



ADVOCACY CENTER

SERVING PEOPLE WITH DISABILITIES AND SENIOR CITIZENS

PROTECTION
EMPOWERMENT
ADVOCACY

2009 Annual Report

Table of Contents

Message from Michael Crochet, Advocacy Center Board President ... 1

Message from Lois Simpson, Advocacy Center Executive Director ... 1

PROTECTION ... 2

Beyond Repair: An Investigation of Serious Abuse and Death at Northeast Supports and Services Center, an Institution in North Louisiana ... 3

Protection Cases by Disability Type ... 4

Out of Control: Louisiana's Failure to Insure Health and Safety of Children in Residential Facilities ... 4

EMPOWERMENT ... 6

Map of Advocacy Center Training Locations ... 6

Empowering Via the Media ... 7

Empowering About That Most Basic of Rights- The Right to Vote ... 8

AC Expands Web Presence on Facebook and Disaboom ... 9

ADVOCACY ... 10

Advocacy Cases by Disability Type ... 13

Advocacy Cases by Legal Issue ... 14

How Did Clients Hear About the Advocacy Center? ... 16

Revenue & Support ... 17

Board of Directors ... 18

PAIMI Advisory Council ... 19

Advocacy Center Offices ... 20

Foreword

This report highlights the work of the Advocacy Center (AC) from October 1, 2008 to September 30, 2009.

The Advocacy Center is a private non profit corporation, incorporated in Louisiana, governed by a volunteer Board of Directors, and designated by the Governor of Louisiana to serve as Louisiana's independent advocacy agency for people with disabilities. The Advocacy Center also advocates for Louisianians aged 60 and above.

AC's mission statement is:

The Advocacy Center believes in the dignity of every life, and in the freedom of all people to experience the highest degree of self-determination. Embracing this philosophy, the Advocacy Center protects and advocates for the human and legal rights of persons living in Louisiana who are elderly or disabled.

The Advocacy Center carries out its mission through legal representation of individuals and groups, by providing education and training, by helping people to access services, by promoting self -advocacy and by improving systems that are used by people with disabilities and seniors.

AC's seven priority areas are: access, self-determination, education, institutional rights, employment, community integration, and financial entitlements.

NOTE: To protect the confidentiality of the people whose stories are presented in this report, pseudonyms have been used. The pictures are stock photos and are not of actual Advocacy Center clients.



PROTECTION * EMPOWERMENT * ADVOCACY

Message from Michael Crochet, Advocacy Center Board President

One of the greatest pleasures of serving on the Board of the Advocacy Center is hearing just some of the stories of the many people assisted by the Center each year. The resiliency and determination of our clients is inspiring. I am equally inspired by the dedication, skills, and knowledge of the wonderful Advocacy Center staff.

As the President of the Board, it is my aim to insure that the Advocacy Center continues to have the resources - both human and financial - to continue its work. I look forward to the continued success of the Advocacy Center in the years to come.

Message from Lois Simpson, Advocacy Center Executive Director

Greetings from the Advocacy Center, the place where people with disabilities turn when they have a problem, a complaint or a question that has not been resolved or answered any other place. In this year of the great recession, we are proud and pleased to say we have been able to maintain services at pre-recession levels in almost every area of our work. Our promise to the people of Louisiana who rely on our services is threefold:

- (1) We will do everything in our power to ensure that our services continue to be independent, timely, and of the highest quality;
- (2) We will work as hard as we can to increase our capacity to serve the many people who can benefit from our services; and
- (3) We will continue to seek ways to make our services better known so that all who can benefit from our protection, empowerment and advocacy, know where to find us.

PROTECTION

To protect someone is to shield them from injury. The Advocacy Center seeks to protect people with disabilities and seniors by intervening in situations that are or have the potential to be harmful. When abuse or neglect has already occurred, the Advocacy Center investigates the cause and advocates for changes so that the abuse cannot happen again.

Joe, a young man with an intellectual disability and mental illness, grew up in the foster care system and lived for years in a developmental center. After many setbacks, an AC advocate helped him to transition into independent living. He was so excited to move to his own apartment and finally cook his own dinners. However, he soon began having problems with his provider. For example, he was left with only ramen noodles and green beans at the end of each month because the provider was not helping him budget correctly and wouldn't take him to sign up for food stamps; his staff was taking him to the casino where the staff were drinking on the job; the provider called the client a "liar" at team meetings, regularly cursed at him and treated him with disrespect.

Joe, who had been so happy to move out on his own, was now troubled and distraught. He called the same advocate who had helped him leave the institution.

With her help, he switched providers. The Bureau of Licensing validated 5 of his complaints and the provider is currently implementing a plan of correction.

Joe is now happy with his new provider – he's applying for jobs and making plans to invite all his friends to his birthday party.



