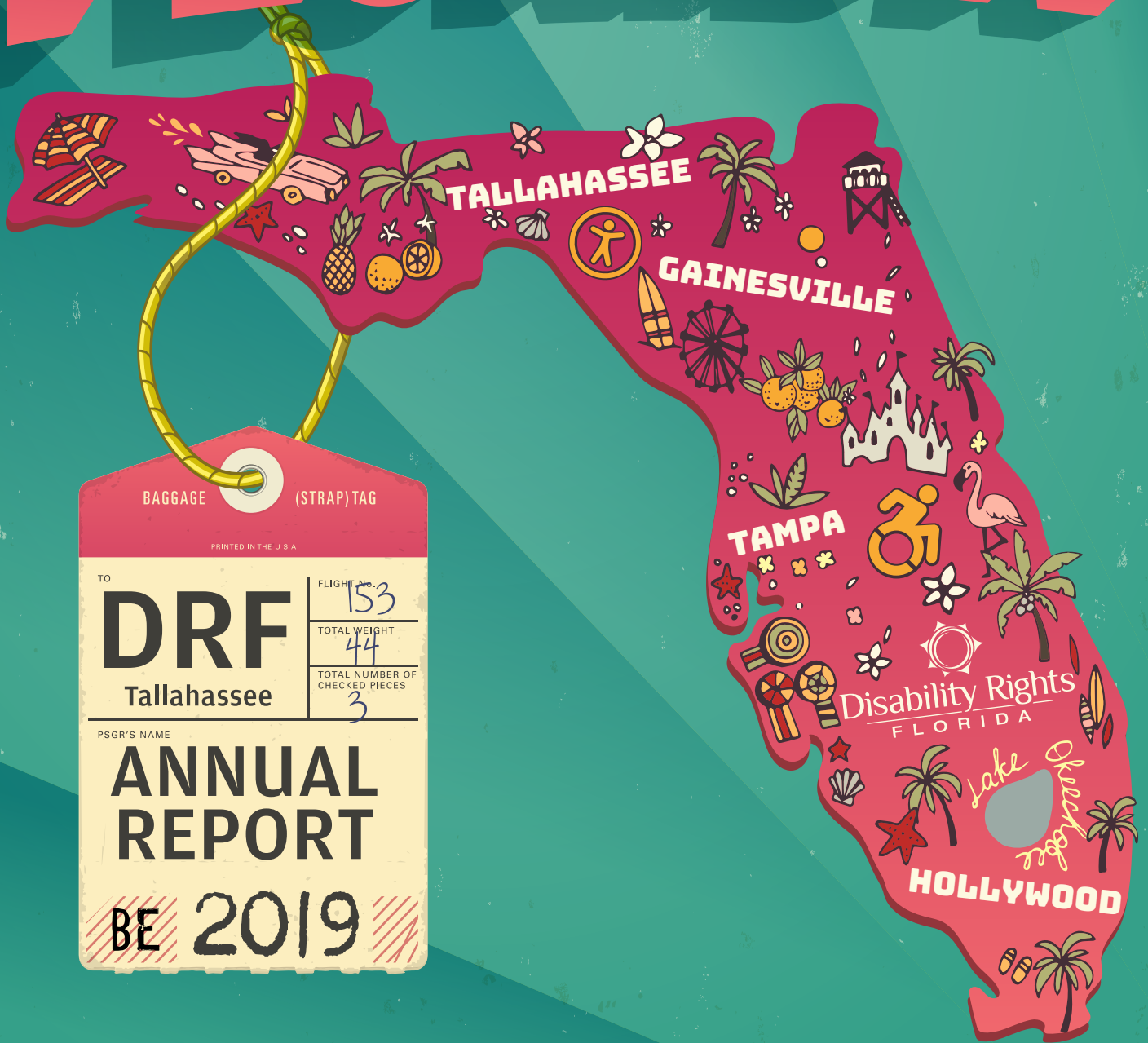


# DISABILITY RIGHTS

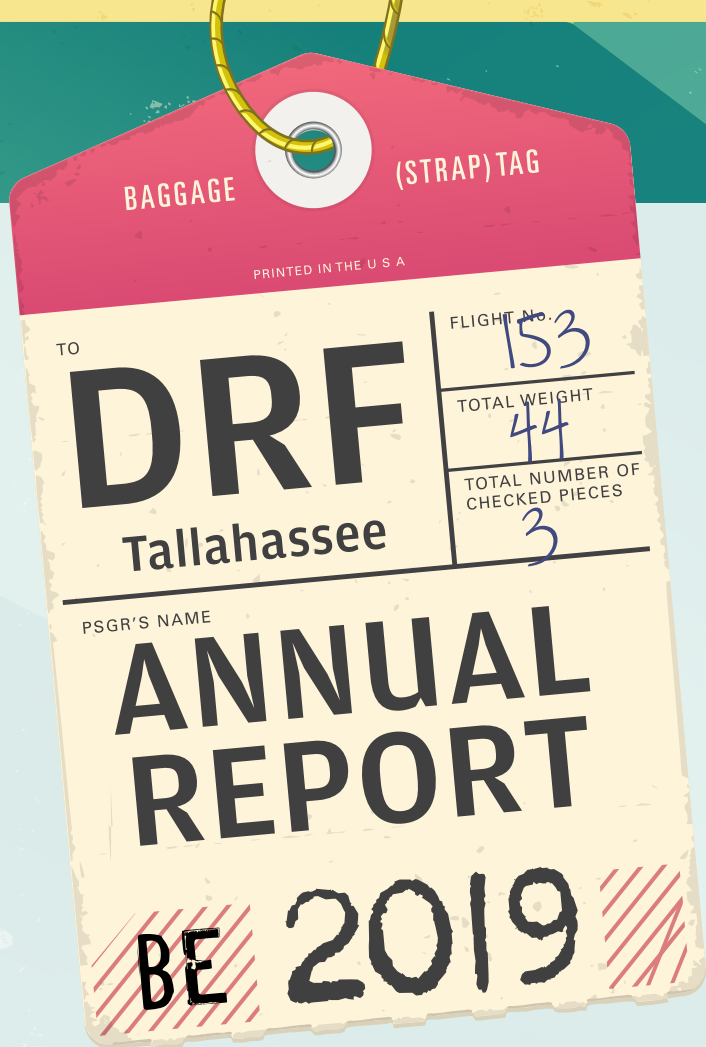
# FLORIDA



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PRINTED IN THE U.S.A.

TO	DRF	FLIGHT No.	153
	Tallahassee	TOTAL WEIGHT	44
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## LETTER FROM OUR LEADERSHIP

As we prepare this letter for our 2019 Annual Report, Florida confronts one of the greatest health threats of this generation. The coronavirus pandemic has hit individuals with disabilities particularly hard. But, through it all, the staff at Disability Rights Florida (DRF), working from home, has continued to assist individuals with disabilities who need our help.

We chose and designed the report's "travel" theme before the outbreak. But, as we shelter in place, the map on our cover reminds us that this health crisis has touched every corner of our state from the western tip of the Panhandle to Key West. While the theme may change each year, our commitment stays the same: Disability Rights Florida continues to work and carry out our mission to protect and advocate for individuals with disabilities all across Florida.



**Alan Quiles**  
Board Chair



**Peter Sleasman**  
Interim Executive Director

With that in mind, we invite you to embark on a tour - a metaphorical road trip through our successes and the progress we are making toward our vision of a state where individuals with disabilities have the opportunity for full and equal participation in society.

On this journey, you'll meet people like Parker, a middle school student we represented in mediation so that he could have the appropriate supports in his Individual Education Plan. And, the itinerary includes Dorothy, a woman we assisted in advocating for her right to have her service dog by her side in her favorite restaurant.

We're planning a layover to acquaint you with a vital new program that will improve the oversight of Social Security Disability and Supplemental Security Income benefits managed by representative payees. And, you'll have a front row seat to a far-reaching settlement DRF attorneys negotiated in a lawsuit against the Department of Children and Families and the Agency for Health Care Administration who were improperly stripping Medicaid from individuals with disabilities.

If you are new to our work, we hope this road trip through the stories of our clients will give you a deeper understanding of the importance of Disability Rights Florida's advocacy. And, if you are familiar with DRF, we hope you'll be inspired to connect with us, share your ideas and let us know what is important to you. We have so much more to accomplish. And, with your support, we'll continue our mission to protect and advance the rights, dignity, equal opportunities, self-determination and choices for all people with disabilities.

