

# Monday Morning

New Jersey's Grassroots Disability Advocacy Network

October 2006

[www.njcdd.org/mondaymorning.htm](http://www.njcdd.org/mondaymorning.htm)

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## Capitol busy on eve of new Federal Fiscal Year

It was a busy last week of September in Washington, D.C., before Congress adjourned for a six-week pre-election recess. A small number of major bills and a large number of minor bills were sent to the White House for action by the President. Here is a look at the major events that took place:

### Social Security

The Disability Policy Collaboration and other disability advocates met with Social Security Administration officials regarding the ongoing implementation of the Disability Service Improvement (DSI) program's final regulations. The regulations, which revise the process for determining disability for the Social Security programs, went into effect in the New England states on August 1. The Social Security Administration will closely monitor the implementation of the DSI final regulations in New England before the regulations are rolled-out in other states.

### Medicare/Medicaid

U.S. Department of Health and Human Services (HHS) Secretary Michael Leavitt named Leslie

Norwalk as Acting Administrator of the Centers for Medicare and Medicaid Services (CMS). Leslie Norwalk, a nationally recognized expert on Medicare, has served on



the senior leadership team at CMS for the past five years, and she is currently its deputy administrator.

### Health Care

In a report about the 2007 Medicare drug plan options, the U.S. Department of Health and Human Services (HHS) found that about 95 percent of people who are dually eligible for Medicaid and Medicare and those who are eligible for extra help will not have to change plans to continue receiving coverage in no deductible or no premium plans. Beneficiaries

should expect a notice of any coverage changes from their drug plan beginning at the end of October. Nationwide, the average number of drugs included on a plan formulary will increase by approximately 13 percent, which may make more medications available to beneficiaries.

The Centers for Disease Control and Prevention has published "The Disability and Health State Chartbook 2006 - Profiles of Health for Adults with Disabilities." This report, which is located at [www.cdc.gov/ncbddd/dh](http://www.cdc.gov/ncbddd/dh), provides state level data on the number of people with disabilities and the range of health differences that exist between them and the general population.

### Americans with Disabilities Act (ADA)

House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-WI) and Minority Whip Steny H. Hoyer (D-MD) introduced the Americans with Disabilities Act (ADA) Restoration Act of 2006 (H.R. 6258), with Representative

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## Congressional Update

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John Conyers (D-MI). The co-sponsors say H.R. 6258 would “harmonize” the ADA with the Civil Rights Act of 1964 and other civil rights laws, prohibiting discrimination “on the basis of a disability” and focusing on discrimination experienced by people with disabilities instead of forcing them to prove that their disability is covered by the ADA. No Senate companion bill exists.

The U.S. Equal Employment Opportunity Commission filed a class-action lawsuit last week accusing the restaurant chain Denny’s of violating the Americans with Disabilities Act. The suit was filed on behalf of Paula Hart and numerous other unnamed employees. According to the suit, Denny’s told Hart, a restaurant manager with an amputated leg, that she could not return to work because she posed a safety risk. Hart was subsequently fired after using up her medical leave. Denny’s has nearly 1,600 restaurants in the United States and in several foreign countries.

## Emergency Preparedness

The Congress passed the FY 2007 Department of Homeland Security appropriations bill (HR 5441), which includes the Post Katrina Emergency Management Reform bill. This bill has important disability provisions, including:

- The inclusion of people with disabilities in every phase of emergency management activities at all levels of government;
- Post-disaster case management services;
- Requirements for accessible temporary and replacement housing;
- Non-discrimination in services on the basis of disability;
- A national Disability Coordinator; and
- Full accessibility in shelters, first-aid stations, mass feeding areas, transportation, communications and temporary housing.

## Voting Rights

The Committee on House Administration held a hearing to review the nation’s electronic voting systems, hearing testimony from witnesses about electronic voting machines, vote verification, security, and paper trails, as well as the “Voter

Confidence and Increased Accessibility Act of 2005” (H.R. 550). Jim Dickson, vice president of government affairs, American Association of People with Disabilities, was among the witnesses.

