



OMB Approval No.: 0980-0162

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# PATBI Project Performance Report

## For Year FY2018

## Individual Advocacy (Non-Case Services)

### Information and Referral Services (I&R)

\* - Required field

Information and Referral Services (I&R)

| I&R  | Total Number |
|--|--------------|
| Total Individuals Receiving I&R Services*            | 21           |
| Total Number of I&R requests during the Fiscal Year* | 23           |

### Training Activities

\* - Required field

Number of Trainings Presented by Staff\* 9

Number of Individuals Who Attended These Trainings\* 530

**Describe at least two (2) trainings presented by the staff. Be sure to include information about the topics covered, the purpose of the training, and a description of the attendees**

Training Event #1

#### Topics Covered\*

Practical Animal Law CLE- a DRA attorney made a presentation for continuing legal education (CLE) credits for attorneys at the University of Arkansas at Little Rock Bowen School of Law. The training covered service animals, emotional support animals, and case law involving both, since the ADA and Fair Housing law vary with regards to the use of support animals.

#### The Purpose of the Training\*

The purpose of the training was to inform and educate attorneys about DRA services and current laws regarding both service and emotional support animals.

**A Description of the Attendees\***

Attorneys who were seeking CLE's and wanted to learn more about laws regarding service and emotional support animals.

Training Event #2

**Topics Covered\***

Arkansas Fair Housing Commission (AFHC) Annual Conference presentation- a DRA attorney participated on a panel for a discussion about reasonable accommodations in housing. DRA primarily spoke about emotional support animals, service animals, architectural accessibility, and programmatic accessibility.

**The Purpose of the Training\***

The purpose of the training was to increase participants' understanding of the concept of reasonable accommodations in housing, particularly as it pertains to issues of service and support animals and architectural and programmatic accessibility in housing.

**A Description of the Attendees\***

Attendees included housing providers, both public and private, as well as real estate agents, landlords, and anyone interested in housing issues.

## Public Relations and Outreach

\* - Required field

### **Describe the agency's outreach efforts to previously unserved or underserved individuals including minority communities \***

DRA participated in an expungement event hosted by Central Arkansas Legal Services (CALs), a legal aid agency. This event provided DRA with increased exposure to individuals from varied socio-economic backgrounds who were seeking to expunge criminal records. This population is an historically under-served population in Arkansas. Participants spoke with DRA staff and were provided information about DRA services and DRA's role in providing advocacy services for people with disabilities. Although DRA does not possess statistics on the number of individuals requesting assistance with expungement who have sustained a traumatic brain injury due to attendees not being asked about their disabilities, DRA is confident that at least some of these individuals possess such a diagnosis.

DRA also participated in a Martin Luther King, Jr. Day of Service event. DRA staffed an information table and spoke to many individuals attending this event, educating them about DRA services and how DRA advocates for individuals with disabilities, including individuals who have sustained a traumatic brain injury. This event was a great opportunity for outreach to African-Americans and other racial minorities in central Arkansas.

DRA provided information and educated attendees of the Our House Summer of Justice event. Our House is a Little Rock-based non-profit that provides services to homeless individuals and families, so this was an opportunity for DRA to provide information to individuals with disabilities who are experiencing, or who have recently experienced, homelessness. As with the expungement training, attendees were not asked about their disability status, but DRA is confident there are individuals among the homeless population who have a diagnosis of traumatic brain injury.

### Public Relations and Outreach

| <b>Method of Dissemination</b>                                       | <b>Total number of each method used by your agency during the reporting period to distribute information to the public</b> |
|--|--|
| <b>Radio and TV Appearances by Agency staff*</b>                     | 0  |
| <b>Newspaper/Magazine/Journal articles Prepared by Agency Staff*</b> | 0  |

| <b>Method of Dissemination</b>                                     | <b>Total number of each method used by your agency during the reporting period to distribute information to the public</b> |
|--|--|
| <b>PSAs/videos Aired by the Agency*</b>                            | 0  |
| <b>Website Hits*</b>   | 39720  |
| <b>Publications/Booklets/Brochures Disseminated by the Agency*</b> | 907  |

## External Media Coverage of Agency Activities

\* - Required field

### Radio/TV coverage

N/A

### Newspapers/Magazines/Journals

N/A

### PSAs/Videos

N/A

### Publications/Booklets/Brochures

The total of 907 publications represents 105 brochures specific to the PATBI program disseminated, as well as 252 DRA information packets (which includes the PATBI brochure along with other agency brochures), and 550 DRA general brochures.