Beyond Repair

An Investigation of Serious Abuse and Death at Northeast Supports and Services Center, an Institution in North Louisiana

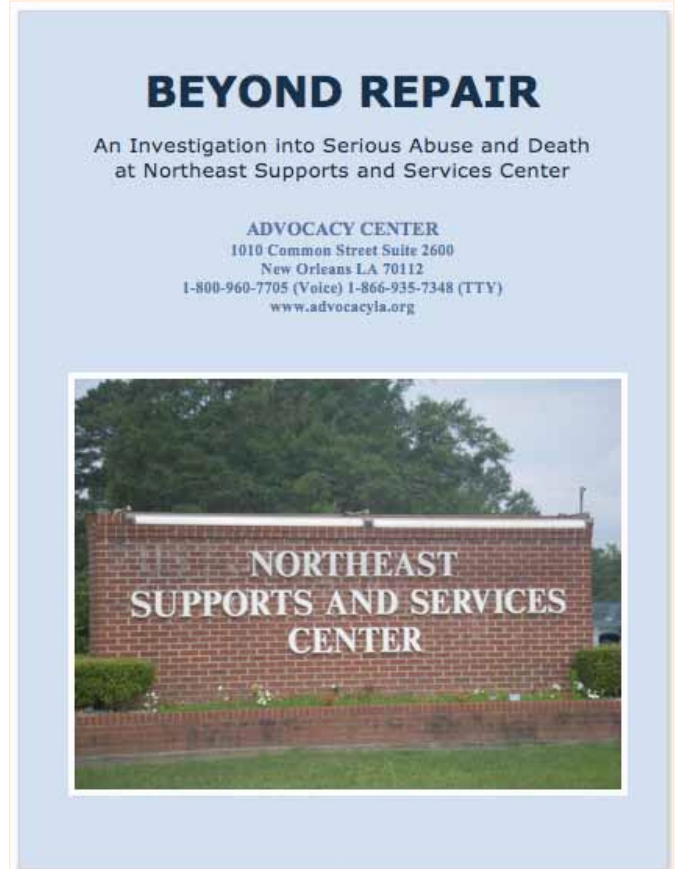
On June 9, 2009, the Advocacy Center released *Beyond Repair: An Investigation Into Serious Abuse and Neglect at Northeast Supports and Service Center*.

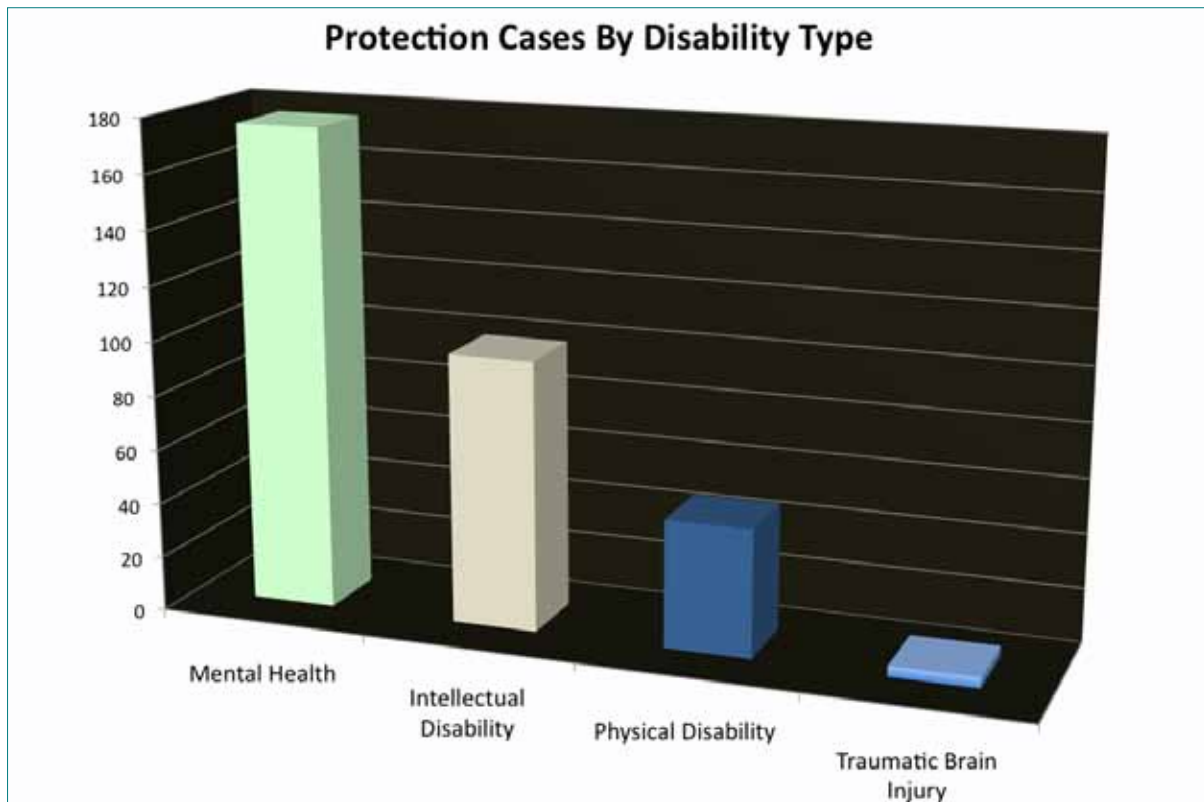
This report detailed a 14-month investigation into seven incidents of death or serious injury to residents of Northeast Supports and Services Center (NESSC). Four of the seven incidents are described below:

- An individual with mental retardation and mental illness died while being restrained by staff.
- An individual with mental retardation was paralyzed after being attacked, chased and assaulted by a peer under the supervision of staff.
- An individual with mental retardation received no medical care for a spiral fracture to the femur for at least four days. The individual was not hospitalized for surgery until the injured leg was severely swollen and bruised.
- An individual with mental retardation and mental illness was stabbed in the head with a pair of scissors. The person who stabbed him, another resident of NESSC, retrieved the scissors from an unlocked and unmonitored medical cabinet.

