

## **CASE EXAMPLES FOR BOARD MEETING 1-28-22**

*(Cases closed between 9-17-21 and 1-21-22)*

### **ABUSE/NEGLECT**

**1. PADD 1 Use of mechanical restraints Staff: Whitney Driscoll**

Client is a 58 year-old male diagnosed with intellectual disability living in an intermediate care facility for individuals with intellectual disabilities whose guardian contacted DRI with concerns about the facility's use of helmets (mechanical restraints). DRI reviewed client's records and determined he had been subject to excessive and unnecessary mechanical restraints for years. DRI agreed to represent client and advocate for him to enforce his rights protecting him from excessive mechanical restraints. DRI worked with his treatment team from the University of Iowa to advocate for the facility to discontinue unnecessary and excessive use of mechanical restraints. DRI was successful and the facility discontinued using restraints and removed mechanical restraints from client's program plans.

*Date opened: 7-19-21*

*Date closed: 1-20-22*

**2. PADD 1 Significant weight loss Staff: Charissa Flege**

Client is a 12 year old male diagnosed with developmental disability, autism spectrum disorder, anxiety, post-traumatic stress disorder, obsessive-compulsive disorder, and bipolar disorder residing at a residential home for children. The facility failed to seek medical attention when client had sudden significant weight loss. Review of records showed failure to comply with regulations on individual service plan (ISP) updates and coordination of care between providers. DRI attended annual ISP meeting, advocated for updates and improvements in programming, requested a meeting with administration after staff declined to offer mental health care coordination and speech therapy coordination with the school district. ISP was improved and coordination of goals and interventions between speech therapists was achieved; however, facility continued to assert client would not benefit from mental health care. Guardian finally determined she wanted him to be transferred and he is on a waitlist at another facility

*Date opened: 10-22-20*

*Date closed: 10-29-21*

### **ACCESSIBILITY**

**1. PAIR 2 Access to business Staff: Charissa Flege**

Client is a 45 year-old female with mobility impairment from a leg injury who utilizes a motorized scooter for long distance travel. Client attempted to go into a storage business and was told she could not use her mobility device in the facility even though she identified it as a mobility assistance device. After client followed up with the manager, she was told she could use the device but would be charged a cleaning surcharge. DRI reviewed the information and sent a demand letter to the facility corporate office notifying them of their violation of the ADA and advising them that client would be advised to seek further legal redress if further violations of the ADA occurred. DRI advised client to access her unit as usual and contact DRI if she had further issues.

*Date opened: 8-5-21*

*Date closed: 9-20-21*

## **ASSISTIVE TECHNOLOGY**

### **1. PAAT 1 MCO denial of safety bed Staff: Emily Ehlers**

Client is a 5 year-old female diagnosed with Phelan-McDermid syndrome whose managed care organization (MCO) denied a medically necessary canopy bed. DRI agreed to represent client in a state fair hearing. Just prior to the hearing the MCO overturned the denial and approved the bed. Client will receive the necessary safety bed.

*Date opened: 10-6-21 Date closed: 11-19-21*

### **2. PAAT 2 MCO denial of power wheelchair Staff: Charissa Flege**

Client is a 3 year-old male diagnosed with congenital myopathy who requested a power wheelchair with accessories which his managed care organization (MCO) denied. DRI agreed to represent client in an internal appeal and a state fair hearing if necessary. DRI appealed internally and the MCO uphold their decision. DRI requested a state fair hearing, prepared for hearing, submitted a brief and exhibits, and represented client at hearing. Following the hearing, the denial was overturned and the MCO did not appeal. Client will receive the requested wheelchair and all accessories.

*Date opened: 5-21-20 Date closed: 1-14-21*

## **EDUCATION**

### **1. PAIMI 1 Shortened school day Staff: Daniel Van Sant**

Client is an 11-year-old male diagnosed with anxiety disorder and depression residing in the community with his family who contacted DRI with concerns client will start his 2021/2022 school year on a shortened school day due to behaviors and discipline from the previous school year. DRI reviewed special education records provided by parent and provided self-advocacy assistance over the phone and in email to assist parent in advocating for starting the new school year with a full school day. Parent reports they were successful in returning client to a full school day for the 2021/2022 school year.

*Date opened: 6-29-21 Date closed: 9-10-21*

### **2. PAIMI 1 Violation of IDEA Staff: Nathan Kirstein**

Client is a 15 year-old male diagnosed with conduct disorder, attention deficit hyperactivity disorder, and depressive disorder whose school inappropriately removed him to an interim educational homebound placement in violation of the Individuals with Disabilities Education Act (IDEA). DRI drafted a demand letter and negotiated for a full day of in-person school with appropriate supports and services. DRI successfully advocated for a full day of in-person school with appropriate supports and services through a demand letter and negotiations in the individualized education plan team meeting. DRI will be filing a complaint with the Iowa Department of Education using organizational standing to address the systemic issues in this school district.