## Individual Advocacy (Case Services)

### Individuals Served

\* - Required field

Individuals Served

| What to Count  | Number   |
|--|----------|
| Individuals served as of October 1 (Carried over from previous FY).* | 3        |
| Additional individuals served during the year.*                      | 1        |
| <b>Total individuals served during the year.*</b>                    | <b>4</b> |
| Individuals with more than one (1) intervention opened/closed FY.*   | 0        |
| Individuals served as of September 30.*                              | 0        |

### Problem Areas/Complaints of Individuals Served

\* - Required field

Problem Areas/Complaints of Individuals Served

| Problem Areas/Complaints                               | Number   |
|--|----------|
| <b>Abuse (total)</b>                                   | <b>0</b> |
| 1. Inappropriate Use of Restraint & Seclusion*         | 0        |
| 2. Involuntary Treatment*                              | 0        |
| 3. Physical, Verbal, & Sexual Assault*                 | 0        |
| 4. Excessive Medication*                               | 0        |
| 5. Financial Exploitation*                             | 0        |
| 6. Other*  | 0        |
| <b>Access to Administrative or Judicial Processes*</b> | <b>0</b> |

| <b>Problem Areas/Complaints</b>                                 | <b>Number</b> |
|---|---------------|
| <b>Access to Records*</b>                                       | 0             |
| <b>Advance Directives*</b>                                      | 0             |
| <b>Architectural Accessibility*</b>                             | 0             |
| <b>Assistive Technology (total)</b>                             | 0             |
| <b>1. Augmentative Communication Devices*</b>                   | 0             |
| <b>2. Durable Medical Equipment*</b>                            | 0             |
| <b>3. Vehicle Modification/ Transportation*</b>                 | 0             |
| <b>4. Other*</b>  | 0             |
| <b>Aversives (including ECT)</b>                                | 0             |
| <b>Civil Commitment</b>   | 0             |
| <b>Criminal Justice</b>   | 0             |
| <b>Custody/Parental Rights*</b>                                 | 0             |
| <b>Education (total)</b>  | 0             |
| <b>1. FAPE: IEP/IFSP Planning/ Development/ Implementation*</b> | 0             |
| <b>2. FAPE: Discipline/ Procedural Safeguards*</b>              | 0             |
| <b>3. FAPE: Eligibility*</b>                                    | 0             |
| <b>4. FAPE: Least Restrictive Environment*</b>                  | 0             |
| <b>5. FAPE: Multi-disciplinary Evaluation/Assessments*</b>      | 0             |
| <b>6. FAPE: Transition Services*</b>                            | 0             |
| <b>7. Other*</b>  | 0             |
| <b>Employment Discrimination (total)</b>                        | 1             |
| <b>1. Benefits *</b>  | 0             |

| <b>Problem Areas/Complaints</b>   | <b>Number</b> |
|---|---------------|
| <b>2. Hiring/Termination*</b>   | 0             |
| <b>3. Reasonable Accommodations*</b>  | 1             |
| <b>4. Service Provider Issues*</b>  | 0             |
| <b>5. Supported Employment*</b>   | 0             |
| <b>6. Wage and Hour Issues*</b>   | 0             |
| <b>7. Other*</b>  | 0             |
| <b>Employment Preparation*</b>  | 0             |
| <b>Financial Benefits (total)</b>   | 0             |
| <b>1. SSDI Work Incentives*</b>   | 0             |
| <b>2. SSI Eligibility*</b>  | 0             |
| <b>3. SSI Work Incentives*</b>  | 0             |
| <b>4. Social Security Benefits Cessation*</b>   | 0             |
| <b>5. Welfare Reform*</b>   | 0             |
| <b>6. Work Related Overpayments*</b>  | 0             |
| <b>7. Other Financial Entitlements*</b>   | 0             |
| <b>Forensic Commitment*</b>   | 0             |
| <b>Government Benefits/Services*</b>  | 0             |
| <b>Guardianship/Conservatorship/Substitute Decision Maker*</b>                                | 2             |
| <b>Home &amp; Community Based Services including Discharge Planning Transition Follow-up*</b> | 0             |
| <b>Healthcare (total)</b>   | 1             |
| <b>1. General Healthcare*</b>   | 0             |
| <b>2. Medicaid*</b>   | 1             |
| <b>3. Medicare*</b>   | 0             |