According to Lois Simpson, Advocacy Center Executive Director, "Because the world is made up of strong people and weak people, civilized society has put safeguards in place to make sure that those inclined to abuse the weak are not afforded an opportunity to do so. In our report, you will see that any safeguards that were intended to be in place at Northeast Supports and Services Center simply did not work. In fact, NESSC failed those under its care so miserably that we believe NESSC is beyond repair."

Among the Advocacy Center's recommendations presented at the end of the report, was the closure of NESSC. As we prepare this report, the Louisiana legislature has allocated zero dollars for NESSC in Fiscal Year 2011, effectively closing down the facility.





Out of Control: Louisiana's Failure to Insure Health and Safety of Children in Residential Facilities

In June 2008, the Advocacy Center released *Out of Control: Louisiana's Failure to Insure Health and Safety of Children in Residential Facilities* (<http://www.advocacyla.org/publications/CRFReport62408.pdf>). The report detailed substandard care provided by residential facilities and the failure of the Louisiana Department of Social Services to properly monitor these facilities. In 2009, Advocacy Center staff made significant progress on this issue.

During the 2009 legislative session, the Advocacy Center supported changes to allow the Department of Social Services and its licensing staff to have the final authority to remove the license of any facility and place the children in safer environments. This legislation passed.

Seven residential facilities for children were closed in 2009. The children moved to safer environments and, whenever possible, Advocacy Center staff followed up with these children to insure the transition went smoothly and they were receiving appropriate services in their new home.

The Advocacy Center's efforts significantly improved the regulations for child residential facilities via numerous meetings, statutory analysis, document review, and written comments to the Department of Social Services. Once implemented, the regulations will increase expectations for child residential service providers, the children will be safer, and their rights will be protected.

Work continues in 2010.

PROTECTION ♦ **EMPOWERMENT** ♦ **ADVOCACY**

In the time covered by this report, the Advocacy Center

- Investigated 31 cases of abuse and neglect.
- Represented and protected:
 - 39 people living in group homes and developmental centers
 - 17 people living in nursing homes
 - 38 people living in their own homes or their parents' home
 - 69 people living in psychiatric hospitals
 - 3 people living in adult residential homes
 - 17 people living in child residential facilities
 - 2 people who are homeless
 - 4 people in jail
- Visited 490 group homes and helped with issues involving abuse, neglect and quality of life.
- Made 2011 visits to nursing homes to monitor care and protect residents.

As soon as she walked in the door, the AC advocate noticed it was freezing. She asked the children at the residential facility if they were cold; they responded that they were freezing. No wonder. The only source of heat in the building was space heaters. As the advocate looked around, she saw much more to be concerned about: sparking electrical outlets, broken toilet seats, inoperable lighting fixtures, broken ceiling tiles, mold in bathrooms, windows that did not open and broken locks on the doors. Back in her office, the advocate contacted the Department of Social Services (DSS) and the Fire Marshall. She also filed a licensing complaint with the Licensing Bureau of DSS about the conditions.

Sparking electrical outlets have been repaired; toilet seats have been replaced; windows in the bedrooms are operational; inoperable light fixtures in the bathrooms have been repaired; mold has been removed from the bathrooms; ceilings in the bedrooms have been repaired; and, the air conditioner vent in the hallway has been repaired.

With the help of the Advocacy Center, the children in the facility are now living in a safer and cleaner environment.



EMPOWERMENT

To empower someone is to impart the knowledge and skills that will help them function more successfully. The Advocacy Center empowers people with disabilities and seniors so that they know their rights, know about resources that are available to them and can act on this information to better their lives.

In the year covered by this report, the Advocacy Center

- Educated and empowered 12,191 people living in institutions like psychiatric hospitals, developmental centers, group homes, nursing homes and residential facilities for children.
- Trained others on the following topics:
 - 5363 people were trained about institutional rights issues.
 - 302 people were trained about financial entitlements issues.
 - 1481 people were trained about employment and rehabilitation issues.
 - 301 people were trained about access issues.
 - 376 people were trained about self determination issues.
 - 541 people were trained about special education issues.
- Outreached to 7086 people.
- Provided information and referrals to 2,023 people.

Map of Advocacy Center Training Locations



Empowering Via the Media

“We’re only talking about physical safety and addressing those needs. We shouldn’t even be thinking about that. The focus needs to be on education and therapeutic programs.”

AC Director of Litigation Nell Hahn on abuse and neglect at child residential facilities
They Said It, *Times of Acadiana*, October 1, 2008

“We will be following this situation very closely to ensure that the students at Louisiana School for the Deaf do not miss educational time and get behind in their studies.”

AC Attorney Melissa Losch on the temporary closure of LA School for the Deaf after abuse allegations
ABC 26 – New Orleans, October 21, 2008

“If you don’t see in your mix at the table of the planning process, informed people with disabilities to keep you apprised of what is happening where our wheelchairs hit the road... “

AC Systems Advocacy Specialist Charles Tubre on the importance of including people with disabilities in planning for emergencies
Lt. Gen. Russel Honoré calls for Americans to make a change in culture, *SciLife*, Nov./Dec. 2008

“At best the proposed reforms will not solve the problems, and at worst, they may make the problems worse.”