***Disability Rights Florida advocates, educates, investigates, and litigates to protect and advance the rights, dignity, equal opportunities, self-determination and choices for all people with disabilities.***

# **DISABILITY RIGHTS FLORIDA**

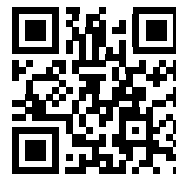
PHOTO: SHUTTERSTOCK  
Please note that Disability Rights Florida began work on the visual “travel” theme for our 2019 Annual Report prior to the coronavirus pandemic. For more information, please see the letter from our leadership on page 2.

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## **ONLINE ANNUAL REPORT**

Our 2019 Annual Report is also available online. Visit [www.disabilityrightsflorida.org/annualreport](http://www.disabilityrightsflorida.org/annualreport) or scan the QR code to the right to download a digital copy of the annual report, visit the web links referenced throughout, and download the publications listed below.



## **OTHER AVAILABLE PUBLICATIONS**

- Disability Rights Florida Brochure
- Ten Steps to Effective Self-Advocacy
- Advocacy 101: Presenting Your Medicaid Case Before the Florida Office of Appeal Hearings or the Florida Division of Administrative Hearings
- Are You Prepared for an Emergency?
- Voting Brochure
- Obtain, Maintain, or Regain - Your Job or Career
- Traumatic Brain Injury
- An Exceptional Cause: Lawyers Helping Students Succeed at School



## IN THE NEWS



On the subject of Roberta Robinson: "Disability Rights Florida...is asking a federal judge to prevent Tampa General [Hospital] from transferring Robinson to a facility 'far from' her home, and to order AHCA, which oversees the state's Medicaid program, to provide Robinson nursing care in the region where she lives. 'Transferring [Robinson] to either the nursing facility in Miami, Florida or Georgia, due solely to her diagnosis and condition of requiring a ventilator to breathe, would permanently isolate [Robinson] from her husband and daughter and end all familial relationships for her.'"

*Patient's nightmare: She can't stay in hospital, but Fla. nursing homes won't take her -*

**Miami Herald, March 15, 2019**

On the subject of a death at Florida State Hospital: "Time is of the essence when you have a situation like this where someone has expressed that they can't feel their lower extremities. These are very serious concerns. It is inexcusable that someone, anyone, with a disability who is in the care and custody of a state agency would die, let alone as the result of a homicide at the hands of staff members."

*Scuffle left a patient with a broken neck. So staff met to rehearse stories, cops say -*

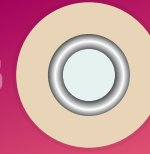
**Miami Herald, April 30, 2019**

On the subject of the Homestead Temporary Shelter for Unaccompanied Children: "It is widely acknowledged that many of the immigrant children detained by the federal government at Homestead Shelter have experienced significant trauma and need appropriate mental health care. Homestead, with a population of over 2000 children at the time of our visit, was not staffed or designed to meet the needs of these children."

*Homestead Camp Kids Don't Have Adequate Mental Health Care or Abuse Protections, Nonprofit Says -*

**Miami New Times, September 10, 2019**

## SUCCESS STORIES



### Advocating for Service Animal Access



**Dorothy Roy** was on her way to one of her favorite restaurants, which she often went to on nice days, sitting at the outside tables with her service animal. On a particularly chilly day, she wanted to be seated inside the restaurant with her service animal. However, she was denied service indoors by the restaurant manager due to her lack of paperwork for the service dog. Needing paperwork for a service animal is a common misconception, so Dorothy tried to self-advocate for herself and her dog, but the restaurant still wouldn't allow access indoors. Dorothy reached out to Disability Rights Florida for assistance in advocating for accessible and equitable access to restaurants with a service animal. Disability Rights Florida represented Dorothy and worked with the restaurant, who admittedly noticed that they had incorrect policies in place and will be educating the restaurant staff on compliance requirements under the Americans with Disabilities Act.

## Settlement with DCF and AHCA to Stop Improper Stripping of Medicaid from Individuals with Disabilities

Zachary Patterson is a young adult who has multiple intellectual disabilities. He was placed in a Florida group home at the age of 15, where he found supported independence and a community of teens and adults with disabilities who help and care about one another. When Zachary started receiving additional income through his parent's Social Security Retirement benefit, Zachary lost his Supplemental Security Income (SSI) and with it, his Medicaid health coverage.