| <b>Problem Areas/Complaints</b>   | <b>Number</b> |
|---|---------------|
| <b>4. Private Medical Insurance*</b>  | 0             |
| <b>5. Other*</b>  | 0             |
| <b>Housing (total)</b>  | 0             |
| <b>1. Accommodations*</b>   | 0             |
| <b>2. Architectural Barriers*</b>   | 0             |
| <b>3. Landlord/Tenant*</b>  | 0             |
| <b>4. Modifications*</b>  | 0             |
| <b>5. Rental Denial/<br/>Termination*</b>   | 0             |
| <b>6. Sales/Contracts/<br/>Ownership*</b>   | 0             |
| <b>7. Subsidized Housing/<br/>Section 8*</b>  | 0             |
| <b>8. Zoning/Restrictive<br/>Covenants*</b>   | 0             |
| <b>9. Other*</b>  | 0             |
| <b>Immigration *</b>  | 0             |
| <b>Juvenile Justice*</b>  | 0             |
| <b>Neglect (total)</b>  | 0             |
| <b>1. Failure to Provide<br/>Necessary or Appropriate<br/>Medical Treatment*</b>          | 0             |
| <b>2. Failure to Provide<br/>Necessary or Appropriate<br/>Mental Health Treatment*</b>    | 0             |
| <b>3. Failure to Provide<br/>Necessary or Appropriate<br/>Personal Care &amp; Safety*</b> | 0             |
| <b>4. Other*</b>  | 0             |
| <b>Post-Secondary Education*</b>  | 0             |

| <b>Problem Areas/Complaints</b>  | <b>Number</b> |
|--|---------------|
| <b>Non-Medical Insurance*</b>  | 0             |
| <b>Privacy Rights*</b>   | 0             |
| <b>Public Accommodations*</b>  | 0             |
| <b>Rehabilitation Services (total)</b>   | 0             |
| <b>1. Communications Problems (Individuals/ Counselor)*</b>                      | 0             |
| <b>2. Conflict About Services To Be Provided*</b>                                | 0             |
| <b>3. Individual Requests Information*</b>                                       | 0             |
| <b>4. Non-Rehabilitation Act*</b>  | 0             |
| <b>5. Private Providers*</b>   | 0             |
| <b>6. Related to Application/ Eligibility Process*</b>                           | 0             |
| <b>7. Related to IWRP Development/ Implementation*</b>                           | 0             |
| <b>8. Related to Title I of ADA*</b>   | 0             |
| <b>9. Other Rehabilitation Act-related problems*</b>                             | 0             |
| <b>Suspicious Death*</b>   | 0             |
| <b>Transportation (total)</b>  | 0             |
| <b>1. Air Carrier*</b>   | 0             |
| <b>2. Paratransit*</b>   | 0             |
| <b>3. Public Transportation*</b>   | 0             |
| <b>4. Other*</b>   | 0             |
| <b>Unnecessary Institutionalization including identification and assessment*</b> | 0             |
| <b>Voting (total)</b>  | 0             |

| <b>Problem Areas/Complaints</b>                 | <b>Number</b> |
|---|---------------|
| <b>1. Accessible Polling Place / Equipment*</b> | 0             |
| <b>2. Registration*</b>                         | 0             |
| <b>3. Other*</b>                                | 0             |
| <b>Other*</b>                                   | 0             |

