

The **ADVOCARE**

September 2009

West Virginia Advocates' Employment Advocacy Programs

By Susan L. Edwards, Advocate

West Virginia Advocates, Inc., the federally mandated protection and advocacy system for people with disabilities in West Virginia, has two (2) advocacy programs specifically designed to help people with disabilities get the services they need to become employed.

One of these programs is called the Client Assistance Program (CAP). CAP's purpose is to help people who want to receive services from the Division of Rehabilitation Services (DRS) (see related article "DRS Gets People Ready to Work") or a Center for Independent Living (CIL). CAP can inform people of services and benefits available under the federal Rehabilitation Act as well as the employment title of the Americans with Disabilities Act. CAP can assist, investigate and negotiate on behalf of a client or client applicant as well as pursue administrative, legal and other remedies to ensure their rights are protected. In providing assistance and advocacy under the Rehabilitation Act, a CAP agency may provide assistance and advocacy with respect to services that are directly related to employment for the client or client applicant.

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*Protecting and Advocating for
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The second WVA advocacy program related to employment is the Protection and Advocacy for Beneficiaries of Social Security. The purpose of this program is to help people who are receiving either SSI or SSDI break down the barriers to employment. Work barriers may occur in trying to obtain employment or in try-

ing to maintain a job. Barriers to employment can include but are not limited to: access to employment training and placement services such as services from an employment network or the Division of Rehabilitation services; getting a workplace accommodation; access to assistive technology; transportation; and workplace discrimination based on disability.

If you feel WVA can assist you with job training and placement services, or provide you with information on employment rights as a person with disabilities, please call us at 1-800-950-5250 and ask the receptionist to forward your information to an intake advocate.

From the Executive Director

*By Clarice Hausch,
Executive Director*

As I think about the experiences of the year that is coming to an end at West Virginia Advocates and the fiscal year we are beginning in October, I find much to be hopeful about. I think we can feel more hopeful, at least on a national level, than we have for most of the past decade. One of the important changes is that people with disabilities are being included in the decision making process by the Executive Branch of the federal government. This is important because it has the power to change cultural perceptions about disability and promote respect, equality, inclusion and opportunity for everyone in our

communities. There seems to be a greater opportunity for input at a level than can make a significant difference. The President's appointment of an individual with a disability as Special Assistant to the President for Disability Policy is a good beginning. People who live with disabilities in their life see policy issues from a deeper and often wiser perspective than policy makers whose experience is limited to watching from the outside. The signing in July by the United States of the United Nation's International Convention on the Rights of Persons with Disabilities after many years of refusing to sign onto this document is a public declaration of commitment by the United States to support the human

rights of people with disabilities worldwide. It is a commitment that is shamefully long overdue, but none the less an important commitment. The Executive Order signed by President Obama repealing the government restrictions on embryonic stem cell research broadens the opportunity for scientific breakthroughs that have the potential to develop medical treatment choices that could improve the lives of millions of people. The American Recovery and Reinvestment Act contains hopeful economic indications that funding for disability needs, the real engine that drives (or fails to drive) access to community living, is finally being considered instead of being ignored as it has for so many

years. Inclusion of funding for programs intended to improve access to education services (IDEA), assisting states to fund their Medicaid programs, and increased funding to the states for vocational services are all important opportunities that can benefit people with disabilities. While this stimulus money is only short term funding, if used creatively it can make a difference.

On June 22, 2009, President Obama marked the tenth anniversary of the Supreme Court Olmstead decision by designating this year as "The Year of Community Living." The President directed Health and Human Services (HHS) and Housing and Urban Development (HUD) to work together to identify ways to improve access to housing, community supports and independent living arrangements for older people and people with disabilities. This type of inter-agency collaboration is essential if the changes necessary to eradicate the institutional

bias so common in America is to occur. Secretary Sebelius has directed the Administration on Aging (AOA), the Centers for Medicare & Medicaid Services (CMS), the Office for Civil Rights, the Office of the Assistant Secretary for Planning and Evaluation, and the Substance Abuse and Mental Health Services Administration to form an HHS Coordinating Council to work together toward solutions that address barriers to community living and give people more control over their lives and the supports they need. It is our shared responsibility to make sure that these policy makers hear from us about what is needed. We will be living with the results for a long time to come. This is especially important here in West Virginia where our state government is firmly entrenched in funding the institutional bias and reluctant to initiate the real changes needed to make community living a reality for all people, with or without a disability. There is an old