*Date opened: 7-21-21 Date closed: 11-17-21*

### **3. PADD 1 Shortened school day Staff: Charissa Flege**

Client is an 8 year-old male diagnosed with autism spectrum disorder and attention deficit hyperactivity disorder residing in the community with his family. Client's family contacted DRI with concerns that client was placed on a shortened school day, was experiencing significant

amounts of seclusion, and his behavior plan was not being followed at school. DRI reviewed records provided by the family, attended multiple individualized education plan team meetings, attended meetings with alternative placement staff, and provided advice to the family throughout the process. Client was returned to a full school day in his residential district in a new classroom with some new staff.

*Date opened: 4-6-21*

*Date closed: 11-16-21*

**4. PADD 1 Discipline by school Staff: Nathan Kirstein**

Client is a 13 year-old male diagnosed with attention deficit hyperactivity disorder, sensory processing disorder, and learning disabilities who was inappropriately disciplined by his school causing him to only receive homebound virtual instruction one-hour per day. DRI successfully advocated through individualized education plan (IEP) team meetings for an updated functional behavior assessment (FBA), updated goals/services, extended school year services, and a longer day of in-person school that began to integrate him from the alternative school to the regular school. Client received an appropriate FBA and behavior intervention plan, appropriate IEP goals, extended school year services during the summer, and a longer day of in-person school that began to integrate him from the alternative school to the regular school.

*Date opened: 4-15-21*

*Date closed: 10-15-21*

**EMPLOYMENT**

**1. PABSS 2 SSI overpayment Staff: Emmanuel Smith**

Client is a 38 year-old male with developmental disability and Soto disease on Social Security Income (SSI) who received an overpayment due to work, and wishes help addressing the outstanding amount. DRI worked to determine if client's filed reconsideration was successful, if further efforts were needed, and current status of the overpayment. DRI verbally confirmed the reconsideration was successful but the Social Security Administration was unable to provide written confirmation. DRI wrote SSA expressing our understanding of the overpayment waived.

*Date opened: 10-31-19*

*Date closed: 9-29-21*

**2. PABSS 2 IVRS denial of support Staff: Emmanuel Smith**

Client is a 26 year-old female diagnosed with spinal muscular atrophy who will soon finish her Master's program and looking at employment. Iowa Vocational Rehabilitation Services (IVRS) told client her services will end as soon as she graduates and becomes employed. Client would like DRI to assist in compelling IVRS to continue to support her past graduation and during employment. DRI worked with IVRS to arrange continued support as client engages in a job search, and established parameters in which these services would be provided. IVRS services were preserved to enable client to fully participate in the job search process.

*Date opened: 2-25-21*

*Date closed: 8-31-21*

**3. PABSS 2 SSA overpayment Staff: Emmanuel Smith**

Client is a 27 year-old male on the autistic spectrum whose parents approached DRI as client had accumulated an overpayment due to work. Client's Guardian wanted assistance learning their rights to appeal the waiver and pursue a remedy, if possible. DRI secured needed translation service as client speaks Hmong exclusively, and began to gather needed paperwork. Gradually, DRI was able to secure client's benefit planning query, the full Social Security Administration file,

and work to both file a waiver and attend the personal conference to argue in his favor. After years of waiting for a remedy, DRI was able to confirm the full deposit of the collected waiver monies back into client's account, and send a verification of waiving letter to SSA to document our understanding of the ultimate outcome.

*Date opened: 8-11-17      Date closed: 9-29-21*

**4.      PABSS    2                                  SSA overpayment                                  Staff: Emmanuel Smith**

Client is a 28 year-old male diagnosed with intellectual disability whose benefits were garnished due to an overpayment who requested assistance to get the overpayment waived and the garnishing stopped. DRI submitted a reconsideration and a worker from Social Security Administration (SSA) confirmed to client over the phone the overpayment had been waived and the reconsideration successful. DRI verbally confirmed the reconsideration was successful, but SSA was unable to provide written confirmation for client's records. DRI wrote SSA expressing our understanding of the overpayment being waived.