When the Department of Children & Families (DCF) refused to review Zachary's case, his mom was referred to Disability Rights Florida (DRF).

Over several years, DRF advocates and attorneys noticed a pattern of Medicaid terminations by DCF for individuals who were eligible for other Medicaid categories including Disabled Adult Child (DAC) Protected Medicaid or one of the Medicaid waivers.

When an individual's eligibility for Medicaid ends under one category, DCF is required to conduct an ex parte review or an automatic reexamination for Medicaid eligibility under a different category, as well as provide a Notice of Case Action with appeal rights - to ensure beneficiaries who need it don't lose their health coverage. Despite DRF's attempts to address the issue with DCF, individuals continued to lose Medicaid benefits without receiving an ex parte review or Notice of Case Action.

After collaborating with other public interest organizations, DRF attorneys discovered more individuals whose Medicaid was improperly terminated. Late last year, Jacksonville Area Legal Aid, the Florida Health Justice Project, and the National Center for Law and Economic Justice joined DRF in filing a lawsuit in federal court against DCF and the Agency for Health Care Administration (AHCA) to stop wrongful termination of Medicaid coverage for individuals with disabilities and individuals aging out of adoption assistance benefits - a priority of a partner organization - until their eligibility has been properly reviewed under all eligibility categories and until they have been properly notified.

The agencies reached a settlement agreement with DCF and AHCA in February 2020. According to the settlement, DCF must develop a system to automate its eligibility determination system for individuals with disabilities whose federal Supplemental Security Income is terminated. The U.S. District Judge that heard the case retained jurisdiction to enforce the terms of the settlement agreement for one year from the date of the executed agreement.

In addition, the settlement requires DCF to provide staff training for those conducting eligibility reviews, update its guidance materials, and implement corrective actions for those affected. Further, the settlement requires AHCA to modify its Notices of Medicaid Termination. The notices must now include the date of Medicaid termination for those losing SSI benefits and a statement regarding DCF's obligation to provide 10 days prior notice before terminating Medicaid benefits.

"Medicaid services, especially home and community-based services, are a critical factor in keeping individuals with disabilities healthy and safe in their own homes," said Peter Sleasman, Interim Executive Director at Disability Rights Florida. "Ensuring the continued eligibility for these services is vital to their well-being and their right to fully and equally participate in society."



## **DRF Exposes Violations of Religious Freedoms and Unrestricted Freedom of Movement at Florida State Hospital**

In two separate instances, Disability Rights Florida (DRF) received reports of religious accommodation violations and suspension of unrestricted freedom of movement at Florida State Hospital (FSH) in Chattahoochee. In 2018, Muslim residents participating in the annual holiday of Ramadan - the most sacred month of the year observed through prayer, reflection and fasting from dawn to sunset - reported to a DRF team that they only received snacks outside the fasting period instead of normal meals. Withholding standard meals jeopardizes the health and treatment of the residents with mental illness and violates Florida law.

The team met with hospital administrators to establish expectations for the 2019 season and developed a comprehensive plan to follow up with each individual participating in the Ramadan fasting. After meeting weekly with participants during the holiday, the team reported that FSH showed marked improvement in providing for and accommodating individuals with mental illness who took part in Ramadan. This was an important step toward ensuring individuals with mental illness who reside at state hospitals are able to participate in all tenants of their faith and it sends a strong message that all individuals deserve to practice their faith freely regardless of setting.

Also, in the last year, DRF received complaints that dozens of residents at Florida State Hospital had their right to unrestricted freedom of movement indefinitely suspended - an invaluable freedom they work hard to earn based on their treatment plan. A DRF team communicated with attorneys at FSH to remind them of their obligations to individually evaluate each resident. Finally, after two months of negotiations, in-facility monitoring, and resident interaction, the hospital reversed their policy of suspending unrestricted freedom of movement. This is an important victory for the residents of FSH and reinforces the facility's legal obligation to make treatment decisions on an individual level, not across the board.

## **New DRF Program Protects Individuals from Representative Payee Fraud**

As a result of new legislation prior to this fiscal year, Disability Rights Florida (DRF) added a new program to improve the oversight of Social Security Disability and Supplemental Security Income benefits managed by representative payees. A "rep payee" is an organization or person who receives and administers the Social Security benefits for a person who is not fully capable of managing on their own. Unfortunately, past investigations have uncovered representative payees who have stolen or misused funds, exploited, neglected, and even abused the people with disabilities they were supposed to be helping.

