



NJ Council on Developmental Disabilities

the Council

A publication of the New Jersey Council on Developmental Disabilities

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ADA Amendments Act Signed by the President

In late September, President Bush signed The ADA Amendments Act (ADA-AA) of 2008, only days after it passed the House and Senate.

The Act was introduced in response to the Supreme Court's interpretation of key terms in the original law that significantly limited the class of individuals covered by the Act. The new law will specifically overrule a 1999 U.S. Supreme Court decision, which required that "mitigating measures" - such as medication - be taken into account when evaluating whether a person has a "disability" under the ADA.

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Fiscal Crisis Leads to Uncertainty in State and Federal Budgets

In early October, as the new federal fiscal year began, Congress approved "The Emergency Economic Stabilization Act." The bill appropriated \$700 billion in federal revenues to help stabilize the United States' financial and credit markets. Several funding extensions were attached to the bill, allowing existing education and human services' programs to continue, but only at fiscal year 2008 levels.

States – including New Jersey – have also responded to the crisis. Following the passage of the federal economic package, Governor Jon Corzine addressed a joint session of the State Legislature to describe his Administration's plan to address the effects of a protracted economic slowdown in New Jersey.

"If ever there were a time for a comprehensive, non-partisan economic plan by New Jersey's elected officials, it is in today's circumstances," Governor Corzine said. "The unprecedented and evolving financial crisis of the past several months has already significantly weakened America's, and the state's, economy. It undoubtedly will bring more severe challenges in the months ahead."

"If ever there were a time for a comprehensive, non-partisan economic plan by New Jersey's elected officials, it is in today's circumstances."

-Governor Jon Corzine

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Interested in Becoming a Council Member? The Council is in need of more self-advocate members. Persons interested in becoming a Council member should contact Andrea Orbe-Martinez in the Governor's Office of Appointments, 609.777.0251, and tell her of your interest. Only individuals with a developmental disability, or parents, family members or guardians may apply.

Report calls for specialized services for people with developmental disabilities and mental illness

The New Jersey Department of Human Services (DHS) Dual Diagnosis Task Force issued a report in mid-October outlining the needs of adults and children who are diagnosed with both a developmental disability and a mental health or behavioral health disorder. This is the first state task force dedicated to developing recommendations designed to meet the complex needs of people with this dual diagnosis.

The task force, convened last January, was charged with considering the needs of adults and children who have a dual diagnosis and the ways appropriate services may prevent the need for hospitalizations or institutionalizations. It focused on collaboration between the department's divisions of Mental Health and Developmental Disabilities, the New Jersey Department of Children and Families, and private agencies. It also reviewed best practices in service provision, crisis care, and prevention efforts.

According to the report, nearly one in three people with a developmental disability also has a mental illness or behavioral disorder.

The report recommends:

- developing collaborative county-based planning for individuals with a dual diagnosis;
- training direct-care and professional staff working with people with dual diagnoses;
- developing a continuum of crisis-response services to both prevent the need for crisis intervention and gain access to crisis-response services;
- increasing family education and support to teach effective behavior management techniques.
- developing Outpatient Service Centers to provide comprehensive assessment and evaluation, medical and dental care, integrated mental health treatment and behavior management, guidance on providing behavioral support at-home and training for the workforce.

DHS Commissioner Jennifer Valez will convene an oversight board to manage the implementation of the recommendations and identify opportunities to maximize existing resources to make change.



Resource Desk: Money Smart – A Financial Education Program

The Federal Deposit Insurance Corporation (FDIC) has created Money Smart, a training program to help adults outside the financial mainstream enhance their money skills and create positive banking relationships. The program recognizes the importance of financial education, particularly for people with little or no banking experience.

The FDIC has also developed a version of the program for youth, ages 12 - 20 to help them learn the basics of handling money and finances. Both versions of the curriculum are available in English and in Spanish. The Spanish versions can be found at <http://www.fdic.gov/consumers/consumer/moneysmartsp/index.html>, and the English versions at <http://www.fdic.gov/consumers/consumer/moneysmart/index.html>.