*Date opened: 12-11-19      Date closed: 9-30-21*

**5.      PABSS    2                                  SSDI overpayment                                  Staff: Cynthia Miller**

Client is a 35 year-old male diagnosed with quadriplegia who received a Social Security Disability Income notice of overpayment due to employment. Client sought DRI assistance with filing for reconsideration of the overpayment amount, and later assistance in filing a waiver of the overpayment. DRI filed first for reconsideration with Social Security Administration (SSA) who ruled that the amount of the overpayment stands and no changes were made. DRI then made a records request with intention to file a waiver of the overpayment. The local SSA office put in for a short term administrative waiver, stopped collections on the client, and forwarded the overpayment to the regional office for recalculation of the overpayment. The overpayment came back at a lower amount and DRI assisted client with working out a repayment plan with SSA. Client has a recalculated and accurate overpayment and a repayment plan that meets his needs.

*Date opened: 11-21-17      Date closed: 9-28-21*

**6.      PAIR      2                                  Reasonable work accommodation                                  Staff: Emily Ehlers**

Client is a 64 year-old-male diagnosed with multiple sclerosis who requested an accommodation to work from home full time, which was denied. Client's employer offered the accommodation to work from home four hours per day. Client would like assistance obtaining a reasonable accommodation to work from home full time permanently. DRI counseled client on reasonable accommodations, employer obligations, COVID considerations, and spoke with the vice president of human resources, advocating for client to be able to work from home due to concerns related to his disability should he contract COVID. Employee's human resources department granted the accommodation reconsideration request and client can work from home until at least January 2022.

*Date opened: 8-26-21      Date closed: 9-21-21*

**GUARDIANSHIP**

**1.      PATBI    1                                  Successor guardian                                  Staff: Scott Lyon**

Client is a 20 year-old female diagnosed with childhood maltreatment syndrome secondary to abuse and neglect, schizoaffective disorder and depression. Client resides in a residential care facility and her grandmother is her appointed guardian. Guardian has failed or refused to take

action to find a rep payee so the Social Security Administration has withheld benefits and client has languished in her program for 18 months as a result. Client is seeking assistance with removing guardian and appointing qualified successor. DRI entered appearance, filed motion to remove guardian and appoint successor, appeared in court by phone on client's behalf, located and assisted with appointment of qualified rep payee so client's benefits would no longer be withheld. Guardian agreed to resign and qualified successor was appointed. Client signed agreement with professional payee service and began looking for community integrated housing options.

*Date opened: 9-9-21*                      *Date closed: 9-29-21*

**2. PADD 1 Removal of Guardian Staff: Scott Lyon**

Client is a 36 year-old male diagnosed with mild intellectual disability living in a home and community based services residence whose mother/guardian lives 90 minutes away. Guardian will not allow client to get a COVID vaccine and is attempting to force him to move in order to more closely control his decisions. Client would like assistance changing guardianship to a different individual. DRI met with and interviewed client, direct care workers, and successor guardian and filed motions for release of records to remove client's mother/guardian and appoint successor, and prepared for and attended a half day trial on client's motion. After trial, the district court removed client's mother as guardian and appointed his desired successor. No appeal from district court decision was filed.

*Date opened: 3-25-21*                      *Date closed: 11-30-21*

**3. PADD 1 Termination of guardianship/conservatorship Staff: Scott Lyon**

Client is a 39 year-old male diagnosed with Asperger's syndrome living independently in an apartment whose adoptive mother has been guardian and conservator most of his adulthood. Client is dissatisfied with how his guardian/conservator handles her role, and seeks representation to terminate guardianship and conservatorship. DRI represented client in successful district court action to terminate guardianship and conservatorship; then represented client in a petition for declaratory judgment alleging failure to account and misappropriation of client's assets by conservator. Case was resolved through mediation with former conservator agreeing to a financial settlement in exchange for release of all claims and non-disclosure agreement.

*Date opened: 8-19-20*                      *Date closed: 12-16-21*

**HEALTHCARE**

**1. PADD 1 MCO denial of pull ups Staff: Scott Lyon**

Client is an 11 year-old male on the autism spectrum who is incontinent and requires youth pull ups about ten times a day. Client's managed care organization (MCO) denied request for the number client requested, citing caps in the Department of Human Services' member handbooks. Client is seeking assistance with appeal. DRI obtained medical records, prior authorization, prepared for hearing and contacted the MCO to request it conduct an internal review and reverse its decision based on violations of the Iowa Administrative Procedure Act. Prior to hearing, the MCO reversed its decision and authorized the number of pull ups client was requesting.

*Date opened: 7-6-21*                      *Date closed: 9-30-21*

**2. PADD 1 MCO reducing CDAC services Staff: Emily Ehlers**

Client is a 32 year-old male diagnosed with cerebral palsy whose managed care organization (MCO) attempted to reduce his community directed attendant care (CDAC) services. DRI filed a first level appeal on client's behalf and the MCO reversed the reduction and approved all requested services.

