of Indiana and National Federation of the Blind on April 4, 2022, to inform members of these options.

### County Clerk Technical Assistance

IDR provided technical assistance to the Vanderburgh County Clerk. **Outcome:** The Clerk recommended IDR as a speaker for the annual County Clerk Conference and IDR has been added to the agenda in June.

### Digital Media

IDR updated the content on its Hoosiers Vote website to be accurate for the Primary Election.

### **Monitor and Investigate**

Polling Place Accessibility Surveys – IDR connected with Disability Rights New York (DRNY) and the Disability Law Center (Utah's P&A) to learn best practices. IDR developed its survey and training materials. IDR trained 1 community partner and plans to survey at least 3 early voting sites during the Primary Election.

### **Advocate**

Partner Hotline Support – IDR vetted the Election Protection Hotline and updated all digital media materials to refer to their hotline for questions on Election Day.

### Litigation

*American Council of the Blind of Indiana et al. v. Indiana Election Commission et al. (1:20-cv-03118-JMS-MJD; U.S. District Court, Southern District of Indiana)*

IDR continues to litigate with co-counsel from Disability Rights Advocates under the Americans with Disabilities Act and the Rehabilitation Act alleging that the Indiana absentee voting options are inaccessible to blind voters and voters with print disabilities. Discovery will close April 8, 2022, with the Plaintiffs' dispositive motion due May 4, 2022. Plaintiffs have retained two experts to support their positions. See Success Story – Goal 2 on page 23 for additional details.

### Policy Advocacy

#### Workgroup

- Indiana Voting Coalition



## Community Connections

- No connections from this quarter tied to this priority.

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### **Success Story – Goal 2:**

*In February 2022, Plaintiffs in American Council for the Blind of Indiana et al. v. Indiana Election Commission et al. filed a motion for preliminary injunction to expand absentee voting options for the May 2022 primary election. On March 9, 2022, the district court granted Plaintiffs’ motion for preliminary injunction in part, permitting voters with print disabilities to cast an absentee ballot by mail with the assistance of the person of their choice, rather than having to rely on the traveling election board for assistance. The district court denied, without prejudice, Plaintiffs’ request that the court order the State to provide a remote accessible vote by mail option. Plaintiffs intend to file a motion for summary judgment and request for permanent and/or preliminary injunction requesting an extension of the earlier relief and again requesting remote accessible vote by mail option for the November 2022 general election as well as future elections. Press coverage included [The Indiana Lawyer](#), [Indiana Public Broadcasting](#), and the [Tribune Star](#).*

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## **GOAL 3: SERVING AS A PARTNER IN RIGHTS ISSUES AND SUPPORTING SELF-ADVOCATES AND DISABILITY-LED ORGANIZATIONS.**

### **PRIORITIES TO ADDRESS:**

#### **3.1. Provide easily accessible paths for the public to contact IDR for advocacy needs and to distribute information, referrals, and resources to individuals.**

##### **Educate**

###### I/R and Website

609 Intake requests; 35 converted to I/R  
8,739 website sessions

###### Presentations

Total of 12 presentations and 491 total participants. Presentations are noted throughout this report under their corresponding priority area.

###### Event

- On February 5, 2022, Tash Crespo participated in a Table Talk Networking Event hosted by the Midwest Public Interest Law Career Center in which they communicated to law students interested in public interest work about IDR's mission, goals, and work. There were 57 law students attending the table talk program and Tash connected specifically with 8. Talks lasted from 5 to 20 minutes. Law students learned about: IDR's summer internship opportunities; what protection and advocacy agencies are; the work IDR does; IDR's fellowship program; and a little about disability rights based legal work.

###### Projects

###### Accessibility Checklist

- The accessibility checklist for Microsoft Word based documents has been revised and sent to the Policy Director for review.

###### Communication Plan

- IDR continued its Communication Audit with David Card, NDRN Communication Manager. Results of the Audit are expected to assist in improving the IDR website and communication policies and practices.

##### **Monitor and Investigate**

No monitoring/investigating activities tied to this priority.





## **Advocate**

### Policy Advocacy

#### Public Comment

- On February 28, 2022, IDR, along with 180 other disability organizations, signed letters to Congress and the U.S. Department of Justice (DOJ), calling upon the promulgation of regulations about website accessibility.

**Outcome:** On March 18, 2022, the DOJ issued a [guidance document](#) regarding website accessibility under the Americans with Disabilities Act.

### Workgroup

- TASC Advisory Group (TAG) Advocacy Working Group

## **Community Connections**

- No connections from this quarter tied to this priority.