Mental Health Parity Bill Passes Congress

The United States Congress has enacted legislation, which requires health insurance companies to provide equal coverage of mental and physical illnesses. The legislation was an add-on to the \$700 billion economic rescue package passed by Congress and signed by the President in early October (see cover story).

The Paul Wellstone and Pete Domenici Mental Health and Addiction Equity Act of 2008 ends differing coverage by health insurance for the millions of children and adults who require mental health and addiction treatment.

The law requires parity between medical-surgical and mental health and addiction benefits in health care plans that offer mental health coverage. When signed, it will prohibit health insurance plans sponsored by businesses with 50 or more employees from imposing day and visit limits or applying different deductibles, co-payments, out-of-network charges and other financial requirements for mental health treatment.

According to the Bazelon Center for Mental Health Law, the Act will make it easier for people to obtain treatment for conditions including depression, autism, schizophrenia, eating disorders and substance abuse.

The law requires parity between medical-surgical and mental health and addiction benefits in health care plans that offer mental health coverage.



Protection and Advocacy System Gets New Name: Disability Rights New Jersey

New Jersey Protection and Advocacy, Inc., the state's designated protection and advocacy agency for persons with disabilities, has a new name, Disability Rights New Jersey (DRNJ), effective October 1. The mission of the organization is to advocate and advance the human, civil and legal rights of persons with disabilities.

According to Joseph Young, Acting Executive Director, the new name reflects the organization's identity as part of the disability rights movement.

Congress established protection and advocacy agencies in the 1970s, in response to the public exposé of conditions at New York's Willowbrook State School, which prompted public outcry for better protections

for people with disabilities. Since then, protection and advocacy systems have expanded to address a broad range of issues of concern to people with disabilities, including discrimination, accessibility, special education, voter rights, access to healthcare, public benefits and entitlements and assistive technology.

DRNJ, with a staff of 41, administers ten programs statewide, offering individual and systems legal and non-legal advocacy, outreach, education and training, and information and referral services, at minimal or no cost.

For more information about DRNJ, please call (800) 922-7233 (in NJ only); (609) 633-7106 (TTY); or visit <http://www.drnj.org>.

Disability Mentoring Day Program Helps Pair Students and Job-Seekers with Employers

The American Association of People with Disabilities (AAPD), the nation's largest cross-disability membership organization, hosted Disability Mentoring Day 2008 in mid-October.

Disability Mentoring Day is a large-scale effort designed to promote career development for nearly 20,000 students and job seekers with disabilities nationwide through hands-on career exploration and ongoing mentoring relationships.

In New Jersey, Trenton-based Allies Inc., a statewide nonprofit organization, coordinates the effort. Various companies, large and small, participated in the event, including:

- Applebee's
- Barnes & Noble Booksellers
- Bristol-Myers Squibb
- Carteret Fire Department
- Carteret Police Department
- Centrastate Healthcare Systems
- Dellridge Health & Rehabilitation Center
- Double T Ranch
- The Earle Companies
- Easter Seals
- Ernst & Young LLP
- Franklin Township Police Department
- Good Nature Health Foods
- Henry H. Kessler Foundation
- Hunterdon County Community College
- Jackson Municipal Complex
- Jackson Police Department
- Jackson Twp Recreation Department
- Lawrence Toyota
- New Jersey City University
- NJ Sports & Exposition Authority
- Novartis
- Olive Garden
- Paper Mill Playhouse
- PSE&G
- Rutgers University
- Schering-Plough
- Trenton Thunder
- Trump Entertainment Resorts
- WAWA

Students reported directly to the company with chaperones from their school and an Allies representative. There, they received career education about the particular company, which included a tour of the facility, introduction to the job functions of employees, and time with employees so students could shadow them or interview them about their job.

National Disability Mentoring Day began in 1999 as a program to increase the profile of National Disability Employment Awareness Month. It has since grown to include participation from 13,000 students and job seekers in communities throughout the U.S. and twenty-four additional countries.

For more information, contact Wendy Sturgeon at (609) 689-0136, extension 125 or email wsturgeon@alliesnj.org.