*Date opened: 8-11-21 Date closed: 10-27-21*

**3. PADD 1 MCO reducing CDAC services Staff: Scott Lyon**

Client is a 49 year-old female diagnosed with cerebral palsy who receives Medicaid services through the home and community based services health and disability waiver. Client's managed care organization (MCO) notified her it was reducing community directed attendant care (CDAC) services and client is seeking assistance with the state fair hearing. DRI gathered supporting evidence, drafted and filed supporting brief, and represented client at hearing. The administrative law judge found in client's favor and ordered services restored to their prior rate. Client's MCO did not appeal further and issued notice that it would restore her services.

*Date opened: 10-7-21 Date closed: 12-10-21*

**4. PAIR 1 Medicaid reduction of services Staff: Cynthia Miller**

Client is a 43 year-old male diagnosed with quadriplegia who contacted DRI for assistance with a reduction in his Medicaid nursing services from 5 days a week to 3 days. Client also needed assistance with issues in how to obtain additional and reliable Medicaid waiver service providers in his rural area. DRI advocated with the hospital/nursing agency for a restoration of the amount of nursing services and discovered his physician's office had put in the order for the reduced amount. Client worked with his physician for a new order and continuation of his nursing services. In addition, DRI reviewed issues with client's ability to find home and community based waiver service providers in his rural area. Client is not being denied appropriate amounts of services, he just cannot find reliable and constant providers. Client is reviewing increasing his provider options by adding habilitation waiver services to his service plan, and reviewing moving to a more urban area to increase his options of finding providers. Client is a good self-advocate and has taken DRI advice on how to increase his approved nursing services and finding additional service options in his Medicaid plan or service area.

*Date opened: 2-21-20 Date closed: 9-28-21*

**5. PAIR 1 MCO reduction of CDAC services Staff: Emily Ehlers**

Client is a 67 year-old female diagnosed with quadriplegia whose managed care organization (MCO) attempted to reduce her medically necessary consumer directed attendant care (CDAC) services. DRI agreed to represent client in a state fair hearing. The morning of the hearing, the MCO agreed to approve the services and a hearing was not necessary.

*Date opened: 9-8-21 Date closed: 11-17-21*

**PRISONS AND JAILS**

**1. PAIMI 1 Medication rights Staff: Whitney Driscoll**

Client is a 26 year-old male diagnosed with significant mental illness who is civilly committed and incarcerated in prison. Client has concerns about a medication he is on, and wants to know how he can refuse to take this medication. DRI provided client information about his legal rights to

refuse medication while under a court ordered civil commitment, and offered limited assistance to ensure that his treating physicians were making medication decisions with the consideration of client's concerns and requests. Ultimately client declined DRI's representation, but received information about his rights as well as advice on how to advocate for his interests.

*Date opened: 8-11-21*

*Date closed: 9-29-21*

## **WORKING AND INCENTIVES PLANNING AND ASSISTANCE (WIPA)**

### **Staff: Mistie Johnson**

Client is a 33-year-old male diagnosed with intellectual disabilities receiving Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits who was referred to WIPA from Iowa Vocational Rehabilitation (IVR) to investigate utilizing a Plan for Achieving Self Support (PASS) to open his own business in his rural Iowa town. When WIPA began working with client, he worked four hours per week at a convenience store, but had dreams of owning his own business. He wanted to own a brick and motor restaurant and stated in 2016: "There are few employment opportunities in my local area. Opening my own business would eventually give me the opportunity to gain experience and more skills while increasing my working hours and provide for a better income." This is exactly the point of a PASS. Several factors make PASS an effective tool for someone who wants to work and accomplish a specific work goal:

- A PASS allows beneficiaries to independently choose and accomplish their own work goals.
- PASS enables beneficiaries to use their own funds, commonly SSDI benefits or wages to pursue the plan.
- The receipt of or an increase in SSI benefits up to the amount of the Federal Benefit Rate (FBR), and any applicable state supplement, replaces some or all the funds that are excluded for use of the PASS; and
- PASS is self-directed and allows beneficiaries to decide what goods and services they need to obtain their own work goal.

Through working with WIPA to complete the PASS application, gathering documentation needed, and communicating with Social Security, client also collaborated with IVR and other supports to ensure his dream became a reality. Due to COVID and a few other unforeseen obstacles, client revised his dream of a brick-and-mortar business and took it mobile, purchasing a food truck that he will be running his business from. This is an extremely exciting way to utilize such a powerful work incentive to accomplish his entrepreneurial dreams.