## Reasons for Closing

\* - Required field

### Reasons for Closing

| <b>Reasons for Closing Individual Advocacy Case File</b> | <b>Number</b> |
|--|---------------|
| <b>All Issues Resolved in Client's Favor*</b>            | 2             |
| <b>Some Issues Resolved in Client's Favor*</b>           | 1             |
| <b>Other Representation Found*</b>                       | 0             |
| <b>Individual Withdrew Complaint*</b>                    | 0             |
| <b>Services Not Needed Due to Death or Relocation*</b>   | 0             |
| <b>Individual Not Responsive to Agency*</b>              | 0             |
| <b>Individual's Case Lacked Merit*</b>                   | 0             |
| <b>Conflict of Interest*</b>                             | 0             |
| <b>Agency Withdrew from Case*</b>                        | 1             |
| <b>Lack of Resources*</b>                                | 0             |
| <b>Not Within Priorities*</b>                            | 0             |
| <b>Issue Not Resolved in Client's Favor*</b>             | 0             |
| <b>Other*</b>  | 0             |
| <b>Total</b>   | 4             |

## Intervention Strategies Used in Serving Individuals

\* - Required field

### Intervention Strategies Used in Serving Individuals

| <b>Individual Advocacy Service</b>               | <b>Number</b> |
|--|---------------|
| <b>Short Term Assistance*</b>                    | 3             |
| <b>Systemic/Policy Activities*</b>               | 0             |
| <b>Investigation/Monitoring*</b>                 | 0             |
| <b>Negotiation*</b>                              | 0             |
| <b>Mediation/Alternative Dispute Resolution*</b> | 0             |
| <b>Administrative Hearing*</b>                   | 1             |
| <b>Individual Investigation*</b>                 | 0             |
| <b>Legal Remedy/Litigation*</b>                  | 0             |
| <b>Class Action Suits*</b>                       | 0             |
| <b>Total</b>                                     | 4             |

## Investigations of Abuse and Neglect

\* - Required field

**Describe any full investigations conducted by the agency by providing the major areas of investigation and the groups likely to be affected. Address the major outcomes of the investigations during the fiscal year. Be sure to include at least three case examples that demonstrate the impact of the agency's investigations.\***

No investigations of abuse/neglect were conducted for PATBI-eligible individuals.

### Death Investigations

| Type of Death                                       | Total Number |
|---|--------------|
| Number of Formal Death Reports Received*            | 0            |
| Number of Informal/External Death Reports Received* | 0            |
| Number of Death Investigations*                     | 0            |

**Describe any death investigations conducted by the agency during the fiscal year and any subsequent activities resulting from these investigations. Also include the major outcomes of the death investigations.\***

No death investigations were conducted involving PATBI-eligible clients.

## Monitoring

\* - Required field

**Describe any monitoring conducted by the agency by providing the major areas of non-litigation-related monitoring activities and the groups likely to be affected. Address the major outcomes of the monitoring activities during the fiscal year. Be sure to include at least three case examples that demonstrate the impact of the agency's monitoring activities.\***

A small amount of PATBI funds were expended for the monitoring of the state's five Human Development Centers (HDC's), which are large, public institutions for individuals with a primary diagnosis of intellectual/developmental disabilities (I/DD). Two percent of the cost of monitoring these facilities was funded with PATBI funds, due to the fact that an individual can be considered eligible for these services if they sustained a traumatic brain injury prior to the age of 22 that resulted in significant cognitive deficits. The major outcome of this monitoring protocol was to identify and address issues with insufficient assistive technology devices and services at one of the five HDC's. This was successfully addressed, and is detailed in the PAAT PPR. DRA continued in FY2018 to attend regular meetings of the Trauma Advisory Council's Rehabilitation Subcommittee meeting; this has been a very effective way to keep abreast of activities by the state agency that works with citizens who have sustained a traumatic brain injury, and was a very good resource for understanding the impact of traumatic brain injury in Arkansas via a review of their quarterly statistics, which are tabulated from data that hospitals statewide submit to the Trauma Rehabilitation Program.

**Describe any monitoring conducted by the agency related to court orders or case settlements by providing the major areas of monitoring and the groups likely to be affected. Address the major outcomes of the litigation-related monitoring during the fiscal year. Be sure to include at least three case examples that demonstrate the impact of the agency's litigation-related monitoring.\***

DRA did not conduct any court-ordered monitoring during FY2018.