**3.2. Support the self-advocacy and disability-led movement in Indiana through continued collaboration with self-advocates and disability-led organizations on voting initiatives, supported decision-making and other activities that align with the mission of IDR.**

## **Educate**

Two presentations given to self-advocate groups as described under goals 2.6 and 2.7.

## **Monitor and Investigate**

No monitoring/investigating activities tied to this priority.

## **Advocate**

### Workgroups

- Self-Advocate Innovation Collaborative

### Policy Advocacy

#### Public Comment

- IDR thanked Representative Clere for his co-sponsorship of HB 1032, which would have removed sentencing enhancements and repealed certain offenses involving HIV. The targeted enhancements and defenses stigmatize people living with HIV without scientific justification.

**Outcome:** The bill died on January 31, 2022, after failing to timely pass a third reading in the House.

### Partner Support

- HIV Modernization Movement – Both pieces of legislation supported by the HIV Modernization Movement failed in the General Assembly. IDR Executive Director attended a meeting to start discussions on strategy for the 2023 session.



## Community Connections

- No connections from this quarter tied to this priority.

**3.3. Increase participation in the local, state and federal policy process including the monitoring of emerging trends in the area of disability rights, the use of strategic collaborations with other organizations, and educating legislators and policymakers regarding the impact of policies on people with disabilities.**

## Educate

### Press

Tom Crishon's testimony on HB1107, as detailed on page 31, resulted in three articles published by WFYI.

## Monitor and Investigate

No monitoring/investigating activities tied to this priority.

## Advocate

### Policy Advocacy

#### Public Comments

- On January 30, 2022, IDR submitted written comments to the Centers for Medicare & Medicaid Services in response to a Request for Information (RFI) about disparities that people with disabilities experience in the organ transplantation process. The comments provided recommendations for amending federal organ transplantation regulations and procedures, as well as verified that IDR has witnessed discrimination against clients with disabilities seeking an organ transplant.
- On February 28, 2022, IDR submitted comments to the White House's Office of Science and Technology Policy in response to a RFI about community health. IDR explained how telehealth made medicine more accessible to some members of the disability community, while also making medical services more difficult for other members of the disability community to access. Additionally, IDR noted that personal wellness tracking devices often fail to meet reality for individuals in wheelchairs, focusing instead on tracking the number of steps individuals walk or stairs they climb.
- On March 30, 2022, IDR signed onto a letter to Congress, drafted by the National Council on Independent Living and National Pain Advocacy Center, urging it to oversee the CDC's updated Guideline for Prescribing Opioids for Chronic Pain. Specifically, signatories request congressional hearings to document misapplications of the 2016 Guideline and other harms suffered by individuals with chronic pain.
- Tom Crishon testified before the General Assembly's House Committee on Education in regard to HB 1107. Full details can be viewed under Success Story – Goal 3 on page 31.



- IDR signed onto a letter to members of the Indiana Senate that warned against the potential consequences of HB 1134's passage. The bill would have, among other things, required that every school begin using a learning management system that parents could access upon request; prohibited teachers from providing instruction about certain concepts involving sex, race, ethnicity, religion, color, and national origin; and created an interim study committee to examine school-based mental health services and parental consent for them. **Outcome:** The bill died on March 1, 2022, after having failed to timely pass a third reading in the Senate.
- Melissa Keyes submitted written testimony to the Indiana Senate Family and Children Services Committee in regard to SB 180. Her comments focused on how Indiana children with disabilities would benefit from having an appointed attorney in certain cases. **Outcome:** The bill died on February 28, 2022, after failing to timely advance to a third reading in the House.
- IDR signed onto a letter, drafted by the Indiana Hunger Coalition, to members of the General Assembly, recommending that it allow Supplemental Nutrition Assistance Program (SNAP) Emergency Allotments to continue for the duration of the public health emergency caused by COVID-19. **Outcome:** On March 3, 2022, Governor Holcomb signed HB 1001 into law. It allows the Secretary of the Family and Social Services Administration (FSSA) to issue an emergency declaration to receive SNAP Emergency Allotments available through the Families First Coronavirus Response Act.

Additional public comments are listed above throughout Goal 2 and in Goal 3.2.

