

A monthly publication of THE
OKLAHOMANS for
INDEPENDENT LIVING

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“Four Things You Can't
Recover:

The stone.....after the throw.
The word.....after it's said.

The occasion.....after it's
missed. The time.....after
its gone.



OLMSTEAD vs. L.C.

On June 22, 1999, the United States Supreme Court passed a ruling called *Olmstead vs. L.C.* The ruling states that the unnecessary segregation of individuals with disabilities in institutions constitutes discrimination based on disability. The court ruled that the Americans with Disabilities Act require states to provide community-based services rather than institutional placements for individuals with disabilities.

The decision is a victory because it upheld the mandate that state programs should be conducted in the most integrated settings appropriate to the needs of individuals with disabilities. Using the ADA as its basis, the decision also found that unjustified isolation is considered discrimination.

The *Olmstead* decision focused on the importance of community living, opportunities for people with disabilities and further extended the earlier efforts of

the ADA as well as the Developmental Disabilities Act and Rehabilitation Act. Because of the *Olmstead vs. L.C.*, the State of Oklahoma has implemented the *Money Follows the Person/Oklahoma Living Choice Project*. The Oklahoma Living Choice Project promotes **community living** for people of all ages who have disabilities or long-term illnesses. The project gives Oklahomans more options for managing their health care needs and adding more balance to the state's long-term care system.

OIL AND MONEY FOLLOWS THE PERSON/OKLAHOMA A LIVING CHOICE PROJECT

OIL is implementing the *Money Follows the Person/Oklahoma Living Choice Project* in the following 9 counties that OIL serves: *Atoka, Choctaw, Coal, Haskell, Hughes,*

Latimer, McIntosh, Pittsburg & Pushmataha.

OIL is assisting individuals move out of nursing homes and back into the community. A successful transition is much more than someone changing where they live. The move from a nursing home to a residence in the community is much more than a physical change. It includes an increasing sense of

self-direction and decision-making on the part of the individual who is transitioning. It often means not only living where one chooses, but also becoming a full participant in community activities. Living in the community also means developing and using informal supports as well as the more formal supports and services. Success is dependent on the individual themselves and their willingness to take a proactive role in the process and commitment to change. A nursing home environment provides little opportunity or encouragement for self-determination. Choices are made for the individual in the form of routines (when to get up, when to eat, what to eat, when to shower, when to go to bed) and an individual's

wishes and preferences may be ignored. It is sometimes challenging for an individual who has not been allowed to make decisions for many years, **to suddenly be told that he/she is in CHARGE!**

As with most things, self-determination is a process and **OIL** is providing assistance and support to these individual's as he/she takes control of their life.

Many of our personal achievements came the hard way: We took risks, fell flat, suffered, picked ourselves up, and tried again. Sometimes we made it and sometimes we didn't. Even so, we were given the chance to try. Persons with disabilities need these chances, too.

With the help of OIL and the community, this life changing event can be successful. There are many processes to consider when moving an individual from a nursing facility to the community.

One of the tasks that OIL is seeking assistance from the community is in the form of setting up a household. OIL will be providing

"Welcome Home" baskets to each individual that is moving back into the community. The basket will consist of *kitchen and bath towels, dishes, pots and pans, silverware, drinking glasses, sheets, blankets, pillows, household items for cleaning, bathroom and laundry supplies, hygiene, grooming & toileting necessities, etc.* OIL is

accepting donated items that are **new** to be put in the "Welcome Home" basket.

Whether it is you, someone you know, church group or club, OIL would greatly appreciate donated items to complete the basket. If you would like to assist, contact Stephen or Kathy at OIL
METHODIST YOUTH GROUP COMPLETES MISSION

The Central Texas Conference Youth in Mission group came to McAlester and the surrounding area to serve the community.

The youth and their adult sponsors did light home repair (painting, some roofing, sheetrock, etc), wheelchair ramp construction and repair, yard work, and windows & screens. Many of OIL consumers benefitted from their service. Thanks to them all!

JFAAN SPIRIT OF THE ADA AGENDA



Honor the Spirit of the ADA by adding your voice to the Justice for All Action Network's Spirit of the ADA Agenda

In recognition of the upcoming 20th anniversary of the signing of the landmark Americans with Disabilities Act (ADA), the cross-disability community is working together to realize the promise of the ADA by

advancing a policy agenda that will safeguard human rights and respect human dignity, enhance self-determination, and make technology work for everyone. This agenda was developed by the Justice for All Action Network (JFAAN), a coalition led by 13 national organizations run by people with disabilities with identifiable grassroots constituencies around the country.