## Systemic Litigation

\* - Required field

### 1. Total Number of Non-Class Action Lawsuits Filed\*0

#### a. Number of Non-Class Action Lawsuits Filed During Fiscal Year (new for fiscal year)\*0

#### b. Number of Non-Class Action Lawsuits Filed at Start of Fiscal Year (carryover from prior fiscal year)\*

0

### 2. Total Number of Class Action Lawsuits Filed\*0

#### a. Number of Class Action Lawsuits Filed During Fiscal Year (new for fiscal year)\*0

#### b. Number of Class Action Lawsuits Filed at Start of Fiscal Year (carryover from prior fiscal year)\*

0

### 3. Describe the agency's litigation/class action activities. Explain how individuals with disabilities benefited from such litigation. If possible, estimate the number of individuals potentially impacted by changes resulting from the litigation. Be sure to include at least three case examples that demonstrate the impact of the agency's litigation.\*

DRA proposed to intervene in an ongoing lawsuit between Legal Aid of Arkansas and the Arkansas Department of Human Services (DHS) regarding the invalid rule-making that resulted in a Waiver program not supplying adequate care for individuals with disabilities. DRA proposed to impact future rule-making endeavors on the underlying issue by asking the court to exercise its superintendent authority on the future rule DHS would be proposing to fix the problems encountered in the current rule. DRA also proposed to represent those individuals who would be harmed by the rule's invalidation, were the court to grant Legal Aid's requested relief, an interest neither side represented. DRA was ultimately not permitted to intervene; however, the court did exercise superintendent authority over the department, and ordered the department to correct its rule-making. The relief granted by the court positively impacted a number of individuals with disabilities whose services had been reduced by the invalid rule-making, and caused DHS to reevaluate their rule-making process, resulting in a more transparent executive rule-making process in other DHS divisions. Five percent of the cost of this project was allocated to the PATBI program.

## Group Advocacy

### Other Non-Litigation Systemic Advocacy

\* - Required field

**1. Number of Policies/Practices Changed as a Result of Non-Litigation Systemic Activities\***

0

**2. Describe the agency's systemic activities. Be sure to include information about the policies that were changed and how these changes benefit individuals with disabilities. If possible, estimate the number of individuals potentially impacted by such policy changes. Also include at least three case examples of how the agency's systemic activities impacted individuals served.**

# Priorities and Objectives

## Report on Priorities

\* - Required field

1. Abuse, Neglect, and Exploitation: Individuals with disabilities will be free from abuse, neglect, and exploitation, including the use of restraint and seclusion.

### Priority Number/Name

Abuse, Neglect, and Exploitation: Individuals with disabilities will be free from abuse, neglect, and exploitation, including the use of restraint and seclusion.

### Describe the Need, Issue, or Barrier Addressed

Individuals with disabilities receiving services, particularly residential services, are at risk of abuse, neglect, and exploitation; depending on the setting, they may also be subject to the inappropriate use of restraint and/or seclusion.

### Indicators

PATBI determines a successful outcome based on whether the complaint of the individual was substantiated.

PATBI determines a successful outcome based on whether the complaint of the individual was remedied to reduce the risk of recurrence.

### Outcome (Check one below)

Not Met

### Describe any external or internal implementation problems for outcomes marked “not met” or “partially met.”

This priority was not met because DRA did not receive any requests for service involving allegations of abuse or neglect of a PATBI-eligible individual.

### Total Number of Cases Handled

0

2. Community Integration- Individuals with disabilities will have access to community- based services, those who are being discharged or transferred from facilities and institutions will have access to adequate supports and services in the community, those with serious mental health conditions will have timely access to behavioral health services, and individuals will have the right to make their own decisions through the use of supported decision-making and other alternatives to guardianship.

### Priority Number/Name

Community Integration- Individuals with disabilities will have access to community- based services, those who are being discharged or transferred from facilities and institutions will have access to adequate supports and services in the community, those with serious mental health

conditions will have timely access to behavioral health services, and individuals will have the right to make their own decisions through the use of supported decision-making and other alternatives to guardianship.