AC Administrative & Legislative Support Specialist Steve Kauffman on Governor Jindal’s proposal to transform Medicaid into a managed care system
Jindal Medicaid plan gets committee approval, *Associated Press*, December 18, 2008

“The conditions we uncovered at NESSC are appalling. This is not a case of one or two incidents that need to be corrected. NESSC is a place where systemic abuse and neglect is the norm. Residents are not receiving the care and treatment they were promised. Instead, they live in an atmosphere of fear and chaos. NESSC is a dangerous place that needs to be closed down.”

AC Executive Director Lois Simpson on the investigation into Northeast Supports and Services Center
Center accused of acute abuse, *Ruston Daily Leader*, June 10, 2009

“The standards are only as good as the people enforcing them.”

AC Director of Outreach and Training Stephanie Patrick on proposed licensing standards for child residential facilities
Child facility rules eyed, *Advocate*, July 2, 2009

“We would just say that accessibility to facilities like a football stadium and a basketball area get to the heart of what the ADA was intended to accomplish... They are really important. They make people’s lives fulfilled.”

AC Attorney Susan Meyers on a discrimination lawsuit filed against Southern University
Suit: SU campus lacks handicap accessibility, *Advocate*, September 26, 2009



Empowering About That Most Basic of Rights- The Right to Vote



On November 4, 2008, the entire staff of the Advocacy Center joined forces to ensure people with disabilities could vote. This was the beginning of a year of voting milestones.

November 4 Accomplishments by AC staff

- Surveyed 115 polling places uncovering accessibility issues in 10 parishes (Orleans, Jefferson, East Baton Rouge, Ascension, Assumption, St. Martin, Lafayette, Acadia and Caddo).
- Provided assistance to 230 people on election day on a variety of voting issues. Most common were questions about where to vote, transportation resources, and laws pertaining to voting for people with disabilities like accessibility, moving to the front of the line, and assistance in voting.
- Provided assistance to 110 people prior to election day. These individuals called with questions about early voting, where to vote, and how to get assistance in voting.
- Worked with residents and staff at 629 institutions throughout the state, providing them with information and assistance in registering to vote, voting early and voting on election day.
- Provided assistance to voters at the Election Protection hotline. Overall, 745 Louisiana voters called the Election Protection hotline for help on Election Day.
- Sent 3 press releases about voting rights of people with disabilities and contacted many TV and radio stations individually. AC got coverage from stations in the greater New Orleans, Shreveport, and Lafayette areas.
- Sent thousands of emails to promote our voting hotline to people with disabilities and organizations throughout the state.

These activities continued throughout the year:

AC persuaded the Secretary of State to issue regulations requiring parishes to notify voters if their polling place is not accessible. Hopefully, these procedures will be onerous enough to persuade parish officials to choose polling places that are accessible.

AC staff provided voting rights information to 8600 individuals living in institutions and the community throughout the state.

AC staff also successfully defeated attempts to increase restrictions on assistance in voting.

AC Expands Web Presence on Facebook and Disaboom

In 2008, the Advocacy Center's web presence really took off. Facebook fans numbered less than 100 at the start of the year and over 500 in September 2009. One post on Disaboom about housing vouchers through the Housing Authority in New Orleans was viewed over 700 times.

With support of the LA Developmental Disabilities Council, the Advocacy Center initiated the "Find Your Voice" project, which recruited people with disabilities to lead conversations on Facebook and Disaboom. Approximately 20 people with various types of disabilities from across Louisiana participated in the project and were instrumental in attracting another 480 people to the site.

Facebook conversations focused on:

- How the Elderly and Disabled Waiver supports people who are blind
- Office for Citizen's with Developmental Disabilities [OCDD] and their services
- Online Dating
- Braille
- ADA Amendments

A man with intellectual disabilities participated with significant support from his mom and Advocacy Center staff. Here is a comment from his mom:

"Thank you so much for this project. I doubt that the intention was to teach uses of the computer to any of the other participants because most of them appeared to be professionals, however let me assure you that this project has enriched (name removed)'s life considerably as well as several other friends of his with similar intellectual disabilities in that it helped them to learn to use the computer to find answers to the hurdles of SS and SSI and State information as well as the Advocacy Center. All too often they are afraid to ask and therefore are overlooked. Please thank the "Powers That Be" who conceived and executed this project, there is so much more that needs to be done."



ADVOCACY

To advocate is to speak on behalf of another person. The Advocacy Center advocates for people with disabilities and seniors to ensure their wishes are being followed; to protect their rights; and to ensure the laws impacting people with disabilities and seniors are being properly enforced.

In the period covered by this report, Advocacy Center staff:

- Provided legal advocacy for:
 - 48 people living in group homes and developmental centers
 - 198 people living in nursing homes
 - 886 people living in their own homes or their parents' home
 - 96 people living in psychiatric hospitals
 - 29 people in adult residential homes
 - 41 people living in child residential facilities
 - 4 people who are homeless
 - 13 people in jail



When Mr. and Mrs. Smith evacuated for Hurricane Katrina, they didn't look back. Like many New Orleanians, they thought that they would return in just a couple of days. Little did they know, almost 5 years later, they would still be waiting to go home.