On April 13, 2018, the Strengthening Protections for Social Security Beneficiaries Act was signed into law. This legislation authorizes each state's protection & advocacy (P&A) organization to conduct reviews of rep payees. Once the Social Security Administration (SSA) transitioned to the new oversight system, Disability Rights Florida created a new Rep Payee Team, a 12-member group staffed primarily by investigator/auditors who are located throughout the State of Florida.

Periodically throughout the SSA fiscal year of August 1 through July 31, the government agency assigns randomly selected payees to DRF and staff conducts onsite reviews to verify the representative payee is using the benefits properly on behalf of the beneficiary. Beneficiaries are interviewed to ensure they are being cared for appropriately. In addition, DRF investigator/auditors conduct educational visits and additional discretionary reviews based on allegations they receive of payee misconduct. DRF will then recommend corrective action, when needed, to the representative payee to improve its services to beneficiaries.

In the first year, the Disability Rights Florida Rep Payee Team members reviewed 275 individual and organizational rep payees.



SUCCESS



STORIES

## Transportation Inaccessibility Solved

**Rosa Ortiz** is a woman with physical impairments who utilizes mobility aids to get around on a day to day basis. In order to get from her residence to the store, doctors' appointments, etc., she participates in a transportation program through LogistiCare, but a lack of accessibility and accommodation hindered her ability to utilize the services. Rosa reached out to Disability Rights Florida for help. Advocates worked directly with the company to create a transportation plan for Rosa. By utilizing LogistiCare's contract with Uber, we found that Uber drivers provided consistent and accessible options for her. With her reliable rides, Rosa can now live independently and get to where she needs to go.

SUCCESS  
STORIES



## Reasonable Accommodations Paves Way to Citizenship

**Oswaldo Enrique Bustamante Gutierre**, originally from Cuba, immigrated to the United States to live with his daughter looking for a better life and the American dream. Born deaf, Oswaldo communicates with his family and friends through his own native sign language. However, when he came to the US, he found learning American Sign Language, a new and different language, to be very difficult due to his learning disabilities. Oswaldo applied for US citizenship, but he struggled to attain it because he faced multiple challenges including passing the required US civics test. Disability Rights Florida (DRF) intervened on his behalf, advocating for reasonable accommodations but also for a broader review of his other disabilities which impeded his ability to learn and pass the required civics test. Demonstrating the individualized challenges Oswaldo faced for the standard citizenship process, DRF's efforts were successful and Oswaldo was granted immediate US citizenship.



## DRF Intervention Leads to Changes in DVR Procedures Involving Denial of Services to DACA Recipients

AH is a young Deferred Action for Childhood Arrival (DACA) recipient with multiple disabilities. Aspiring to further her education, AH sought out services from the Division of Vocational Rehabilitation (DVR) to have financial assistance and disability supports. AH was told by DVR that she was not eligible for their services due to her status as a DACA recipient. This sudden case closure appropriately concerned AH and her family, and they reached out to Disability Rights Florida (DRF) for assistance.

The investigation into her denial included a review of her case, confirmation of a valid work permit, and a review of all State agency policies, Federal Regulations and State Administrative Code. DRF found a significant misinterpretation of DVR's policy on Non-Discrimination and Residence Requirements as it applies to DACA

recipients, leading to a case by case judgement of these various laws and policies across the state. Findings also suggested that AH was denied access to a federally funded program based on her ethnicity/nationality.

DRF initiated a supervised referral and, most importantly, brought the matter to the attention of DVR's director and senior legal counsel, leading to statewide education and systemic change in DVR's procedures when assisting DACA recipients.

AH reapplied for services; on the day of meeting, she was again denied. DRF contacted the counselor, resulting in the acceptance of AH's application for services. DRF is proud to have been of service both to AH individually and systemically by removing a significant barrier to a federally funded program.