saying that talk is cheap. Certainly a presidential declaration does not progress make, but it does open the door to create change. As the director of an agency, I can tell you that if leadership at the top takes on a commitment to accomplish something, things happen that would not have happened without that directive. It will take time to know if the spirit of hope will really result in change. However, it is a good and necessary thing to be able to feel hope. It encourages and re-energizes us to continue on in our pursuit of justice and equality. There are many challenges to be met in the coming months and years because equality for people with disabilities, although it absolutely is a right, is also an elusive reality. We must all prepare and challenge ourselves to contribute to the possibilities in ways that will change the future. Opportunity is knocking; let's make sure we aren't empty handed when we open the door.

WV Special Education Forum

As people have learned about the Special Education Forum, they have started joining, and we expect more activity with the start of the school year. If you have questions regarding Special Education in West Virginia, please register for WVA's Special Education Forum at <http://seforum.wvadvocates.org/>

DRS gets people ready to work.

The Division of Rehabilitation Services (DRS) is West Virginia's primary vocational rehabilitation resource for people with disabilities who want to work. DRS helps many West Virginians prepare for careers consistent with their interests and abilities. DRS helps many more to maintain their current employment if a functional limitation is making it difficult to continue working.

Vocational rehabilitation provides direct, personalized and confidential services. During the vocational rehabilitation process, a counselor works one-on-one with each client to plan an individualized program to enable the client to meet his or her employment goals.

Each DRS client actively participates in planning his or her services, and how those services will be delivered. Ser-

vices may include evaluation, restoration, vocational training, occupational tools and equipment, assistive technology and job placement assistance. Work-related counseling is the most essential service offered by DRS and is provided throughout the rehabilitation process. A trained counselor will be available to answer questions, help with problems and offer guidance toward achievement of vocational goals. A successful rehabilitation may take anywhere from several months to several years.

Are you eligible? Eligibility is based on three factors:

- you have a physical or mental condition that interferes with your ability to get or keep a job;

- you can benefit from services in terms of an employment outcome; and
- you need vocational rehabilitation services to get or keep a job.

After you have been determined eligible for services, evaluation, counseling, job development and placement services are provided at no cost to you. You may be required to share the cost of some services, but your rehabilitation counselor will talk to you about any costs before services start.

For more information about the West Virginia Division of Rehabilitation Services, call toll-free 1-800-642-8207 (voice/TDD). On the Web, visit www.wvdrs.org.

This article was provided by Tracy Carr, DRS

The West Virginia Work Incentives, Planning, and Assistance (WIPA) Project

Many individuals with disabilities who receive Social Security benefits (Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI)) want to work or increase their work

activity. One barrier for these individuals is fear of losing health care and other benefits if they work. The Social Security Administration has valuable work incentive programs that can extend benefits, but

are often poorly understood and under used. The West Virginia Work Incentive Planning and Assistance (WIPA) Project seeks to disseminate accurate information to Social Security beneficiaries with dis-

abilities about work-incentive programs and issues related to such programs, to enable them to make more informed decisions regarding work.

The WIPA Project (formerly named Benefits, Planning, Assistance, and Outreach (BPAO) Project) is a direct result of the Ticket to Work and Work Incentives Improvement Act of 1999. The Ticket to Work Program provides most people receiving Social Security disability benefits more choices for receiving employment services. Under this program the Social Security Administration issues tickets to eligible beneficiaries who, in turn, may choose to assign those tickets to an Employment Network (EN) of their choice to obtain

employment services, vocational rehabilitation services, or other support services necessary to achieve a work goal. The EN, if they accept the ticket, will coordinate and provide appropriate services to help the beneficiary find and maintain employment.

The WIPA Project's main objective is to dispel the myths that people who receive Social Security disability benefits cannot work. Many people believe that working will cause their entire cash benefits to stop. Most believe that working will cause them to lose medical services provided by SSA. In almost all cases, this is simply not true. Working while receiving Social Security benefits IS possible, and

in most cases makes the most financial sense.