### Legislator Meetings

IDR Executive Director participated in NDRN's virtual hill day where she met with representatives from the following offices to inform them about IDR's mission and services:

- Representative Jackie Walorski
- Representative Frank Mrvan
- Representative Jim Baird
- Representative Greg Pence
- Senator Todd Young

### Workgroups

- Governor's Council for People with Disabilities
- Helen Keller Advisory Board
- Indiana Disability Advisory Group- State of Indiana Office Chief Equity, Inclusion and Opportunity
- National Alliance on Mental Illness (NAMI)-Indiana Public Policy Committee
- National Disability Rights Network (NDRN) External Relations Committee



- National Disability Rights Network (NDRN) Technical Assistance Advisory Committee
- State/Local Education Equity Resource Group
- Training and Advocacy Support Center (TASC) Advisory Group
- Transition Partners of Northeast Indiana
- United States Attorney's Office (USAO) Disability Rights Roundtable
- Indiana Advisory Committee to the US Commission on Civil Rights

### **Community Connections**

- No connections from this quarter tied to this priority.

### **3.4. Ensure IDR's services are inclusive and respectful of the intersectional identities of the people it serves and employs.**

#### **Educate**

##### Press

The City of Indianapolis' Mayor's Advisory Council on Disability is recognizing several organizations during the annual Access and Inclusion Awards. IDR is a finalist for the Employer Award, given to local companies that are demonstrating an extraordinary commitment to providing career training, employment, and/or advancement opportunities to persons with disabilities. The nomination was reported by [Fox 59](#).

##### Professional Development

IDR staff completed 86 hours of professional development in following areas:

- 45 Agency/Job/Mission Related
- 48 Diversity and Cultural Competency
- 0.5 Ethics

#### **Monitor and Investigate**

No monitoring/investigating activities tied to this priority.

#### **Advocate**

Client demographics listed on page 4.

##### Policy Advocacy

##### Workgroups

- Diversity Roundtable of Indianapolis
- Georgetown University Cultural & Linguistic Competence Initiative
- IDR Diversity and Cultural Competency (DCC) workgroup
- Ivy Tech Diversity Workgroup

### **Community Connections**

- Parent of a child of color with a disability about improving IDR's services.



### **3.5. Advocate for the inclusion of people with disabilities, those from marginalized communities, and people with lived experiences to be meaningfully included in policy workgroups at the agency/state/national level.**

#### **Educate**

IDR is hosting three summer interns who will have the opportunity to shadow IDR staff on various policy initiatives.

IDR has selected a 2022-2024 Disability Law Fellow

#### **Monitor and Investigate**

No monitoring/investigating activities tied to this priority.

#### **Advocate**

##### Advocacy for Meaningful Leadership & Inclusion of Individuals with Lived Experience

- Following nomination by IDR, Client Nick Clouse was invited to join a multidisciplinary workgroup led by the National Guardianship Network regarding the creation of a federal Bill of Rights for individuals under guardianship.
- Shared opportunities for public comment with individuals from the Deaf community regarding federal input needed on the Accessibility of Visual Emergency Alert Systems.
- Facilitated VR Service user to connect with federal agencies about issues related to VR services and supports.
- Mentored student with a disability on development of law review article highlighting recommended changes to Indiana's system for reporting abuse and neglect.

Internal Policies – the IDR DCC Workgroup is preparing to assess its policy on denial of services to potential clients. An update will be provided in Q3.

#### **Community Connections**

- Connected reporter with veteran with lived experience to comment on impact of court ruling.

### **3.6. Generate new partnerships with stakeholders that have not traditionally held a seat at the policy table (e.g., cultural or religious groups, legal or professional groups, community issue groups, e.g., homelessness, Veteran's issues).**

#### **Educate**

No education activities tied to this priority.



## Monitor and Investigate

No monitoring/investigating activities tied to this priority.

## Advocate

### Partnerships/Workgroups

- Immigration Welcome Center
- Mexican Consulate – provided technical assistance and referrals to several clients.
- Indiana State Bar Association Diversity Committee – outcome: IDR is helping to facilitate a panel of attorneys with disabilities for the ISBA Open Conversations program.

## Community Connections

- Hawthorne Community Center to connect about opportunities to engage with its membership.
- Chair of the Eli Lilly Pro Bono Committee.