Uncertainty in State and Federal Budget

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Corzine's plan seeks to address four core needs in New Jersey:

- ① Providing immediate financial assistance for those who need it most;
- ② implementing plans for immediate short-term employment;
- ③ providing plans to encourage and enhance long-term business development; and
- ④ remaining fiscally responsible.

It is clear that State income tax and sales tax revenues will be significantly reduced, and there is already talk of midyear budget cuts in advance of a shortfall in the 2009-2010 Budget, now estimated at \$550 million. Reductions in state spending, therefore, will be central to the Corzine Administration's response. The impact on the budget for the Department of Human Services will not be known for some time, but it's clear that all departments will be asked to find savings and efficiencies in this year's budget as well as the next.

Federal Budget on Hold

In responding nationally to the fiscal crisis, Congress elected not to pass spending bills for the 2009 fiscal year, meaning there will be few if any spending increases and the federal budget will be determined after the election.

The upcoming presidential election adds even more uncertainty. Regardless of the outcome, it will be some time before the new president will implement a domestic agenda likely to have a major impact on human services or education.

Under the circumstances, a yearlong extension of the 2008 budget will presumably be the quickest way for the new president and Congress to complete the fiscal 2009 appropriations process and begin working on the 2010 budget. The new president will release a budget proposal shortly after taking office in January.

ADA Amendments Act Signed

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The ADA-AA was the result of historic negotiations between the disability and civil rights communities, and the business community, working together with the bill's sponsors in Congress.

It significantly changes the original law by:

- conforming the definition of "disability" to the federal Rehabilitation Act, which covers federal, state, and local government employees.
- removing the Supreme Court's requirement that mitigating measures be considered when determining whether an individual is protected;
- defining "major life activity" more broadly;
- clarifying that an impairment that is episodic or in remission is still considered to be a disability if it would substantially limit a major life activity when active; and,
- directing the courts to interpret the ADA more liberally, as is the case with remedial statutes.

The new law takes effect on January 1, 2009.

The Council is a publication of the New Jersey Council on Developmental Disabilities.

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The Council is a compilation of news from various sources, organized to inform people with disabilities about policies, programs, laws, trainings and events. This publication and others published by NJCDD are available in alternate accessible formats. Please call the Council for more information.



Community Calendar

- November 14 The Impact of Upcoming Changes in the Medicare Drug Benefit on Dual Eligibles with Developmental Disabilities. Sponsored by the Arc of New Jersey. The Arc/Morris, St. Elizabeth’s Center, Convent Station, NJ. Contact Diane Flynn, 732-246-2525, ext. 28, or email dflynn@arcnj.org.
- November 18 Building a New Paradigm: A Values-based Response to Demographic and Economic Realities. Sponsored by the Boggs Center on Developmental Disabilities. Mt. Laurel, NJ. For more information, call 732-235-9307 or visit <http://rwnms2.umdj.eud/boggscenter>.
- November 21 State Interagency Coordinating Council Meeting, 11:00 a.m. to 1:30 p.m., Medical Society of New Jersey, 2 Princess Road, Lawrenceville, NJ. Contact Terrie Goeke, 609-730-1522, or email tegoeke@comcast.net.
- November 21 25th Annual Conference – ‘Building Upon Our Success, Embracing Our Future.’ Sponsored by the New Jersey Association of Community Residential Providers. Atlantic City, NJ. For more information, call 609-409-1400, or visit www.njacp.org.
- December 4 Public Meeting – New Jersey Council on Developmental Disabilities. Trenton NJ. For more information, call 609-292-3745, or visit www.njcdd.org.
- December 5 The Impact of Upcoming Changes in the Medicare Drug Benefit on Dual Eligibles with Developmental Disabilities. Sponsored by the Arc of New Jersey. Arc of Monmouth County, Tinton Falls, NJ. Contact Diane Flynn, 732-246-2525, ext. 28, or email dflynn@arcnj.org.
- December 10 The Impact of Upcoming Changes in the Medicare Drug Benefit on Dual Eligibles with Developmental Disabilities. Sponsored by the Arc of New Jersey. Rutgers Cooperative Extension of Burlington County, Westampton, NJ. Contact Diane Flynn, 732-246-2525, ext. 28, or email dflynn@arcnj.org.

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