Community Work Incentive Coordinators (CWICs) around the state provide services to all West Virginia SSDI and SSI beneficiaries age 14 and older with disabilities. CWICs will meet with you in your local community and discuss how your specific benefits will be affected by work. For more information about the WIPA Project, or to schedule an appointment to talk with a CWIC, please visit www.cedwvu.org/programs/wipa/index.shtml or call Jennifer Tenney, Program Manager, at (304) 293-4692.

This article was provided by Jennifer E. Tenney, Center for Excellence in Disabilities.

M-WIN: Affordable Health Coverage for Workers with Disabilities

The Medicaid-Work Incentive (M-WIN) allows working West Virginians with disabilities or chronic health conditions to "buy into" the Medicaid program to get or keep health care coverage through Medicaid. Presently over 1000 citizens in 51 counties across West Virginia participate in M-WIN.

To qualify for M-WIN you must:

- Be a resident of West Virginia;
- Be employed in paid work earning at least minimum wage;
- Have a disability or chronic health condition as determined by the WV Department of Health and Human Resources (DHHR) Medical Review Team;
- Have unearned income

no greater than \$694 per month for 2009;

- Be between 16 and 65 years of age; and
- Meet certain asset or resource limits.

To apply for M-WIN, contact your county DHHR office. If you do not know where the office is, call the DHHR Office of Client Services at 800-642-8589 or go on the Bureau for

Children and Families section of the DHHR website at www.wvdhhr.org.

Once you have been determined eligible, you pay a \$50 enrollment fee that includes the first month's premium. After that you pay a monthly premium based on your monthly gross income for full Medicaid coverage. The premium can be as little as \$15 per month.

A recent survey of over 900 M-WIN members let us know that people in this program

are relieved to have health care coverage. They are able to see their doctors and get the medical services that they need.

M-WIN was developed through a Medicaid Infrastructure Grant from the United States Department of Health and Human Services Centers for Medicare and Medicaid Services. The lead agency is the West Virginia Division of Rehabilitation Services in collaboration with the DHHR Bureau for Medical Services. Technical assistance for M-WIN is provided by the

Center for Excellence in Disabilities.

For more information about M-WIN please contact: Jack Stewart at 304-293-4692 (Voice) or 800-518-1448 (TDD); or Angela Vaught at 304-720-3200 (Voice or TDD).

Web site: www.cedwvu.org/programs/gateways/mwin

This article was provided by Angela Vaught, Center for Excellence in Disabilities.

The Ticket to Work Program and Other Work Incentives

If you receive Social Security or Supplemental Security Income disability benefits, you now have more opportunities to test your ability to work. You have:

- More choices when seeking employment services;
- Increased options for health care coverage;
- Local benefit planning services;
- A simpler process to get benefits started again if your medical problem keeps you from continuing to work; and
- A Ticket to Work.

How does the Ticket program work?

The Ticket to Work program is voluntary. You get free training, job referrals and other services you need to work. You can give your "ticket" to an approved provider of your choice. The provider can be either the state vocational rehabilitation agency or an employment network. You and the provider work together to make a work plan. The plan states exactly what services the provider will furnish.

If you work with a state vocational rehabilitation agency and your Ticket is not assigned to them, once they close your

case you may assign your Ticket to an employment network if you are still eligible to participate in the Ticket program.

What is an employment network?

An employment network is a group that may help you find a job and provide other employment services for free. They are listed on the MAXIMUS website.

What is MAXIMUS?

MAXIMUS, Inc. is a company that helps Social Security run the ticket program. For more information on the program,

call MAXIMUS toll-free at 1-866-968-7842 (TTY 1-866-833-2967). The MAXIMUS website is www.yourtickettowork.com.

Will I lose my cash benefits?

If you have completed your trial work period, are working and have substantial earnings, your Social Security disability benefits may be stopped. There are some work incentives that may allow you to keep your cash payments for a while, and your benefits can be quickly started again when your income drops or you stop working.

Supplemental Security Income (SSI) payments are reduced as earnings increase until your benefits are completely eliminated by your earnings.

For a complete explanation of how earnings affect your benefits, get a copy of the publication, *Working While Disabled—How We Can Help* (Publication No. 05-10095), or a copy of the *Red Book* (Publication No. 64-030).

Will I lose my health care if I go back to work?

No, not necessarily. Most Medicare beneficiaries keep their Medicare coverage for at least 8.5 years after returning to work.

