

**Linking Employment, Abilities and Potential (LEAP)
2011 Advocacy Principles and Priorities**

Current Advocacy Priorities	Description
<u>AMERICANS with DISABILITIES ACT</u>	
Americans with Disabilities Act (ADA) of 1990	The ADA is the premier federal civil rights law that prohibits discrimination on the basis of disability. It covers employment, state and local governments, places of public accommodation, telecommunications, public transportation, and how the ADA relates to other federal and state laws.
As Amended by the Bill to Restore the Intent and Protections of the ADA	The Amendments primarily addressed Title I (employment). It is important that LEAP continues to monitor the implementation and the enforcement of the ADA.
<u>EMPLOYMENT and EDUCATION</u>	
Rehabilitation Act	<u>Next 3 Federal Acts all need reauthorization.</u> The Rehabilitation Act of 1973 as amended in 1978 authorizes public rehabilitation services to support persons with disabilities in independent living, work, and community integration. It created non-residential Centers for Independent Living (CILs) such as LEAP.
Workforce Investment Act (WIA)	WIA supports workforce development activities—employment, retention, quality of workforce—and targets persons with disabilities and other populations.
Individuals with Disabilities Education Act (IDEA)	IDEA establishes federal expectations and accountability for the public schools in the education of children with disabilities.
<u>INDEPENDENT LIVING</u>	<u>All of the following priorities are interconnected, as they all enable independent living and consumer choice.</u>
Olmstead Decision	In <u>Olmstead</u> , the Supreme Court held that confinement in an institution is a civil-rights violation when life in a more integrated setting in the community is possible through reasonable accommodations in supports and services. States must provide alternatives to institutionally based care, and under <u>Olmstead</u> the new Administration will need to adopt a plan to address this issue.
Expand Home First (HB 398)	Ohio recently passed Home First, which prevents or delays the institutionalization of primarily older Ohioans who receive long-term care services through the aging network by providing home- and community-based services in the setting of their choice. This concept needs to be expanded to persons with disabilities under the age of 60 who are at risk of institutionalization in a nursing facility, an ICF-MR, or a facility operated by the DD system.
Personal Assistance Services and Supports	Personal assistance services and supports assist individuals with disabilities in activities of

(PASS)	daily living or of independent living that the person would do for themselves but cannot because of a disability. Encourage Ohio to take full advantage of the new health care reform law by adding Attendant Services and Supports to its state Medicaid plans and making them available as Medicaid card services for all, not just for those on waivers, which is Ohio's current system.
Consumer-Directed Waivers/Medicaid	Most waivers have a case-management component; under this type of waiver, consumers direct their own care, including who they want to provide care.
Community Choice Act and Other Incentives to Balance Ohio's System of Long-Term Care	Under current federal law, Medicaid beneficiaries who meet all requirements are entitled to nursing-home care but not home- and community-based services (HCBS). This law would eliminate the institutional bias in Medicaid, making HCBS an entitlement along with facility-based care for those who need it. (It will need to be reintroduced in the new Congress). Encourage Ohio to take full advantage of the incentives in the new health care reform law such as the Community First Choice option and other state balancing incentives which would increase what Ohio receives in its federal match for Medicaid HCBS costs.
Home Choice (Money Follows the Person)	Under health care reform, Home Choice has been extended through 2016. This program allows residents of facilities who choose and are able to do so to transition back into the community.
Community Living Assistance Services and Supports (CLASS) Act	This act was incorporated into the federal health care reform law and should be implemented and not repealed. It will provide a federal, premium-based insurance product into which workers could contribute and when vested, could use toward their long-term care non-medical needs. It would take five years for someone to be able to receive payments.
Direct Service Support Professional Bill	This federal law would address workforce issues by increasing Medicaid reimbursement rates for these caregivers. (It will need to be reintroduced in the new Congress.)
Centers for Independent Living/Services	Increased state and federal support for CILs and their ability to provide independent living services.
Assistive Technology	Need to increase access and funding for assistive devices to support independence and self-sufficiency.
Anti-Bullying	Youth with disabilities, along with other marginalized youth, are often targeted in their schools and communities. How do we build tolerance for those who are different and help to nurture inclusive communities?
<u>HOUSING</u>	
Accessible, affordable and safe housing, including adequate federal and state funding	This is an unmet need for many in the disability community. There has been diminishing commitment on the part of the federal government to assist in developing and maintaining affordable housing. On state level, the Ohio Housing Financing Agency provides tax credits for the development of affordable, accessible, special-needs housing. The income eligibility limit for individuals/families to participate in Ohio needs to be lowered.