Source: Capitol Insider, *Disability Policy Collaboration*, [www.ucp.org](http://www.ucp.org)

## Bruno nominated for DHS top spot



**Acting DHS Commissioner Clarke Bruno with NJCDD’s Executive Director Dr. Alison Lozano (center) and Chair Maureen Babula at a recent reception.**

Clarke Bruno, an attorney who has spent most of his career working in social services, was nominated to be Commissioner of the Department of Human Services by Governor Jon S. Corzine in July, 2006.

As Commissioner, Bruno leads

# NJCDD New Jersey Council on Developmental Disabilities

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*Monday Morning* is a compilation of news stories from various sources, organized to provide information about proposed federal and state policies, programs and laws to New Jersey’s grass-roots disability community. The opinions expressed are not necessarily representative of the opinions of all or a majority of the members of the N.J. Council on Developmental Disabilities.

*Monday Morning* is an initiative of the “Monday Morning Project,” an effort by disability community advocates to mobilize people with disabilities to preserve the rights they are entitled to under current federal law; to preserve vital support services; and to give people with disabilities and their advocates a major role in determining how federal funds and matching state dollars are used.

a Department with 16,000 employees and an annual budget of more than \$9 billion that serves almost one million New Jersey residents annually. The Department administers New Jersey's Medicaid and TANF programs and operates the state's five psychiatric hospitals and seven residential centers for people with developmental disabilities. DHS also provides many other services in the community for people with a range of social service needs through contracts with non-profit agencies and organizations.

Before coming to the Department of Human Services, Bruno was General Counsel at the New York City Department of Homeless Services. There, he directed the legal affairs and spearheaded new policies that addressed the needs of homeless men, women and children. He was a key member of the management team that transformed the historically troubled agency into one of the highest performing agencies in city government.

Before joining NYC Mayor Bloomberg's Administration, Bruno was an attorney in private practice. He served on the board of directors of four not-for-profit agencies with missions ranging from economic development to health care. He began his legal career by working for a federal judge.

Before becoming a lawyer, Bruno served as director of a street outreach program, a special assistant for New York City's largest social service agency and as executive director of a housing and educational agency in East Harlem.

He also worked as a consultant for Catholic Relief Services in Brazil.

Bruno received his B.A. with honors from Swarthmore College and his J.D., cum laude, from New York University School of Law. He is married and has two children.

## Suit charges state with lagging on moving people into communities

According to a report by Gannett News, about half of the residents in New Jersey's seven developmental centers could live in the community if given the proper supports and the choice.

A federal lawsuit filed last year by New Jersey Protection and Advocacy Inc., alleges that the NJ Department of Human Services is violating the civil rights of some 1,500 developmental center residents.

"Thousands of New Jersey citizens with developmental disabilities are forced to live in large institutions unlawfully segregated and isolated from family and friends because defendant has failed to provide community-based housing programs and services for them," the suit states.

In 1999 the U.S. Supreme Court issued the Olmstead decision, which said that the unjustified institutionalization of people with disabilities violates the Americans with Disabilities Act. States must enable people with disabilities to reside in "the least restrictive setting," the decision states.

Since the decision, New Jersey has moved about 550 people out of

institutions and into the community. The state ranks 47th in the nation in the number of people with developmental disabilities living in institutions, according to the ARC of New Jersey. Only Arkansas, Louisiana and Mississippi have more.

In August, Gov. Jon S. Corzine signed a law requiring the state to develop a plan to ensure that within eight years institutionalized people with developmental disabilities could live in the community, if they wanted to and if deemed fit to do so.

A spokesperson for the department said "more needs to be done. More people need to move to the community."

The state has a waiting list of over 7,000 people living at home and waiting for community residence programs. There is no waiting list to enter the developmental centers.