Mr. Smith has physical disabilities and significant health issues. After the stress of Katrina, his health declined. His wife struggled to navigate the bureaucracies of FEMA and the Road Home and to care for him. When

they were referred to the Advocacy Center, their house was partially rebuilt and they were out of resources. They worried that they would become homeless. They had nowhere to turn.

The AC case manager got right to work. He immediately made several contacts to non-profits and Churches for possible assistance. After many failed attempts to locate resources, he found a non-profit willing to pay for a hotel room. He then addressed the Smith family's long term needs: additional funds and support to complete their rebuild.

With the help of their case manager, the Smiths were able to access \$10,500 worth of funds and support to rebuild their home. They are choosing their furniture and making plans to move in soon.

“I want to go to school.” What parent would not like to hear these words from her child?

Susan’s parents were overjoyed when they learned that her medical condition was finally stabilized so that she could attend her local high school.

At the age of 2, Susan suffered a traumatic brain injury in a car accident. This caused her to have seizures and strokes. For many years, her parents home schooled her because they believed that her health was too unstable to allow her to go to school. Finally, her doctor determined that, with the right combination of medicine and support, she could begin to attend classes.

Her parents went to the school and completed all her paperwork. When the date of the Individual Education Plan (IEP) meeting arrived, they went with all their documentation - Susan’s doctor specified that she must have an aide to help her throughout the day to be safe.

The school system refused. They told Susan’s parents that they didn’t have the money to pay for an aide for Susan. Susan and her parents were devastated. They had already purchased her new school uniforms and backpack.

Luckily, they called the Advocacy Center.

The AC special education attorney informed Susan’s parents about their rights and demanded that the school schedule another IEP meeting. At that meeting, the attorney refused to listen to the school officials’ excuses and stood up for Susan’s rights.

Soon after, Susan was ready for her first day at school. While she was a little older than the typical new student, she was just as excited. She loves her new school and can’t wait for the bus to show up every day.



In the period covered by this report, AC staff:

- Provided assistance to 9,600 individuals living in nursing homes in the Baton Rouge area.
- Provided assistance to 5,400 individuals living in nursing homes in the New Orleans area.
- Provided assistance to 4,141 individuals living in group homes. The ombudsmen handled 576 complaints on the following issues:
 - Abuse - 4% of the complaints handled
 - Neglect - 27% of the complaints handled
 - Rights Within the Group Home - 20% of the complaints handled
 - Quality of Life - 23% of the complaints handled
 - Lack of Alternative Community Resources - 30% of the complaints handled



From Prison To Civilian Life

About six years ago, Thomas returned home from prison with dreams of a new life. He had served his time, completed probation and wanted to attend college for a degree in general contracting. Starting his own contracting business was his long-term goal.

Soon after arriving home, Thomas, a man with depression and substance abuse issues, applied for services from La. Rehabilitation Services (LRS) and easily went through the application and eligibility procedures.

Reality Strikes

When he met with his counselor to discuss his vocational goal all kinds of obstacles suddenly appeared. His LRS counselor felt he was not “college material”. She didn’t believe he had the “ability or background” to ever own and manage a business. Thomas left her office feeling as though all of his dreams had just been dashed.

A Glimpse of Hope

An AC advocate talked with Thomas and had a totally different impression from that of the LRS counselor. He had all of his LRS vocational evaluations, his ACT scores, financial aid information and general contractor licensing laws at his fingertips. If ever there was an “informed consumer”, Thomas seemed to fit the definition. Review of his LRS case file confirmed everything Thomas told her: All of his test scores, evaluations and recommendations indicated he was a candidate for a four-year college program. Further research revealed that his prison background would not prohibit him from obtaining contractor or business licensing.

Dreams Come True

A call from the AC advocate to the LRS Regional Manager opened all the doors that had been closed. Last spring, the advocate received a call from Thomas as he was about to walk across the stage to receive his diploma.

Since graduation, Thomas has become a licensed contractor. He is currently working with LRS to purchase some of the equipment he’ll need to open his contracting office using grants he received.

Although there have been plenty of bumps along the road, Thomas, the Advocacy Center and LRS have worked together to prove that vocational dreams can come true.