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## **Success Story – Goal 3:**

*Tom Crishon testified twice before the General Assembly’s House Committee on Education in regard to HB 1107. He described how the bill’s provision shifting the burden of proof for certain special education due process hearings, as well as the bill’s prohibition of school-mandated confidentiality causes within settlement agreements, would benefit students with disabilities and their families. He also highlighted the advantages of the bill’s promotion of supported decision-making as a list-restrictive alternative to guardianship. Although the bill ultimately died after objection from school superintendents, IDR’s testimony served to continue developing relationships with press, including WFYI’s Carter Barrett who previously covered former client Nick Clouse’s story. Ms. Barrett included Crishon’s testimony in her [article about how HB 1107 could prevent unnecessary guardianships](#). IDR’s testimony was also included in [two other articles about HB 1107](#).*

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## Acronyms

### List of Common Acronyms

504 -	Section 504 of the Rehabilitation Act of 1973-504
ACF -	Administration for Children and Families
ACLU -	American Civil Liberties Union
ADA -	Americans with Disabilities Act
AIDD -	Administration on Intellectual and Developmental Disabilities
APS -	Adult Protective Services
ARC -	State and local organizations for developmental disability advocacy
ARTICLE 7 -	Special Education Regulations (Indiana)
BDDS -	Bureau of Developmental Disabilities Services
BQIS -	Bureau of Quality Improvement Services
CEO -	Chief Executive Officer
CIH Waiver -	Community Integration and Habilitation Waiver
CMS -	Center for Medicare and Medicaid Services
CPR -	Center for Public Representation
CRMNF -	Comprehensive Rehabilitative Management Needs Facility
CYVYC	Center on Youth Voice/Youth Choice
DCS -	Department of Child Services
DD -	Developmental Disabilities
DD Act -	Developmental Disabilities Assistance and Bill of Rights Act
DD Council -	Developmental Disabilities Council
DDRS -	Division of Disability and Rehabilitative Services
DMHA -	Division of Mental Health and Addictions
DOC -	Indiana Department of Correction
DOE -	Indiana Department of Education
EEOC -	Equal Employment Opportunity Commission
FBA -	Functional Behavioral Assessment
GCPD -	Governor's Council for People with Disabilities
HAVA -	Help America Vote Act
HMM -	HIV Modernization Movement
HRSA -	Health Resources and Services Administration
I&R -	Information and Referral
ICF -	Intermediate Care Facility
ICRC -	Indiana Civil Rights Commission
ICLU -	Indiana Civil Liberties Union



ID -	Intellectual Disability
IDD -	Intellectual or Developmental Disabilities
IDR -	Indiana Disability Rights
IDEA -	Individuals with Disabilities Education Act (Federal)
IDOH -	Indiana Department of Health
IIDC/Institute -	The Indiana Institute on Disability and Community
IN*SOURCE -	Indiana's Parent Training Information Project
IPE -	Individual Plan for Employment
LD -	Learning Disability
MI -	Mental Illness
NDRN -	National Disability Rights Network
OCR -	Office of Civil Rights
OMB -	Office of Management and Budget
OMPP -	Office of Medicaid Policy and Planning
P&A -	Protection & Advocacy System
PPR -	Program Performance Report
PRTF -	Psychiatric Residential Treatment Facility
PSF -	Private Secure Facility
PTSD -	Post-Traumatic Stress Disorder
RSA -	Rehabilitation Services Administration
RULE7 -	Part of Nursing Home Regulations (Indiana) concerning the facility's requirements for programming for MR residents used in QMRP-D Training
SAI	Self-Advocates of Indiana
SAMHSA -	Substance Abuse and Mental Health Services Administration
SDM -	Supported Decision-Making
SGL -	Supervised Group Living
SSA -	Social Security Administration
TASC -	Training and Advocacy Support Center
TBI -	Traumatic Brain Injury
UCEDD -	University Centers for Excellence in Developmental Disabilities
USDOE -	United States Department of Education
VA -	Veterans Affairs
VR/Voc Rehab -	Vocational Rehabilitation Services





## List of IDR Teams

- Abuse, Neglect, and Discharge (AND)
- Civil Rights
- Education
- Employment
- Health Care
- Policy and Special Projects (PSP)
- Self-Determination
- Representative Payee

## List of IDR Staff

Please visit <https://www.in.gov/idr/staff/our-staff/> to view a current staff list.

## List of Grant Programs

CAP -	Client Assistance Program
PAAT -	Protection & Advocacy for Obtaining Assistive Technology
PABSS -	Protection & Advocacy for Beneficiaries of Social Security
PADD -	Protection & Advocacy for Persons with Developmental Disabilities
PAIMI -	Protection & Advocacy for Individuals with Mental Illness
PAIR -	Protection & Advocacy for Individual Rights
PATBI -	Protection & Advocacy for Persons with Traumatic Brain Injury
PAVA -	Protection & Advocacy for Voting Access

## List of State Hospitals

LCH -	Larue Carter Hospital
LSH -	Logansport State Hospital
EPCC -	Evansville Psychiatric Children's Center
ESH -	Evansville State Hospital
MSH -	Madison State Hospital
RSH -	Richmond State Hospital