## HHS announces state grants for efforts to expand access to long-term care

Health and Human Services Secretary Mike Leavitt announced nearly \$6 million in additional funding to 22 states, including New Jersey,

to expand their efforts to establish single entry points to long-term

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**HHS Secretary  
Mike Leavitt**

## Grants will expand access to long-term care

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care for families who are trying to learn about and access services in their communities.

These Aging and Disability Resource Center (ADRC) grants are part of the President's New Freedom Initiative and the Administration's commitment to bring transparency to health and long-term care so consumers can make informed decisions about their care options.

"The President has directed us to tear down the barriers that make it difficult for people who need long-term care to remain in the community," Secretary Leavitt said. "By bolstering the resource centers through these grants, states can better serve families making effective long-term care decisions for a loved one, often with little time to prepare."

To date, 43 states have received over \$40 million in support under the ADRC initiative, which is jointly administered by the Administration on Aging (AoA) and the Centers for Medicare & Medicaid Services (CMS). New Jersey's Department of Health & Senior Services as lead agency, in collaboration with the Division of Developmental Disabilities and the Division of Disability Services, received a \$400,000-grant.

States are using ADRC funds to better coordinate and redesign their existing methods for providing seniors, younger people with disabilities, and family caregivers

with information and personalized assistance in accessing services such as meals-on-wheels, personal care, housekeeping, specialized transportation, assisted living and nursing home care.

"It is technically known as the 'Systems Transformation Grant' and New Jersey applied last year but was not selected for funding," said William Ditto, director of the Division of Disability Services and a member of the NJCDD. "With encouragement from the federal agency, we re-applied this year and were victorious. It is a multi-year grant and the state will only receive 10 percent of the total award until it has submitted a detailed work plan and received federal approval. When that happens the balance of the grant will be available over three years."

For more information on the ADRC grant program, go to the Administration on Aging web site at [www.aoa.gov](http://www.aoa.gov).

## Colleen Fraser to be honored by college

New Jersey disability activist and former Council chair Colleen Fraser will be honored this month as one of Livingston College's Distinguished Alumni.

Fraser, who graduated from Livingston College in 1974, was one of the heroes of United Airlines Flight 93, who kept their plane from becoming another



**Colleen Fraser**

weapon of destruction on September 11, 2001. Fraser, an advocate for people with disabilities for 20 years, served on the New Jersey Council on Developmental Disabilities for more than 11 years. She was appointed chair of the Council by Governor James Florio in 1990 and served in that position for five years.

The college established its Distinguished Alumni Award in 2000 as the highest award it can bestow upon an alumnus. Since its inception, eight alumni have been selected for this honor.

The award, given every two years, is presented to those alumni who have distinguished themselves by achievements in their fields of endeavor, the leadership they have exhibited, and the overall benefits to society resulting from their activities.

Along with Fraser, the college will honor Avery Brooks, actor; Mark Helias, musician; Andrea D. Lyon, law professor; Liza Kirschenbaum, children's advocate; and Gregg Spiridellis, entrepreneur.

## UN agrees on disability treaty text

An international treaty that will give greater rights and freedoms to people with disabilities around the world has been agreed at the United Nations. The UN Convention on the Rights of Persons with Disabilities was adopted in New York City.

This is the first human rights treaty of the 21st Century, and the UN hopes it will mark a significant

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**UN Ambassador Don MacKay (NZ)**

## UN agrees on disability treaty text

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improvement in the treatment of people with disabilities.

The world's disabled population is estimated to be 650 million. The convention will force states to develop a different way of thinking about disability issues

Negotiations went past the deadline set by the chairman of the ad-hoc committee, ambassador Don MacKay of New Zealand.

Welcoming the agreement, he said, "I want to thank colleagues from the disability community for starting off the process and staying with it all along the way."