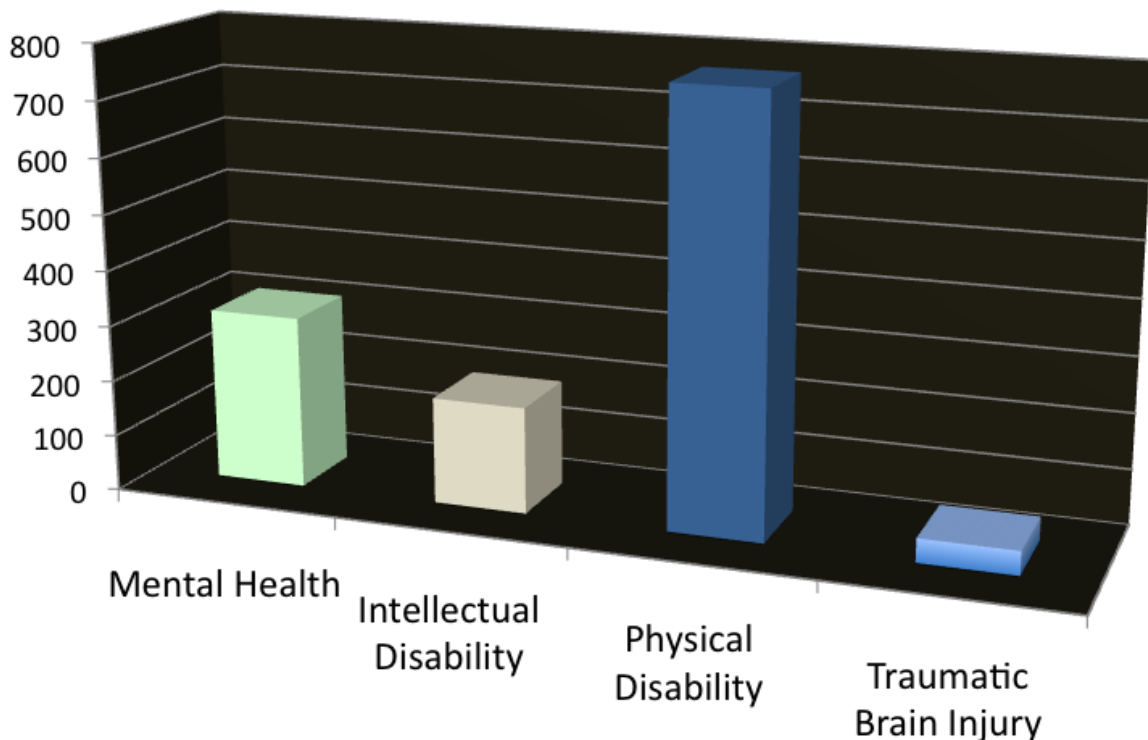
At the age of 17, Alvin was in car accident. He sustained a spinal cord injury and began using a wheelchair. For 8 years he was in and out of rehabilitation programs while his home was modified to make it accessible to him. He felt like his life was on hold.



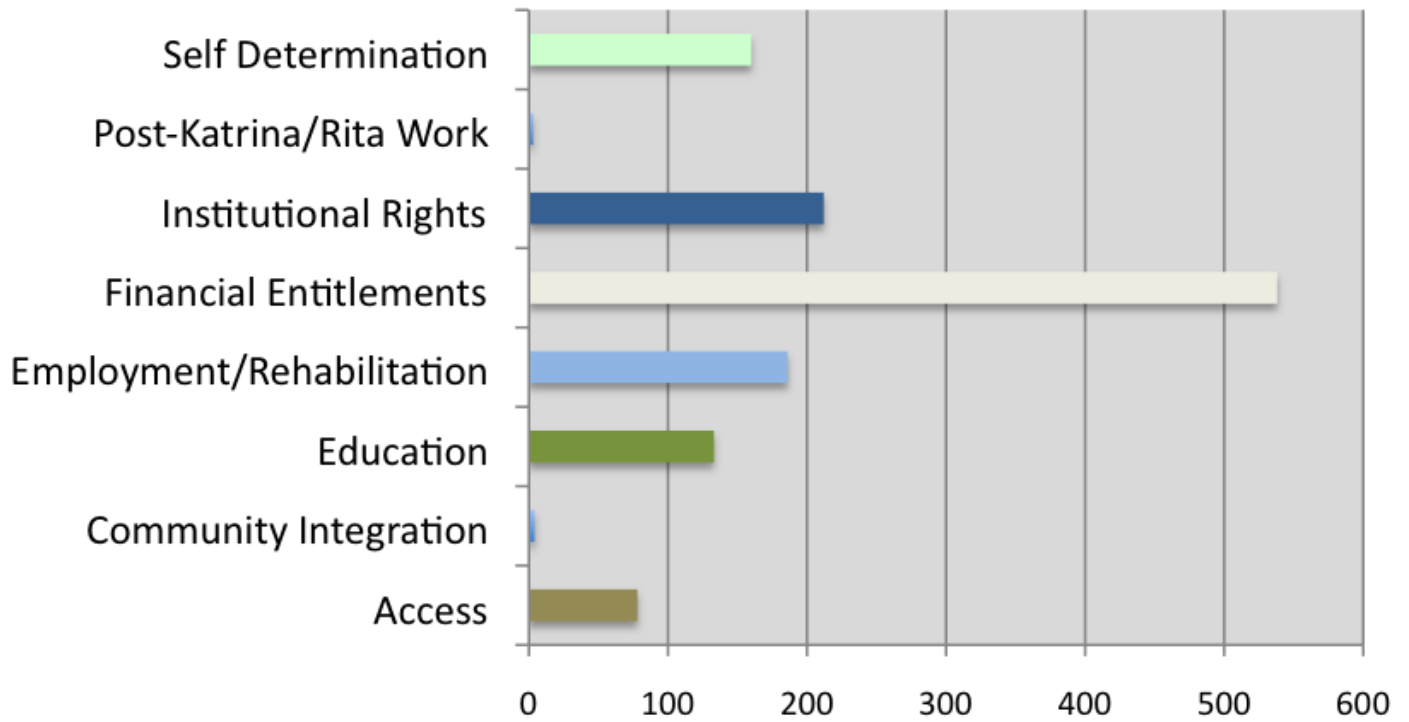
Now, 25, Alvin is finally ready and able to focus on his long term goals. He contacted the Advocacy Center for help. AC's WIPA (Work Incentives Planning and Assistance) program helped Alvin understand Social Security work incentives available to help him become more independent and self-sufficient. AC worked with Alvin until he completed his G.E.D. and his vocational training.