Some states continue Medic-

aid coverage or allow working people to buy it.

See related article “M-WIN: Affordable Health Coverage for Workers with Disabilities” for information on the West Virginia program.

What if I go back to work and then stop?

You can ask Social Security to start your benefits again, including Medicare or Medicaid. You will not have to apply again if your disability causes you to stop working within five years after your benefits stopped. You also may get temporary benefits—as well as Medicare or Medicaid—for up to six months while Social Security reviews your case.

Will my working trigger a medical review?

If you are participating in the Ticket program, and making timely progress pursuing your return to work plan, you will not get a medical review.

Where can I get more information?

The Work Incentives Planning and Assistance organizations give information and assistance to people who are receiving Social Security or SSI disability benefits and attempt to work.

Their staff will:

- Contact people getting Social Security or SSI disability payments (and their families) to tell them about ways that Social Security supports work efforts;
- Help people understand how work affects their payments; and
- Explain what other federal, state and local supports are available to help people with disabilities who work.

See related article “The West Virginia Work Incentives, Planning, and Assistance (WIPA) Project” for more information on the West Virginia program.

For additional Ticket information, contact MAXIMUS, Inc. Its website and phone numbers are listed above.

The Social Security Administration (SSA) can answer specific questions from 7 a.m. to 7 p.m., Monday through Friday. They can provide information by automated phone service 24 hours a day at 800-772-1213, or 800-325-0778 for TTY.

SSA treats all calls confidentially. They also want to make sure you receive accurate and courteous service. That is why they have a second Social Security representative monitor phone calls.

This article was adapted from SSA Publication No. 05-10060.

WV Advocates Donates Special Education Books to Local Libraries

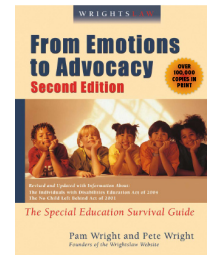
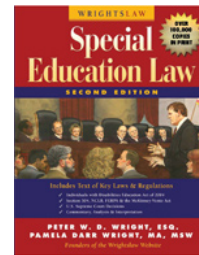


In August, West Virginia Advocates donated state of the art resources on special education law and advocacy from Wrightslaw to 100 branch libraries throughout the state in our effort to promote self-advocacy. Wrightslaw is a nationally acclaimed organization specializing in the development of resources to train educators, attorneys and individuals with disabilities and their families in special education law, rights and advocacy.

Pamela Wright to students and parents so that they can be better prepared and stronger self-advocates.

If you would like access to these resources, you can visit your local public library. If your library has not received these materials, please ask them to contact West Virginia Advocates at 1-800-950-5250 and request them.

It is our hope that the libraries will provide "Wrightslaw: Special Education Law", 2nd Edition and "Wrightslaw: From Emotions to Advocacy", 2nd Edition - The Special Education Survival Guide by Peter and



Brittany Given from West Virginia Advocates (left) presents two Special Education Books to Toni Blessing (right) at the Kanawha County Public Library.

October is National Disability Employment Awareness Month

Congress designated each October as National Disability Employment Awareness Month (NDEAM). The annual celebration of National Disability Employment Awareness Month heightens awareness while recognizing the contributions of Americans with disabilities to both our workforce and our society. This effort to educate

the American public about issues related to disability and employment actually began in 1945, when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week." In 1962, the word "physically" was removed to acknowledge the employment needs and contributions

of individuals with all types of disabilities. In 1988, Congress expanded the week to a month and changed the name to "National Disability Employment Awareness Month."

The theme of this year's National Disability Employment Awareness month is "Expectation + Opportunity

= Full Participation". It is important that we ensure, as a nation, both people with disabilities and their employers expect they will fully participate in our workplaces.

"People with disabilities must be woven into our work culture. Already, we benefit from the incredible array of talent they bring to our workplaces.

But we must raise the bar, we must create the inexorable expectation that people with disabilities will contribute in every way to our economic successes. Only by nurturing this expectation and providing people with disabilities with unlimited employment opportunities, can we all benefit from their talents." -Kathy Martinez, Assistant Secretary,

Office of Disability Employment Policy

This article and more information can be obtained by contacting the Office of Disability Employment Policy at 1-866-ODEP-DOL (633-7365) or visiting the website at <http://www.dol.gov/odep/>.