**Describe the Need, Issue, or Barrier Addressed**

Individuals with disabilities receiving services, particularly those who are institutionalized but wish to live in the community and those who live in the community but are at risk of institutionalization, often face daunting obstacles in transitioning to a community setting and/or accessing services sufficient in scope to optimize their chances of success in a community setting. Individuals who have sustained a significant traumatic brain injury can be at risk for losing their rights regarding self-determination and making their own life choices. A particular barrier for people with traumatic brain injuries in Arkansas is the absence of a TBI commission, and the lack of a TBI Waiver program.

**Indicators**

PATBI determines a successful outcome based on whether the complaint of the individual was substantiated and remedied to reduce the risk of recurrence.

PATBI determines a successful outcome based on whether sufficient services are provided, appropriate transition plans are developed, and barriers to access are reduced or eliminated.

PATBI determines a successful outcome based on whether the individual prevails in guardianship proceedings or, if guardianship is granted, the guardianship is limited in scope.

**Outcome (Check one below)**

Achieved

**Total Number of Cases Handled**

3

**Illustrative Cases (at least one specific case description showing the success)**

DRA was contacted by a PATBI-eligible individual whose father had been appointed his guardian; the client wanted to have this guardianship revoked or modified to be less restrictive. A DRA advocate met with the client and his guardian and presented them with information about limited guardianships, less restrictive alternatives to guardianship, and the legal requirements of the existing guardianship. The client and his guardian indicated they would consider making changes to the current guardianship order. DRA was contacted by a PATBI-eligible individual whose mother was appointed his guardian and representative payee. A DRA advocate met with the client to discuss his situation; during this meeting, there were no indications of abuse, neglect, or exploitation of the client being perpetrated by the guardian. The client did not want to consent to allow DRA to speak with his guardian, however, so DRA could only provide the client with information on guardianship alternatives.

**3. Access-** Individuals with disabilities will have architectural access to public and private facilities and programs, access to assistive technology to maintain and/or increase functional capabilities, access to effective communication, and will have the right to utilize service and support animals in relevant settings.

**Priority Number/Name**

Access- Individuals with disabilities will have architectural access to public and private facilities and programs, access to assistive technology to maintain and/or increase functional capabilities, access to effective communication, and will have the right to utilize service and support animals in relevant settings.

**Describe the Need, Issue, or Barrier Addressed**

People who have sustained a traumatic brain injury often face barriers in public settings, both architectural and programmatic, that infringe on their rights under the ADA to access businesses, facilities, and programs. Additionally, people who have sustained a TBI can encounter issues in housing regarding the use of a support animal.

**Indicators**

PATBI determines a successful outcome based on whether the complaint of the individual was substantiated and remedied to reduce the risk of recurrence.

PATBI determines a successful outcome based on whether an individual who was previously unable to access a business, facility, or program is subsequently able to do so.

**Outcome (Check one below)**

Not Met

**Describe any external or internal implementation problems for outcomes marked “not met” or “partially met.”**

DRA did not receive requests for service under the Access priority from PATBI-eligible clients that rose to a case level of service.

**Total Number of Cases Handled**

0

**4. Education-** Students with disabilities will be provided with a free appropriate public education (FAPE) in the least restrictive environment (LRE), will receive accommodations, health plans, and nursing services needed to ensure their safe participation as part of a free appropriate public education, will have access to meaningful, non-discriminatory graduation opportunities, including diplomas, and will receive adequate transition planning and services from school to post-secondary settings, and will have access to reasonable accommodations in post-secondary educational settings. Students with disabilities that impact their behavior who are being suspended, expelled, arrested at school, or placed in a restrictive setting will receive a FAPE in the LRE.

**Priority Number/Name**

Education- Students with disabilities will be provided with a free appropriate public education (FAPE) in the least restrictive environment (LRE), will receive accommodations, health plans, and nursing services needed to ensure their safe participation as part of a free appropriate public education, will have access to meaningful, non-discriminatory graduation opportunities, including diplomas, and will receive adequate transition planning and services from school to post-secondary settings, and will have access to reasonable accommodations in post-

secondary educational settings. Students with disabilities that impact their behavior who are being suspended, expelled, arrested at school, or placed in a restrictive setting will receive a FAPE in the LRE.