Alvin is now working part-time as a Service Writer with an automotive repair firm. He has increased his monthly earnings, completed his trial work period and is finally planning for the future.

Advocacy Cases By Disability Type



Advocacy Cases by Legal Issue



*Most of the Advocacy Center's community integration work is accomplished through systemic advocacy; thus, the small number of individual cases.



PROTECTION ✦ EMPOWERMENT ✦ **ADVOCACY**

Tony, a 68 year-old client from Alexandria, contacted the Advocacy Center. Lou and Laura's restaurant was not accessible to him. For his entire life, he ate at Lou and Laura's with friends and family. Since his injury, this was no longer an option. There were no handicapped parking spaces in the parking lot, and there was no ramp to get into the restaurant.

An AC attorney conducted a site inspection to confirm the lack of ramp and that the cost of installing a ramp would not be prohibitive. He then contacted the owners of the restaurant, outlining their obligations to make an accommodation under the Americans with Disabilities Act (ADA).

The owner of Lou and Laura's responded that firemen had told him his building was "grandfathered in" and therefore he was not obligated to install a ramp. The Advocacy Center attorney politely but firmly told the owner that the firemen were wrong.

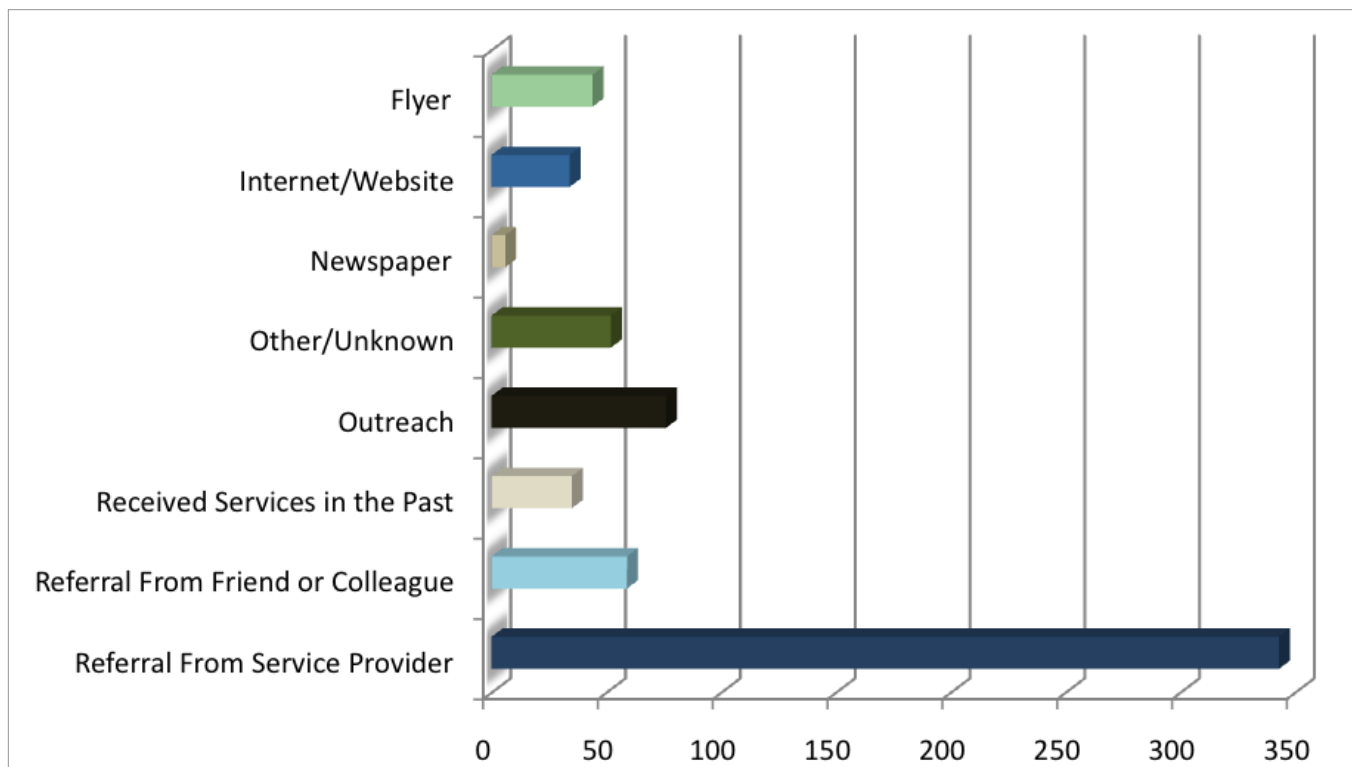
Finally, after months of negotiation, the owner agreed to construct the ramp and Tony made plans for dinner. Looking forward to his favorite po-boy and root beer in an icy cold mug, Tony went to the restaurant; however, when he arrived, he found people at the bar next door had parked in front of the ramp so it was unusable.