Disability History Week

West Virginia was the first state to pass a bill establishing a Disability History Week. House Bill 4491 was passed by the Senate on March 8, 2006 and signed by Governor Joe Manchin on April 3, 2006. As a result, the third week in October is now designated as Disability History Week in West Virginia, and public schools are required to provide instruction on disability history and disability rights. This initiative was led by the 2005 Youth Disability Caucus, and supported by the West Virginia Statewide Independent Living Council (WVSILC).

What is it?

States are taking an important step in the promotion of further understanding and awareness of disability history and the disability rights move-

ment by designating a week (or more) to acknowledge the role and contributions of individuals with disabilities in our society. During an established Disability History Week, states will require their public schools to infuse instruction and activities related to disability history into the existing school curriculum.

Why?

It is important that our youth understand history in order to appreciate how individuals with disabilities were once viewed and treated. During Disability History Week, students will be provided with the opportunity to learn how people with disabilities were instrumental in changing history, and how they became active participants in changing societal attitudes about their

needs, desires and capabilities. By teaching disability history in schools, we are taking the necessary steps to ensure that history is not repeated and that there continues to be movement towards an even more accessible society in future generations.

When?

Many states are following the precedent set by West Virginia in establishing the third week of October as Disability History Week. Thus far, all states are targeting the month of October, which is also National Disability Employment Awareness Month.

This article and more information can be obtained by visiting The Museum of Disability History's website at www.disabilityhistoryweek.org.

WVA's Fiscal Year 2010 Priorities and Objectives

**Acronyms after Objectives indicate funding source and targeted populations. See explanation of Programs.*

Priority 1: Children and Youth with Disabilities Receive a Free and Appropriate Public Education in the Least Restrictive Environment.

Objectives:

1. WVA will represent up to four (4) students in due process proceedings in cases that meet WVA's case selection criteria (see footnote #1). (PADD, PAIMI, PAIR, PATBI, PAAT)
2. WVA will provide five (5) trainings to parents and other interested parties to increase their knowledge of self-advocacy related to student's rights under WV Department of Education Policy 2419. (PADD, PAIR, PATBI, PAAT)
3. WVA will develop a training on student's rights under IDEA with a focus on transition services. (PADD, PAIMI, PAIR, PATBI, PABSS)
4. WVA will provide technical and/or short-term assistance (see footnote #2) on behalf of students with disabilities relative to suspensions, expulsions, out-of-school environment and alternative education placements for up to fifteen (15) individuals. (PADD, PAIMI, PAIR, PATBI, PAAT)
5. WVA will maintain and facilitate a special education electronic communication network. (PADD, PAIMI, PAIR, PATBI, PAAT)
6. WVA will develop a report addressing the use of seclusion and restraint in schools in WV. (PADD, PAIMI, PAIR, PATBI)
7. WVA will provide two (2) Individualized Education Plan (IEP) clinics. (PADD, PAIMI, PAIR, PATIB, PABSS)

Priority 2: People with Disabilities are Able to Live in the Community Setting of Their Choice with Individualized Supports, Services, and Protections as Ordered in the Olmstead Decision

Objectives:

1. WVA will collaborate with a coalition to advocate systemically for citizens of West Virginia to access ventilator care services within West Virginia. (PAAT, PAIR, PADD, PATBI)
2. WVA will advocate and litigate, if necessary, for sufficient, appropriate state-wide community based services for individuals with mental illness in order to decrease institutionalization and increase the availability of accessible and affordable community based services for individuals with mental illness. (PAIMI)
3. WVA will advocate systemically for participants of the Title XIX Home and Community Based MR/DD Waiver to have choice of service providers as required by the Centers for Medicare and Medicaid Services (CMS). (PADD, PATBI)
4. WVA will systemically monitor West Virginia Department of Health and Human Resources (WVDHHR) compliance with the Centers for Medicare and Medicaid Services (CMS) assurances for the Title XIX Home and Community Based MR/DD and Aged/Disabled Waivers. (PADD, PATBI, PAIMI, PAIR)
5. WVA will provide outreach for up to five (5) veteran's centers regarding services for veterans with Traumatic Brain Injuries (TBI) and Post Traumatic Stress Disorder (PTSD). (See Footnote 5) (PATBI, PAIMI)
6. WVA will monitor contested discharges by West Virginia Department of Health and Human Resources' (WVDHHR) contracted service providers and WVDHHR's oversight of the discharge process. (PADD, PAIMI, PAIR, PATBI)
7. WVA will offer a continuing education training for attorneys in an area of disability rights law. (PADD, PAIR, PAIMI, PATBI)

Priority 3: People with Disabilities Who are Institutionalized in State Psychiatric Hospitals are Aware of and Able to Exercise Their Rights.