**Describe the Need, Issue, or Barrier Addressed**

The educational system in Arkansas continues to fall short in meeting the needs of students with disabilities in the public school system, particularly with regards to exclusion from school in response to behaviors that are a manifestation of their disability but are not identified as such, the under-identification of students in need of specialized services, placements in more restrictive environments than necessary and appropriate to meet the students' needs, and a lack of meaningful transition services. The primary barrier to ensuring all eligible students receive appropriate services is the overwhelming number of requests for services both DRA and the Parent Training Information Center (PTI) continue to receive.

**Indicators**

PATBI determines a successful outcome based on the appropriate identification of students in need of services.

PATBI determines a successful outcome based on the return to a school setting with appropriate services for students who have been excluded from school, and on the placement of students in lesser restrictive settings than the placement of the students at the time assistance was requested from DRA.

**Outcome (Check one below)**

Not Met

**Describe any external or internal implementation problems for outcomes marked “not met” or “partially met.”**

DRA did not receive requests for service under the Education priority from PATBI-eligible clients that rose to a case level of service.

**Total Number of Cases Handled**

0

5. Employment- Individuals with disabilities will be free from discrimination in employment and will receive reasonable accommodations in employment.

**Priority Number/Name**

Employment- Individuals with disabilities will be free from discrimination in employment and will receive reasonable accommodations in employment.

**Describe the Need, Issue, or Barrier Addressed**

Meaningful employment is very important to many individuals with disabilities living in the community; however, individuals who have sustained a traumatic brain injury often require one or more accommodations to be successful in their work, particularly when returning to a job

they had prior to their injury. DRA has found that individuals in Arkansas do sometimes encounter discrimination in their employment post-injury, including difficulties in securing needed accommodations in employment.

**Indicators**

PATBI determines a successful outcome based on whether the complaint of the individual was substantiated and remedied.

PATBI determines a successful outcome based on whether the individual is able to sustain employment for at least some period of time once they have received accommodations.

**Outcome (Check one below)**

Partially Met / Continuing

**Describe any external or internal implementation problems for outcomes marked “not met” or “partially met.”**

DRA did not receive more than one request for service involving employment discrimination or reasonable accommodations needed for employment that rose to a case-level of service.

**Total Number of Cases Handled**

1

**Illustrative Cases (at least one specific case description showing the success)**

A PATBI-eligible client DRA has previously assisted returned to work after a medical leave of absence, only to learn that his job assignment and physical work location had been changed while he was gone. This client requested advocacy assistance to review an existing accommodations agreement to see if changes were needed, given the new assignment and work location. A DRA advocate met with the client and his wife to review the existing agreement. An agenda and talking points were developed in preparation for a meeting with his employer. The DRA advocate also attended the meeting at the client’s request, and successfully facilitated new accommodations for the client applicable to his changed job assignment and physical work location.

## Agency Accomplishments

\* - Required field

### **Describe the most significant accomplishments of the agency during the fiscal year\***

DRA monitored proposed rules and policy changes impacting Medicaid, and drafted and submitted several sets of public comments regarding systemic changes to Medicaid services, supports, and benefits that impact persons with disabilities. While not specific to PATBI, and while no actual changes occurred this fiscal year, this systemic work does impact the health and well-being of individuals with traumatic brain injuries who access services through Medicaid, as decision-makers are required to give consideration to the public input they receive prior to making changes to services.

DRA continued its collaboration with post-acute TBI rehabilitation programs and the Arkansas Trauma Rehabilitation Program (ATRP) to co-sponsor the fourth annual Brain Injury Survivors conference. This conference is designed specifically for people who have sustained brain injuries, their family members, and their caregivers, and focuses on various aspects of healing and recovery. The conference is free and lunch is provided; time is always allotted at the end of the day for attendees to share their stories and what has helped them in their recovery.