An AC attorney brought this to the attention of the restaurant. The restaurant owner then installed "cones" to block parking. But people from the bar ran over them. Finally the restaurant owner blocked off the whole parking space near the ramp with blue paint and a sign, and ordered staff to tow anyone who parked there, even his own customers.

About three or four weeks later, the attorney talked to the restaurant owner who reported that, in addition to Tony, people who use wheelchairs were now going in and out of his restaurant in surprising numbers. He was very proud of making this happen.

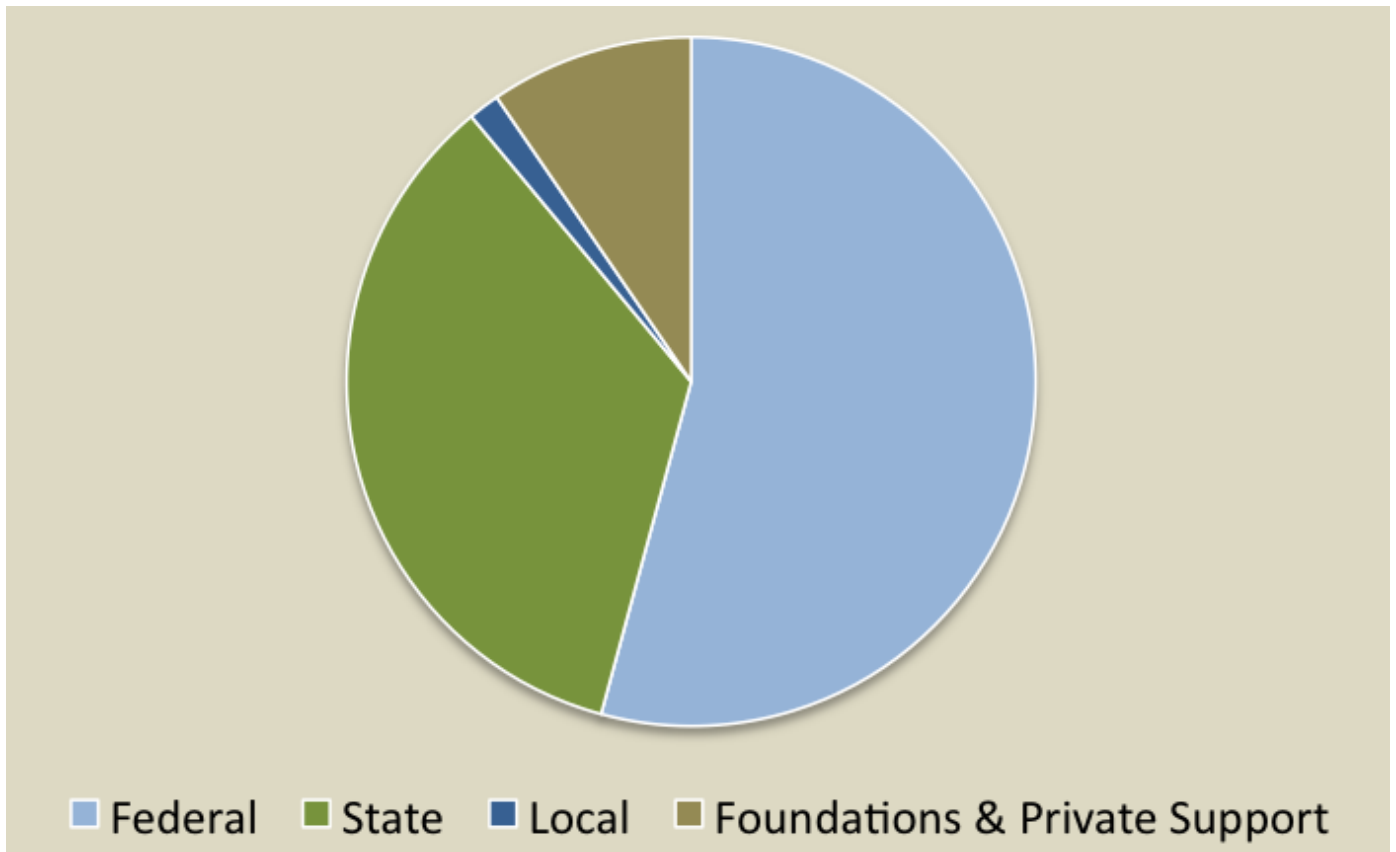


How Did Clients Hear About the Advocacy Center?



Flyer	6.78%
Referral From Service Provider	52.85%
Referral From Friend or Colleague	9.09%
Internet/Website	5.24%
Newspaper	0.92%
Outreach	11.71%
Received Services in the Past	5.39%
Other/Unknown	8.01%

Revenue & Support



Federal support provided by: the U.S. Department of Health and Human Services: Administration on Developmental Disabilities, and Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration; U.S. Department of Education: Rehabilitation Services Administration; U.S. Department of Justice: Office of Violence Against Women; Social Security Administration; and U.S. Department of Housing and Urban Development.

State support is provided by Department of State; Department of Justice; Department of Health and Hospitals; and Governor's Office of Elderly Affairs.

Local support is provided by the New Orleans Council on Aging; Plaquemines Council on Aging; and Council on Aging St. Tammany.

Foundation and private support is provided by Catholic Charities; Louisiana Bar Foundation; Louisiana Bar Foundation Northshore Community Partnership Panel and our generous donors.

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ADVOCACY CENTER

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