I. Safeguard Human Rights and Respect Human Dignity

A. Pass a national health care reform bill that eliminates preexisting condition exclusions, addresses the institutional bias in the Medicaid program by passing the Community First Choice Option, does not limit or deny services based on disability or "quality of life" judgments, and includes a benefits package that contains coverage for facilitative and rehabilitative services, durable medical equipment and assistive technology devices and services so that people with disabilities can participate fully in the lives of their communities.

B. Pass the Hearing Aid Tax Credit Bill (HR 1646/S 1019) and ensure that any health care reform bill includes a benefits package that contains coverage for hearing aids and related services for children and adults, and pass the Early Hearing Detection and Intervention Act (HR 1246) to amend the Public Health Service Act regarding early

detection, diagnosis, and treatment of hearing loss.

C. End the institutional bias in Medicaid by passing the Community Choice Act (S 683/HR 1670) and working with the Obama Administration to enforce the *Olmstead v. L.C.* Supreme Court decision by directing the U.S. Department of Health and Human Services and the U.S. Department of Justice to use monitoring, administrative sanctions and litigation, as needed, to hold States accountable for ensuring people can choose to receive services in the most integrated setting.

D. Pass the Preventing Harmful Restraint and Seclusion in Schools Act (H.R. 4247/S. 2860) aimed at eliminating the use of aversives, seclusion and restraints in schools, including strong, comprehensive national standards, an effective enforcement mechanism and the involvement of the self-advocacy community in technical assistance.

E. Phase out (and ultimately eliminate) Section 14(c) of the Fair Labor Standards Act, which permits the payment of subminimum wage to workers with disabilities, and implement a multifaceted approach to achieve the goal of creating new competitive employment opportunities for workers earning subminimum wage. The phase out should prioritize creating new competitive employment opportunities for youth transitioning from school, and should include incentives for employers and

community rehabilitation programs; expanding customized, supported, and self-employment, paid community service, job restructuring and other flex arrangements.

Implementation of this policy shift must occur over time, with the shortest timeframe possible without diminishing employment opportunities for the 424,000 workers currently earning subminimum wage and those waiting for employment services.

F. Create a bipartisan Congressional Task Force on Human Genetic Technologies and Disability Rights.

II. Enhance Self-Determination

A. Amend the Developmental Disabilities Assistance and Bill of Rights Act to establish and fund self-advocate-led peer support and advocacy organizations in every state.

B. Engage with the Substance Abuse and Mental Health Services Administration (SAMHSA) to ensure that at least 20% of a state's Mental Health Block Grant money will be devoted to the developing and sustaining of consumer-run statewide organizations which ensure the voice of consumers in state mental health planning and policy formulation.

C. Engage with Secretaries Sebelius, Shinseki, and Duncan, and Commissioner Astrue to ensure that advisory groups to the following agencies be required to include at least two persons with disabilities

from each of the major disability areas as the authentic, national voice of people with disabilities: SAMHSA, Social Security Administration, Centers for Medicare and Medicaid Services, National Institute of Mental Health, U.S. Department of Veterans Affairs, U.S. Department of Health and Human Services, and the National Institute on Disability and Rehabilitation Research at the U.S. Department of Education.

D. Reauthorize the Workforce Investment Act with changes including provisions improving employment services for underserved populations, such as adults on the autism spectrum and people with chemical and electrical sensitivities, and that further embraces consumer control over our lives and consumer control over our programs and services.

III. Make Technology Work for Everyone

A. Pass the Pedestrian Safety Enhancement Act of 2009 (HR 734/S. 841).

B. Pass the 21st Century Communications and Video Accessibility Act (HR 3101).

Transportation

OIL provides lift-equipped transportation in McAlester and the surrounding area, Monday – Friday, 8:00 – 4:30. A twenty-four hour minimum notice is required. The cost is \$2 round trip in McAlester and \$4 for Krebs and Frink Chambers. Outside this area, fees are based on actual costs of gasoline needed to provide the service.

*Prices are subject to change.

C. Protect and enforce accessibility requirements in the Help America Vote Act so

that every American can vote privately and independently and so that poll workers have the training they need to implement this important law.

Are you eligible for the ADvantage Program?

Are you a person with a disability who is at least 21 years of age?

If you said "Yes" then answer the following:

Do you require assistance?

1. On a daily basis in order to live, such as eating, toileting, grooming, bathing, dressing, and moving about to accomplish the task
2. In order to maintain or support daily functioning such as taking medication, preparing meals, paying bills, shopping, laundry, transportation, etc.
3. Are you at risk for nursing home placement?

The ADvantage Program may be able to help. Contact any OIL ADvantage case manager at 426-6220 V/TDD.