### SUCCESS STORIES

## Appropriate Education Supports Improve Student's Progress

**Parker Thomas Brooks** is a middle school student with Autism and an Intellectual Disability. His parents reached out to Disability Rights Florida because they were seeking assistance with obtaining appropriate communication, academic, and assistive technology supports and services as they believed he was being denied a free and appropriate public education (FAPE). The school failed to consistently provide him access to his assistive technology device and was not delivering the appropriate related services that he needed, resulting in growing academic gaps. Disability Rights Florida advocated for Parker's educational needs, working with his family and the district. As a result, Parker was provided with an appropriate Individualized Education Plan (IEP) that included targeted goals in the areas of curriculum and learning and communication, access to the use of an assistive technology device throughout all settings, communication supports and services, and related services for Speech, Language and Occupational Therapy. Disability Rights Florida represented Parker in a mediation against the district and successfully obtained compensatory education for instruction in reading and math and communication services. Parker's mom shares that he has made substantial progress in his academics and communication skills and is growing both in independence and confidence.



## DRF Staff Restores Healthcare Services

### SUCCESS STORIES



**Adam Brockman** lives independently in his own home in the city, and because he has a disability limiting his mobility, he uses a wheelchair. Adam utilizes home and community-based services through the Medicaid Long Term Care Waiver. Adam recently transitioned from one Medicaid Long Term care plan to another and, without notice, experienced a 30-hour reduction of his critical home health care services. Disability Rights Florida worked with Adam to eliminate barriers to community inclusion and to acquire access to the long-term care services he deserved. Disability Rights Florida discovered that not only had Adam's Medicaid Long Term Care plan reduced services without notice, but that his Medicaid eligibility had been improperly terminated by the

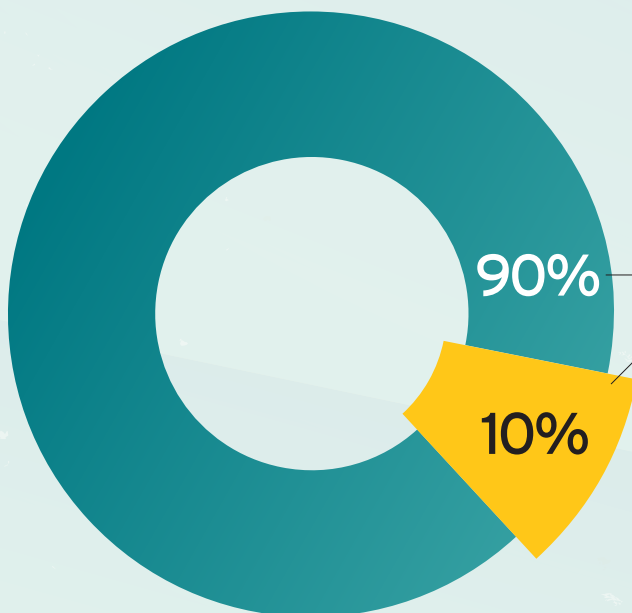
Department of Children and Families (DCF) without informing Adam. Several months prior, Adam began receiving Social Security Disability from his parent's work records as a Disabled Adult Child. Because of these increased benefits, Adam became ineligible for the Supplemental Security Income that had originally qualified him for Medicaid. However, Adam was still eligible for Medicaid under a separate category or as a Disabled Adult Child beneficiary and as a Medicaid Waiver recipient. Disability Rights Florida notified DCF of Adam's eligibility and his Medicaid benefits were restored. As a result, Adam's in-home health care services were also restored along with back pay to his provider who continued to work with Adam despite the risk of not receiving payment.