Objectives:

1. WVA will conduct a minimum of forty-eight (48) monitoring visits to the two (2) State Psychiatric Hospitals (See footnote #6). (PAIMI)

2. WVA will open a service request for all individuals from state psychiatric hospitals who request advocacy services (see footnote #5). (PAIMI)
3. WVA will provide five (5) self-advocacy trainings to residents of the state psychiatric hospitals relative to their rights. (PAIMI)
4. WVA will advocate systemically for West Virginia Department of Health and Human Resources (WVDHHR) to reduce overcrowding at the two (2) State Psychiatric Hospitals. (PAIMI)

Priority 4: People with Disabilities are Free From Abuse and Neglect.

Objectives:

1. WVA will investigate all allegations of abuse, neglect or financial exploitation that are reported to or discovered by WVA in which there is a possibility of death, serious injury (see footnotes #1, 3 & 5) or financial harm. (PADD, PAIMI, PAIR, PATBI)
2. WVA will review investigations conducted by agencies charged with investigating abuse, neglect and financial exploitation (see footnote #4) in the State psychiatric hospitals to assess the quality and adequacy of the investigations that come to the attention of WVA pursuant to WVA case selection criteria (see footnote 1). (PADD, PAIMI, PATBI)
3. WVA will investigate and monitor alleged abuse/neglect during acts of seclusion, restraint, use of aversive techniques, excessive force and other punitive methods of controlling individuals with disabilities at state and private facilities (including WV schools) that are reported to or discovered by WVA and report findings to appropriate state and local agencies (see footnote 1). (PADD, PAIMI, PAIR, PATBI)
4. WVA will advocate for disability related medical/psychiatric treatment, including properly prescribed and administered medication to be available to incarcerated individuals of all ages with disabilities that come to the attention of WVA. (PAIMI, PAIR, PATBI)

Priority 5: People with Disabilities Have Equal Access to Programs and Public Buildings as Required by the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, as Amended, and the Fair Housing Act.

Objectives:

1. WVA will advocate for up to twenty-five (25) people with disabilities who meet WVA's case selection criteria (see footnote 1). (PADD, PAIMI, PAIR, PATBI)
2. WVA will collaborate with other community agencies and grass roots organizations to address systemic issues regarding rights violations associated with housing. (PADD, PAIMI, PAIR, PATBI)
3. WVA will distribute self-advocacy materials from WVA and/or outside sources relative to program access. (PADD, PAIMI, PAIR, PATBI, PAVA)
4. WVA will provide public education on the rights of individuals with disabilities who use service animals. (PAIR)

Priority 6: People with Disabilities Who Require Assistive Technology Have Access to it.

Objectives:

1. WVA will provide advocacy for up to twenty-five (25) people with disabilities to gain or maintain access to assistive technology and related supports (see footnote #5). (PAAT)
2. WVA will provide training and outreach to targeted areas of the state to increase awareness of the right to access assistive technology. (PAAT)
3. WVA will monitor the WV Bureau of Medical Services compliance with the Centers for Medicare and Medicaid Services (CMS) regulations for providing assistive technology. (PAAT)

Priority 7: People with Disabilities Have Equal Access to Employment and Employment-Related Services.

Objectives:

1. WVA will provide services to all individuals who call WVA for assistance who are receiving/applying/eligible for services from the West Virginia Division of Rehabilitation Services (WVDRS), a Center for Independent Living, supported employment programs and other programs funded under the Rehabilitation Act, as amended and are not satisfied with these services (see footnote #5). (CAP)
2. WVA will provide services to all individuals who call WVA for assistance who are Supplemental Security Insurance/Social Security Disability Insurance (SSI/SSDI) beneficiaries and who want to work but encounter barriers per the priorities established by the Social Security Administration (SSA) (see footnote #5). (PABSS)
3. WVA will provide ongoing outreach and self advocacy training for individuals eligible under the CAP and PABSS programs related to obtaining, maintaining, or regaining employment. (CAP, PABSS)

Priority 8: People with Disabilities are Able to Exercise Their Right to Vote (See Footnote #5).