In a case reflecting significant changes to Arkansas' service system for people with disabilities, DRA represented a PATBI-eligible individual who sustained a traumatic brain injury as a result of a sports accident. His injury also resulted in quadriplegia, and he requires attendant care to perform all of his activities of daily living. He receives services through the Arkansas Department of Human Services Division of Aging and Adult Services (DAAS) Home and Community Based Waiver program, known as ARChoices. For several years under the program, he received 242 hours of attendant care per month, the maximum number of hours allowable. In FY2018, DAAS adopted a new program to assess individuals based on the level of assistance they require or the treatments they receive. The client's attendant care hours were reduced by half under the new assessment, at which point he requested assistance from DRA in appealing this decision. Notably, if the client chose to receive tube feeding, his hours would have only been reduced by 25%. A DRA attorney appealed on the client's behalf, and asked that the client's attendant care hours remain at their pre-assessment level during the pendency of the appeal. At the hearing, DRA presented evidence from the client's medical care provider that indicated the client would likely die without the maximum number of hours available under the program, and the case was remanded to the agency for review. The agency again decided to reduce the client's hours of attendant care, and DRA again appealed the decision, asking that the client's attendant care hours remain at their pre-assessment level during the pendency of the appeal. The hearing officer upheld the agency's determination of hours, despite similar testimony from the client's medical care providers. Contemporaneously to the DRA attorney's handling of the hearings, Legal Aid of Arkansas challenged the legality of the promulgation of the new assessment system through litigation. Following the hearing officer's latter decision, DRA attempted to intervene in the litigation in order to enjoin DAAS from reducing this client's hours. The client was not permitted to intervene, but DHS agreed to allow the client to receive attendant care services at his pre-assessment level until they

promulgate a new system of assessment in FY2019. DRA is monitoring these systemic changes to services for people with disabilities closely, and will determine appropriate interventions as the process develops.

## Agency Administration

### Grievances Filed Against the Agency

\* - Required field

**1. PATBI grievances filed against the agency during the fiscal year \***

0

### Collaborative Efforts

\* - Required field

**1. Identify issues selected for network collaboration: \***

DRA collaborated across grants, and with the state's University Centers for Excellence in Developmental Disabilities (UCEDD), to monitor proposed rules and policy changes impacting Medicaid, resulting in the submission of several sets of public comments regarding systemic changes to Medicaid services, supports, and benefits that impact persons with disabilities. While no actual changes occurred this fiscal year, this systemic work does impact the health and well-being of individuals with traumatic brain injuries who access services through Medicaid, as the State and its decision-makers are required to give consideration to the public input they receive prior to making changes to services. This effort will continue into FY2019, when the implementation of a managed care system is scheduled to take place.

**2. Describe any coordination with programs that are not part of the agency (e.g. state long-term care programs, etc.): \***

As noted under the Accomplishments section of this report, DRA continued collaborating with outside agencies to co-sponsor the Brain Injury Survivors Conference, which takes place every March. Despite changes in the Arkansas Trauma Rehabilitation Program, which was moved from one state agency to another and is no longer able to provide funding for the conference, and the reduction in funding for the conference from the only post-acute traumatic

brain injury facility in the state, the collaboration partners have continued to facilitate this event. An acute rehabilitation program joined the collaboration, and assisted with both decreasing costs and providing funding to keep the conference free for attendees. The conference planning meetings keep these agencies in touch with each other, and aware of each other's activities, which benefits individuals who have sustained a brain injury in a state that otherwise provides minimal supports for this population.

## General Program Information

### General Program Information

\* - Required field

#### P&A Identification

**Name of state, territory or jurisdiction\*** Arkansas

**Name of P&A system\*** Disability Rights Arkansas, Inc.

#### Main Office

**Mailing Address\*** 400 West Capitol Avenue, Suite 1200, Little Rock, AR 72201

**Phone Number of Main Office\*** <501-296-1775

#### Satellite Offices (If Any) (Add rows if needed)

##### Satellite Office #1

**Name** N/A

**Mailing Address** N/A

#### CEO Contact Information

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**Phone Number\*** <501-296-1775

#### PPR Preparer Contact Information

**Name\*** Susan Pierce

**Title\*** Director of Policy and Planning

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