# FINANCIAL INFORMATION



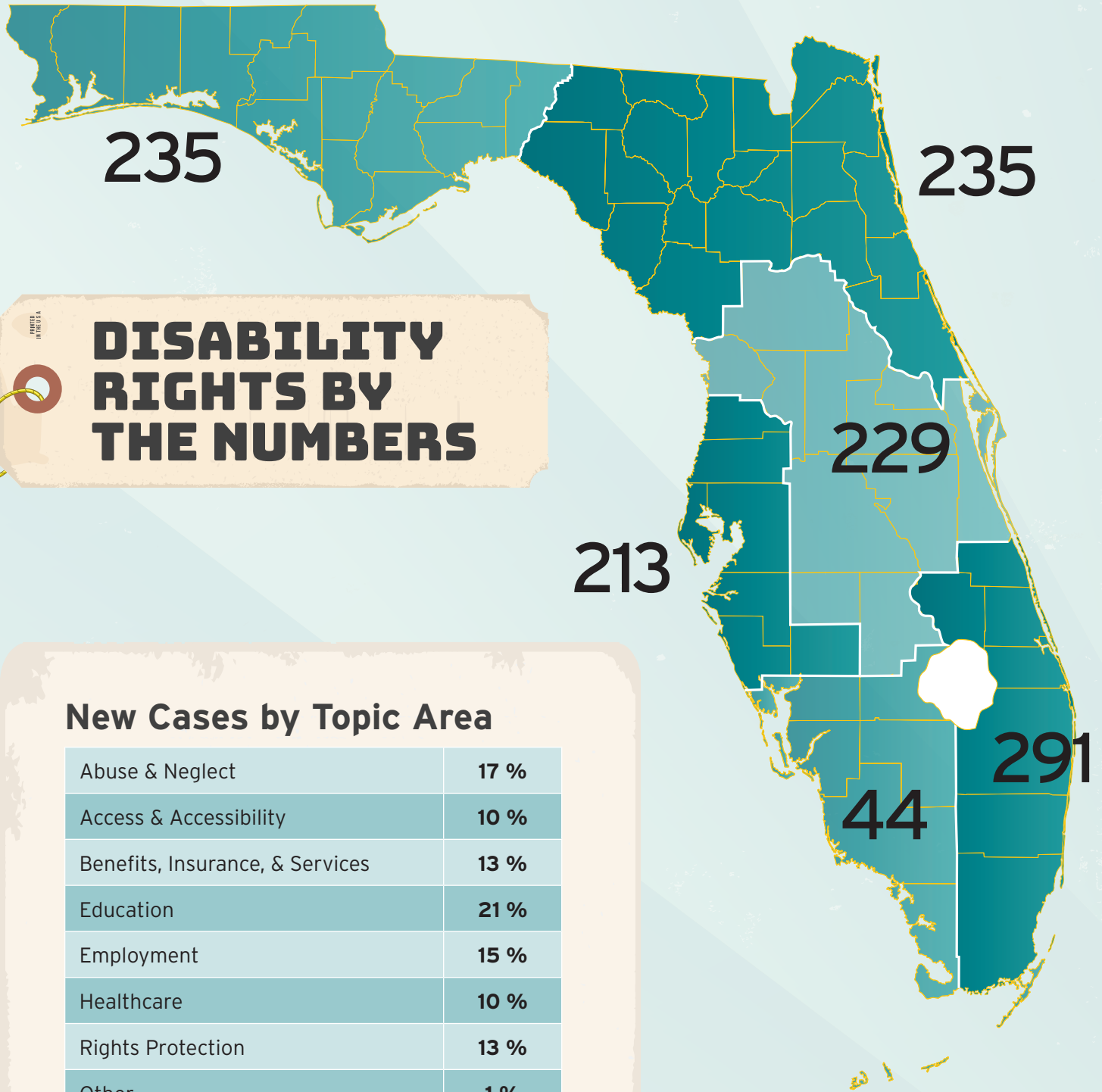
Assistive Technology - PAAT	\$156,546	2%	
Beneficiaries of Social Security - PABSS	\$177,226	2%	
Client Assistance Program - CAP	\$594,524	7%	
Developmental Disabilities - PADD	\$2,367,822	28%	
Individual Rights - PAIR	\$803,336	10%	
Individuals with Mental Illness - PAIMI	\$1,834,380	22%	
Traumatic Brain Injury - PATBI	\$127,904	2%	
Voting Access - PAVA	\$257,583	3%	
Social Security Rep Payee - SBSSB	\$1,238,978	15%	
Other Grants, Donations, and Program Income	\$774,400	9%	
<b>Total Revenues and Support</b>	<b>\$8,332,699</b>	<b>100%</b>	

## Program vs. General and Administrative



Program Services	\$6,978,343	90%
General and Administrative	\$756,860	10%
<b>Total Expenses</b>	<b>\$7,735,203</b>	<b>100%</b>

## New Cases by Region



**DISABILITY RIGHTS BY THE NUMBERS**

### New Cases by Topic Area

Abuse & Neglect	17 %
Access & Accessibility	10 %
Benefits, Insurance, & Services	13 %
Education	21 %
Employment	15 %
Healthcare	10 %
Rights Protection	13 %
Other	1 %

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Disability Rights Florida

2473 Care Drive, Suite 200 | Tallahassee, Florida 32308

800-342-0823 | TDD: 800-346-4127

[www.DisabilityRightsFlorida.org](http://www.DisabilityRightsFlorida.org)