The treaty is expected to be adopted by the UN General Assembly during its next session.

Those countries that sign up to it will have to enact laws and other measures to improve disability rights and also agree to get rid of legislation, customs and practices that discriminate against people with disabilities.

Most notable among the countries that will not be signing is the United States, which says that it already has comprehensive laws on disability rights.

Source: BBC News

## 2006 Fellowships in Inclusive Education recipients announced

The New Jersey Council on Developmental Disabilities' Education Task Force has announced the Fellowships in Inclusive Education award winners for the 2005 school year. The recipients were honored at a luncheon in Trenton on October 12.

Fellowships of \$1,000 are awarded to the successful nominees who have excelled in encouraging the inclusion of students with disabilities in all areas of school life, including academic and non-academic activities. Awards are used to promote and expand their efforts.

**Patricia Berezny**  
Behavior Specialist / School Psychologist / Inclusion Facilitator  
Woodrow Wilson School  
Bayonne

**Amanda Charney**  
Speech Language Therapist  
Nokomis Elementary School  
Medford Lakes

**Roger Jinks**  
Superintendent  
Franklin Township School  
Washington (Warren County)

**Cathay Macysyn**  
Inclusion Coordinator

These educators have fully embraced the concept that children with disabilities have the right to be educated in the least restrictive environment and have shown a commitment to making that concept a reality for their students. They have done this, not in response to pressure from federal monitors or advocates for students with disabilities, but because they believe that this philosophy is the best way to educate all their students.

The Council is proud to present this fifth year of its Fellowship Awards by honoring these educators.

Renaissance Middle School  
Montclair

**Joseph Spano**  
District Director of Special Services / Principal  
North Cliff School  
Englewood Cliffs

**Michelle Stover**  
Certified Teacher of the Deaf  
Toms River Intermediate East  
Toms River

**Andrea Susser**  
Art Specialist  
Albert Payson Terhune  
Elementary School  
Wayne

## October is Disability Awareness Month

President George W. Bush signed a proclamation declaring October 2006 as National Disability Employment Awareness Month to promote the fundamental importance of recruiting, hiring, retaining, and advancing qualified individuals with all types of disabilities.

Supplementing the proclamation, Labor Secretary Elaine L. Chao has established the NDEAM theme for 2006 as “Americans with Disabilities—Ready for the Global Workforce.”

Here is an excerpt from the President’s proclamation:

During National Disability Employment Awareness Month, we pay tribute to the accomplishments of the men and women with disabilities whose work helps keep America’s economy strong, and we

underscore our commitment to ensuring equal employment opportunity for all of our citizens.

Our country has made great progress to ensure that opportunities are accessible to everyone who is willing and able to work. Access to jobs was significantly expanded in 1990 when President George H. W. Bush signed the Americans with Disabilities Act (ADA) into law. This important legislation has served as a foundation for strengthening our Nation’s workforce and advancing innovation and American leadership in a global marketplace.

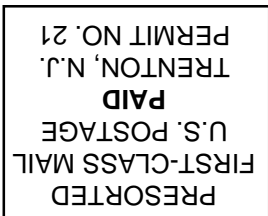
In 2001, my Administration announced the New Freedom Initiative to build on the progress of the ADA and more fully integrate men and women with disabilities into all aspects of life. The New Freedom Initiative has helped expand access to technology, training, and education for

citizens with disabilities. As a result, those who have a disability and seek employment are better able to compete for jobs. To assist in providing additional access to employment opportunities, we have also implemented the “Ticket to Work” program and strengthened training and employment services at One-Stop Career Centers.

To recognize the contributions of Americans with disabilities and to encourage all citizens to ensure equal opportunity in the workforce, the Congress, by joint resolution approved as amended (36 U.S.C. 121), has designated October of each year as “National Disability Employment Awareness Month.”

I call upon Government officials, labor leaders, employers, and the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

Return Service Requested



**monday morning**  
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