Objectives:

1. When complaints are received, WVA will act to increase equal access for all eligible individuals with disabilities to participate in the voting process, including polling places, voting equipment, and voter registration. (PAVA)
2. WVA will educate at least twenty-five (25) people with disabilities about the voting process and their right to vote. (PAVA)
3. WVA will work in conjunction with the Secretary of State's office to educate at least twenty-five (25) public officials about the rights of people with disabilities to register and vote. (PAVA)

Priority 9: WVA Will Take a Leadership Role in Organizing Consumers and Stakeholders Around the State to Form a Self-Advocacy Network.**Objectives:**

1. WVA will contact consumers and stakeholders to form a workgroup to develop a self-advocacy network. (PADD, PAIMI, PAIR, PATBI, PABSS, CAP, PAAT, PAVA)
2. WVA will actively participate on various committees, coalitions, and other types of groups with grassroots advocacy missions. (PADD, PAIMI, PAIR, PATBI, PABSS, CAP, PAAT, PAVA)
3. WVA will develop and conduct outreach to educate underserved populations, including people who are homeless, about their disability rights. (PAIMI, PADD, PAIR, PATBI)
4. WVA will develop and conduct outreach to increase public awareness of Traumatic Brain Injury (TBI) in at-risk populations. (PATBI)

Footnotes

1. Criteria used to select cases for direct representation are:
 - (a) in agreement with the WVA's mission;
 - (b) the vulnerability of the client or the potential to effect policy or systemic change;
 - (c) consistent with ethical standards;
 - (d) possesses sufficient legal merit;
 - (e) funds/resources must be available.

Abuse investigations will be prioritized as follows: suspicious death, seclusion & restraint, eminent threat of harm, sexual misconduct and complaints originating in locations with repeated complaints of abuse and neglect.

In complaints where abuse or neglect are currently being investigated by law enforcement, WVA will delay its investigation pending the outcome of an investigation completed by law enforcement.

Non-priority case compelling – These service requests may raise issues that meet federal funding eligibility and that WVA may want to address, but which do not fall within the agency's priorities and objectives. These service requests may include emerging issues.

2. Technical Assistance = Information and assistance specific to a particular problem such as coaching a person with a disability in self-advocacy.

Short Term Assistance = Time limited advice and assistance which may include: reviewing information/records; counseling a person with a disability on actions one may take; and/or assisting a person with a disability in preparing letters or other documents, or making calls to resolve their issue.

3. "Serious injury" is defined as physical harm, injury or death to an individual with disabilities and includes, but is not limited to acts such as: rape or sexual assault; striking; the use of excessive force when placing an individual with disabilities in bodily restraints; or use of restraints not in compliance with state and federal laws.
4. Agencies may include, but are not limited to, the West Virginia Department of Health & Human Resources and its various divisions, the West Virginia Department of Education and local education agencies, law enforcement agencies, etc.
5. This objective is based on the requirements of WVA's federal funders and the Authorizing Acts:

PADD: Developmental Disabilities Assistance and Bill of Rights (DD) Act of 2000

CAP: Rehabilitation Act of 1973, as amended, Title I, Part B, Sec. 112; 29 U.S.C. 732

PAIMI: Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, as amended in 2000

PAIR: Protection and Advocacy for Individual Rights (PAIR) Program of the Rehabilitation Act

PAAT: Public Law 108-364: The Assistive Technology Act of 2004

PABSS: Ticket to Work and Work Incentives Improvement Act of 1999, as amended ("TWWIIA"), 42 U.S.C. § 1320b-21

PATBI: Title XIII of the Traumatic Brain Injury Act, as part of the Children's Health Act of 2000 (Public Law 106-310)

PAVA: Protection and Advocacy for Voting Access program of the Help America Vote Act

6. Monitoring is defined as having a visible, consistent, long-term presence in the state hospitals to increase the clients' confidence and trust, to be responsive to all concerns and to act on those that fit within WVA's statutory mandate and chosen priorities. Monitoring also includes the systematic process for addressing areas of likely rights violations.