Universal Design/Visitability	This positive approach to architectural barriers creates communities where everyone has at least partial access. These requirements need to be incorporated into both state and local building codes.
Fair Housing Act	Support the implementation and enforcement of the Act.
<u>TRANSPORTATION</u>	
Equal Access	It is essential to improve public transportation for persons with disabilities, i.e., availability and lack of regional (cross-county) systems
Increased public transportation	Ohio's commitment to public transportation decreased 75 percent over the last decade. Federal support for operations is non-existent. The need to develop funding streams to provide alternative modes of transportation to meet the needs of transit-dependent individuals is urgent.
Air Carrier Access Act	Support the implementation and enforcement of the Act.
<u>VOTING</u>	
Equal Access	Accommodations should be made to allow persons with disabilities to exercise their right to vote.
<u>INCOME SUBSIDY</u>	
Social Security, SSI, SSDI, TANF	Issues include the privatization of social security; the tightening of the rules for SSI or SSDI, which is the income safety net for the aged, blind and disabled; and the cutting of TANF (Temporary Assistance for Needy Families)
Disability Determination Process	The process for initial determination takes too long, and the appeal process takes even longer. Many persons with disabilities are denied initially and then receive benefits upon appeal.
<u>HEALTH CARE, MEDICAID, AND MEDICARE</u>	
Preserve and defend the portions of the new federal health care reform act that specifically benefit persons with disabilities	These portions of the law include but are not limited to the prohibition against pre-existing conditions, lifetime limits, annual caps, co-pays for preventive coverage, and all of the long-term care provisions already outlined above. In 2014, Medicaid will be expanded to 133 percent of the federal poverty level, and individuals with disabilities and childless adults who are not covered now will be able to obtain health care coverage.
Medicaid Managed Care for all of Medicaid	There is discussion from the Obama administration that Ohio's Medicaid coverage should be provided by private, managed-care organizations. Ohio's current managed-care system excludes persons with disabilities on both Medicare and Medicaid, those on waivers, and

	those receiving Medicaid in institutions. Questions need to be raised as to whether this how Ohio should address the long-term care needs of persons with disabilities and those who are aging.
Medicare mobility devices/ Durable Medical Equipment (DME)	At issue is the “in the home” restriction, which states that if a person doesn’t need the device to move around their home, the device will not be covered by Medicare. This will need to be reintroduced in Congress. In addition, competitive bidding has gone into effect, which means that a person with a disability can receive their DME, including complex mobility devices, only from the winning provider. The lowest-bidding provider may not be the person’s current provider. For those with significant disabilities, this new system may mean having to deal with a variety of service providers. This new system will need to be monitored for its effect on persons with disabilities.
Ending the Medicare Waiting Period	Eligible individuals with disabilities won’t wait 24 months before they can receive coverage. A bill would need to be introduced in the new Congress.
<u>ROLE OF GOVERNMENT AND PUBLIC FUNDING</u>	
Adequate Revenue	Whether a democratic government has a responsibility to invest in its people by meeting basic human needs is an important public policy issue. In the field of disability services, the majority of consumers live in poverty, and the issue of who pays for services and supports often determines the opportunities that individuals enjoy, where they live, with whom they live, and what care and services they do or do not receive.
Federal, State and County Budget Priorities	How do we want our tax dollars to be spent in times of economic recession? What are our budget priorities and tax policies? How do our spending priorities shape our public policy decision?
Ohio Developmental Disabilities Council Issues (ODDC)	LEAP is an ODDC Center for Public Policy, and as such it is committed to advancing the Council’s public policy agenda.
Developmental Disabilities Assistance and Bill of Rights Act	This federal law needs to be reauthorized.

This document was drafted in consultation with Board Member and Chair of the Public Policy Committee Alice Sporar; Executive Director Melanie Hogan; youth advocate Christian Borrero; and Grassroots Advocate Donna Prease.

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