Additional notes about WVA:

Numbers used in objectives are solely for the purpose of reporting outcomes to federal funders. They do not limit the number of individuals actually served. Actual numbers

served beyond the targeted number will depend upon agency resources.

Outcomes of all priorities and objectives will be measured by documentation maintained in WVA's database and reported on the annual program performance reports for each of WVA's Federal programs.

Priorities are based on a three (3) year cycle. Objectives may or may not be carried into the next fiscal year.

WVA Outreach/Training:

WVA provides general and targeted outreach and educational presentations to people with disabilities, professionals and the community at large with preference given to unserved and under-served populations.

Information and Referral (I&R):

WVA provides Information and Referral to all callers related to disability rights issues. Individual program budgets determine availability of services.

Programs

- CAP Serves individuals who have applied for or are receiving services from DRS, Center for Independent Living, supported employment programs, and other programs funded under the federal Rehabilitation Act.
- PAAT Serves children and adults with disabilities who need assistive technology devices and related support services to maintain or increase their skills, independence, and community integration.
- PABSS Assists individuals who receive SSI or SSDI break down barriers to employment.
- PADD Serves individuals with developmental disabilities or a severe & chronic mental or physical impairment that begins before age 22 and investigates abuse & neglect complaints on their behalf.
- PAIMI Serves individuals with significant mental illness or emotional impairment and investigates abuse & neglect complaints on their behalf.
- PAIR Serves individuals with disabilities that substantially limit one or more major life activities and who are not eligible for advocacy under any other federal program.
- PATBI Serves individuals with traumatic brain injury who are significantly limited in activities of daily living.
- PAVA Carries out the mandate of the "Help America Vote Act", legislation passed to ensure that individuals with disabilities can fully participate in the electoral process.

Editorials

West Virginia Advocates is currently accepting editorials and letters to the editor. We will sort through submissions and will choose one to print in our next edition of the Advocare. The subject should be disability related.

This is a chance to have your voice heard on the issues that affect you. You may submit your editorials and letters to:

*WV Advocates
1207 Quarrier St Ste 400
Charleston, WV 25301;
Facsimile: (304) 346-0867; or
E-mail: wvainfo@wvadvocates.org*

West Virginia Advocates reserves the right to edit content as WVA deems necessary. By submitting content you authorized WVA to use and print your content, name, and any other information you submit. If you wish to remain anonymous, please indicate this prominently in your submission.

Suicide and Crisis Hotlines in West Virginia

A list of suicide and crisis hotlines available in WV can be found at this web address:
<http://suicidehotlines.com/westvirginia.html>

National Suicide Hotlines: 1-800-SUICIDE and 1-800-273-TALK
1-800-784-2433 1-800-273-8255

National TTY Suicide Hotline: 1-800-799-4TTY (4889)

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WVA, 1207 Quarrier St Ste 400, Charleston, WV 25301

Community Corner

Community corner is a place in our newsletter for you to read information on disability related organizations, events, activities, etc. in our community. If you know of an event that is disability related from your community and want to see it published in our newsletter, please contact us at (800) 950-5250; wvainfo@wvadvocates.org; or 1207 Quarrier St Ste 400, Charleston, WV 25301.

2009 Disability Celebration & Awareness Forum

October 21, 2009 – 10:00 AM to 4:00 PM
Mercer Mall, Bluefield, WV

CELEBRATING THE EMPOWERMENT AND CONTRIBUTIONS OF PERSONS WITH DISABILITIES

- Displays/Exhibits
- Workshops/Speakers
- Door Prizes throughout the day
- Resources for finding employment
- Education and training opportunities
- Disability Mentoring Day Celebration
- Demonstrations of Assistive Technology
- Discover local support groups and inclusive fun activities
- Information for Employers on Hiring or Keeping Employees with Disabilities

Find out what is available for you or loved ones who have a disability while celebrating the contributions of persons with disabilities in our community and throughout the world.

For more information please contact: Debbie Pittman at 304-327-4129, Carol Brewster at 304-425-1256 Ext 141, or Melody Cochran at 304-431-2706

E-mail: ability.celebration@gmail.com

Also check out our web site at: www.celebrate-ability.org

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